



# Democratic Development in Africa

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## Note on the papers

These papers were written for and presented at EISA's 20th Anniversary symposium which took place on 20 and 21 October 2016. The theme of the symposium was: *Current Democratic Realities in Africa: Where Are We Headed beyond the Vote?* The symposium focused 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 provided 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 symposium covered a range of topics and provided a platform for democracy-promotion stakeholders to review the progress and challenges recorded at national and regional levels. The annual event also served as a lesson sharing and learning opportunity for democracy-promotion stakeholders as they deliberated on the development of shared culture of best democratic practices. The symposium proceedings are available at <http://eisa.org.za/pdf/symp2016cp.pdf>

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# Introduction

By  
AnaSofia Bizos

Nearly thirty years since the democratisation of African states in the early 1990s, developments on the continent paint a mixed picture of the African democracy project. Real gains have been made, including the strengthening of multi-party democracies and the development of strong continental and regional normative frameworks such as the African Union's African Charter on Democracy, Elections and Governance (2007). Nonetheless, serious setbacks remain to the development and consolidation of good democratic governance, not least of which is the threat of unconstitutional changes of government. However, beyond the coups d'état and the lengthening of presidential terms, a deeper problem also exists: one where democracy is procedural rather than substantive, with leadership so deeply entrenched as to be autocratic in nature and where economic development and the strengthening of institutions is left unattended. The following papers attempt to address the state of democratic development and the democratic trajectory of Africa by focusing on different aspects of this process.

As an introduction to the theme of democratic development, Lodge's paper examines the state of the electoral process in Africa through a comparative analysis of African democracies since the inception of multi-party polls. Whilst he concedes that holding elections alone cannot account for proper and fully developed democracies, there is no doubt that elections are essential to democratic development. Along with affording the reader a comprehensive review of the successes and setbacks to free and fair elections on the African continent, Lodge goes further in his discussion of the electoral process by exploring the reasons behind these achievements and shortfalls. Specifically, he attempts to account for some of the environmental factors, such as economic wealth, that have contributed to various trajectories of African democracies. With over ten elections scheduled for 2017 the need for critical reflection on the electoral environment in Africa remains high.

Matlosa and Ndlovu turn our focus to the issue of unconstitutional changes in African governments and the role the African Union (AU) has played in confronting undemocratic governance. These unconstitutional changes include the removal of democratically elected governments by force, but also the obstruction of democracy by incumbents who extend presidential terms and/or refuse to relinquish power. This paper is particularly pertinent because of the ongoing crises still prevalent on the continent, such as President Kabila's postponement of elections in the Democratic Republic of Congo (DRC). By assessing the case studies of Burkina Faso and Burundi, Matlosa and Ndlovu highlight some of the discrepancies between a strong normative framework and the actualisation of these norms on a national, regional and continental level.

Whilst Lodge, Matlosa and Ndlovu focus more generally on the issue of democratic development in relation to the electoral process and unconstitutional governmental change, Kasenally focuses specifically on a case study of Mauritius and its democratic trajectory. Though Mauritius has

been lauded as an example of successful democratisation within post-colonial Africa, Kasenally challenges this idea by offering a critical review of Mauritius's democratic development over the nearly fifty years of its independence. Kasenally argues that despite the strong culture of the ballot, democracy in Mauritius remains largely procedural rather than substantive. This thesis is explored through an examination of some of the structural failures in the Mauritian system of governance and the role of leadership in the country's democratic path. What Kasenally offers is an opportunity for deeper interrogation of what 'true' democracy might be, and the direction we may wish to see Africa's democratic trajectory take.

These three papers focus on different aspects and examples of the democratisation process in Africa, and so doing they contribute to the larger discussion of Africa's democratisation. From the issue of elections to the challenge of unconstitutional changes of government and the leadership and separation of powers in government, these factors hinge together, creating either a strong institutional framework or a state vulnerable to capture. In the pursuit of stronger democratic institutions, there is no doubt that critical reflection is needed on the state of Africa's fragile democracies, and this is what the following occasional papers offer.

# Sliding Back or Moving Forward? A Critical Review of the Current State of Democratic Development in Africa

By  
Tom Lodge

## Introduction

Democratisation is not just about maintaining or improving free and fair elections, though competitive and honestly managed elections are usually a pre-requisite for other kinds of democratic progress. Because they are a necessary though not sufficient condition for democratisation, much of this paper will focus on elections, bearing in mind that electoral progress is being used as a proxy for assessing more general democratic progress. This is open to criticism for at least two reasons.

Firstly, elections can be conducted properly, that is efficiently, with honest officials and all agencies concerned obeying the rules, and with a multitude of parties apparently competing quite freely for office, and with no apparent reasons for voters not to make their choices freely; and yet all this might not result in really democratic politics. For example, public disillusion, cynicism or lack of interest in the political choices available might discourage people from voting, to the point at which only a minority of the electorate votes. Or a ruling party may be able to use its capacity for patronage in such a way that opposition parties are at a permanent disadvantage and simply cannot offer similarly attractive appeals or aspirations to voters. In the African setting there are more than a dozen countries in which the conduct of elections is rule-bound and voters are not intimidated. Only some of these elections are really competitive, though, that is resulting in alternation of parties in government.

Arguably, competitive elections, in which there is a real degree of uncertainty about the outcome, are more democratic than those that occur in a setting in which one big party predominates for several terms in government, however correctly the electoral procedures may be adhered to that keep it in office. A useful database which assesses global regimes by their degree of competitiveness is the Polity IV project. Competitiveness is a complex concept which embraces institutional checks and balances as well as the actual configurations of party support. But for really competitive elections at least two parties are needed with near-parity in support. Following this line of reasoning, despite elections being rather better managed in, say Botswana (rated 8/10 by Polity IV) than in Ghana (also 8/10), the history of Ghanaian elections supplies more evidence for democratic consolidation than in Botswana where the ruling party has never had to experience the test of needing to cede control of the executive to any rival. On the other hand, some research suggests that if they are repeated,

even uncompetitive elections, 'regardless of their freeness of fairness', may impact positively on the extent of civil liberties and public sharing of democratic norms (Lindberg, 2006, p. 139).

Secondly, democracy is about more than elections. There are many other considerations aside from the complexities involved in evaluating elections – and even here many observer missions ignore qualitative considerations such as whether voters really have genuine choices, whether results are accepted, and whether turnout is adequate. But then there is the question of how government behaves between elections, the extent to which parliament exercises oversight, the degree to which courts are independent of politicians, and the scope and applicability of citizens' rights (Baker, 1999, pp. 279-281). Assertive parliamentarians are fostered by constitutional design in certain systems and inhibited in others in which, as in certain presidential systems – Cote'd-Ivoire is a case in point – the functions and powers of parliament are circumscribed. Regular systematic studies of these areas of African democratic performance are much rarer than electoral evaluations and so continental-wide comparison is more difficult.

But there is a rich comparative literature on judicial independence in select groups of African countries as well as single country case studies. One insight that emerges from this material is that judicial independence doesn't necessarily correlate positively with competitive electoral politics or negatively with its absence. For example, in one-party dominant Namibia, despite an increased disposition of ruling party politicians to criticise judges, a systematic study of court decisions for and against the government found that 'judicial independence has held up fairly well in Namibia' (Horn & Bosl, 2008, p.188). It is also the case that in electorally competitive Ghana, a study of Supreme Court decisions between 1992 and 2005 similarly concluded that the judges decided their cases independently from any external pressures (Luna, 2015). But it is more common than not for courts in the aftermath of really tight electoral outcomes to decide in favour of the incumbent, as most recently in Zambia last year, on grounds of a legal technicality. A survey by Global Integrity perceived judicial independence to be complete in Botswana, Mauritius, Cape Verde and South Africa as well as several other African countries: in general, the survey concluded that 'judicial independence exists in different degrees' in half of African countries (Global Integrity, 2015). Generally, the worst cases of executive subordination of the judiciary reported in this survey are in those countries in which elections are unfair and restricted, for example, Equatorial Guinea or Gambia.

Pan African comparisons of parliamentary oversight are still at a developmental stage. More restricted comparisons suggest South Africa's parliamentarians to be unusually assertive in the continental setting. Regional assessment of West African parliamentarians is generally disparaging about their deference to the executive, or simply their lack of interest (Pelizzo & Stapenhurst, 2013). However, one study of West African legislatures' scrutiny of security issues has qualified praise for the willingness of Ghanaian and Malian MPs to assume an oversight role (Ebo & N'Diaye, 2008). Under a minority chairmanship Ghana's Public Accounts Committee has been especially important in leading a more general improvement in assertive backbencher oversight functions (Stapenhurst & Rickford, 2012).

Broadly speaking, the findings from existing research studies do suggest a rough match between relative progress in holding and maintaining fair elections and other indicators of democratic performance, and so using elections as a litmus for African democratisation seems sensible enough.

## Free and Fair Elections: Continental Overview

The table below categorises African countries according to their success in achieving and maintaining free and fair multi-party elections since they instituted multi-party democracy.

**Table 1**

Elections generally free + fair since democratic transition	Elections have become free and fair or are becoming more free and fair	Elections are less free + fair than in the initial phase of MPD	Elections restricted + unfair since intro of MPD	MPD remains interrupted by coup and war	MPD restored after conflict or coups but too recently for trends to be evident	No MPD
Benin Botswana Cape Verde Comoros Liberia Mauritius Morocco Mozambique Namibia Sao Tome Seychelles Sierra Leone South Africa	Angola Burk. Faso Gambia Ghana Guinea Kenya Liberia Lesotho Nigeria Senegal Tanzania Tunisia Zambia	Burundi Congo DRC Ethiopia Malawi Zanzibar Zimbabwe	Algeria Cameroon Chad Djibouti Eq. Guinea Gabon Mauritania Niger Rwanda Sudan Togo Zanzibar	Libya Sth. Sudan	CAR Cote D'Iv. Egypt G. Bissau Madagascar Mali	Eritrea Somalia Swaziland
<b>13</b>	<b>13</b>	<b>7</b>	<b>12</b>	<b>2</b>	<b>6</b>	<b>3</b>

Successive electoral observation reports, principally from African Union and European Union missions, supplied the most important evidence informing the decisions about under which category to place each country. Electoral observation has become increasingly sophisticated, with the proliferation of parallel counts and the advent of real time reportage of misconduct by citizen groups using social media.

This is a fairly rough and ready kind of classification and within each of the columns there are significant differences in the levels of democratic progress and achievement between listed countries. In the first column, for example, the 'generally free and fair group' includes countries in which polls have been marred by irregularities. To take one case in point: in Mozambique in 2014 internal NGO-based observer groups noted that at more than a quarter of the stations voters were sent away because their names did not appear on the lists. Yet this is an election which most external observers found free and fair and in which parallel counts were in line with official results. Morocco also appears in the first group: its parliamentary elections generally meet free and fair criteria, but given the authority and powers of an un-elected royal executive, many observers argue that Morocco is not a full democracy. In the second category, Ghana and Angola are both listed in the group of countries in which elections have become more free and fair. In reality Ghana's elections have featured turnovers of parties in government and take place in a relatively unrestricted political environment.

Angolan elections have yet to displace the ruling party which presided before the advent of multi-party democracy, and they take place in a political climate which in many respects is repressive. But Angolan elections have become more orderly and have received qualified endorsements from observer missions for becoming better administered. Their outcomes are no longer challenged by the major opposition parties. Even so, despite these and other similar anomalies, the table helps to establish the general direction of political change.

Of the 55 African countries categorised in this table (including Zanzibar, here listed separately from Tanzania), 12 have maintained orderly and reasonably well-administered elections with results that accord with free choices by voters; 13 other countries have improved their electoral procedures, and this number includes several in which incumbent administrations have conceded office to victorious opponents. In 7 countries elections have degenerated, and in 13 others the institution of multi-party competition was undertaken by authoritarian leaderships who use their executive powers to harass and contain their opponents. In the remaining 10 states there is no multi-party democracy, or it has been reinstated too recently after coups or conflicts for trends to be established. It's a mixed picture, then, fairly evenly poised between countries in which free and fair elections are routine. The first group, together with the second group in which elections have become or are becoming free and fair; and those, on the other hand, in which elections were unfair and uncompetitive from the beginning of 'democratisation' (column four) and the countries in which there has been political deterioration (columns three and six).

There is no clear trend, except that the number of countries in which electoral conduct has deteriorated is exceeded by those in which there have been varying measures of improvement. This ranges from slight in Angola to very considerable, as in Ghana. But to the deteriorating group should perhaps be added those countries in which democratic procedures have been restored recently after military takeovers. This includes Mali (until then a best performer), or conflicts following incumbents' refusals to accept electoral defeat, as in Cote d'Ivoire.

My own conclusion from this African evidence is in line with a wider and more multifaceted study of global democracy trends by Steven Levitsky and Lucan Way (2015) which is very critical of the view that 'Third Wave Democracy' is in decline. They argue that such assessments overestimated the scope and depth of democratisation in the early 1990s, failing to distinguish between genuine and ephemeral or illusory democratic transitions, and in so doing set the baseline figures too high. Moreover, they note, cases of democratic breakdown, corresponding to our fifth heading, were often short-lived. Accordingly, they suggest that democracy's resilience has been surprising, given an increasingly challenging geo-political landscape (Levitsky & Way, 2015, p. 57).

## Milestone achievements and major set-backs

Orderly turnover of executive office between political parties in elections that follow the first multi-party contest is often used as a benchmark. It supposedly indicates the moment when the rules of liberal democracy are accepted across the political spectrum as 'the only game in town' (Przeworski, 1991, p. 10). Two such turnovers are judged to signal such entrenchment of democratic procedures. Seven African countries have experienced double turnovers in presidential and/or parliamentary

elections: Benin: Cape Verde, Ghana, Mauritius, Sao Tomé and Príncipe, Senegal and Malawi. In several of these, executive control has been achieved through coalition formation in settings in which no single party wins an electoral majority; in such settings turnovers are more likely. Whether they really indicate wholehearted and universal acceptance of procedural rules is questionable. Joyce Banda's attempt as the incumbent to annul the 2014 elections in Malawi, though unsuccessful, was an indication of the continuing vulnerability of electoral procedures to executive abuse. Even the electoral commission itself was heavily critical of local short-comings in the conduct of the poll.

Even so, the growing list of countries in which turnovers have happened is an encouraging development; to the seven double turnovers we can add the single turnover cases of Sierra Leone in 2007, Zambia in 2011, Nigeria's presidential and parliamentary elections in 2015 and Gambia's elections in 2016-2017 (though here ECOWAS pressure was needed to persuade the incumbent to concede). Nigeria's poll in itself might represent a benchmark event, distinctive for the gracious concession of defeat by the incumbent. Better Nigerian electoral conduct was already evident to observer missions in 2011 (Adesina, 2012, p.159). This was partly attributable to reforms that included removing the Commission from the direct control of the presidency, as well as a consequence of early reportage of abuses by citizens through crowdsourcing electoral monitoring platforms (Ushahidi, 2011). These improvements seem to have been sustained in 2015. The Commonwealth Observer team, though critical of rhetorical excesses in campaigning as well as public media bias, noted a generally calm environment (except in the North-East) and praised the Electoral Commission.

A second progressive trend has been the willingness of continental African leadership to act against military seizures of power from civilian administrations: AU sanctions helped to end a brief military regime last September in Burkina Faso. The first time the AU imposed sanctions in response to a military coup was in the case of Mauritania in 2005. It acted similarly and rather more decisively with respect to seizures in Madagascar in 2009, and Guinea-Bissau and Mali in 2012. Acting as continental statesmen, African leaders have been demonstratively intolerant of most of the soldiers' efforts to replace civilian governments unconstitutionally. Egypt is the major exception, even though in 2013 the Union did suspend Egypt from its membership after General Abdel el-Sisi locked up his country's elected leaders. However, this suspension ended after six months, when el-Sisi agreed to an undemanding 'road-map' back to electoral politics in which he garnered a 96% majority in June 2014 in a restricted presidential poll.

The African Union has often refrained from censuring civilian politicians who breach constitutional procedures. For example, their responses to incumbent administrations who refused to concede electoral defeats have tended to be mediatory rather than punitive. In Kenya in 2007, in Zimbabwe in 2008 and, less successfully, in the Ivory Coast in 2011, the AU reacted to contested electoral outcomes by proposing or sponsoring governments of national unity, in doing so protecting arguably illegitimate incumbents.

Nor has the AU always been ready to act against African presidents who maintain their personal office through changing constitutional term limits. It did exercise decisive pressure against such a move in Burkina Faso in 2014. Popular tumult and electoral defeat frustrated such ambitions in Senegal in 2012; but they engendered no serious opposition from the Union when introduced

in Uganda and Rwanda. In Rwanda and in Congo-Brazzaville, executive-initiated constitutional changes were legitimised through implausible, massively-supported referenda. In Burundi, President Nkurunziri's proposal to amend the Constitution was defeated in Parliament but subsequently he managed to induce a compliant Supreme Court to agree to the change. Meanwhile Zimbabwe actually introduced a two-term limit in 2013, but it will not function retrospectively and so the existing incumbent can remain in office for a further ten years after the next election.

Altogether 33 of 48 new 'third wave' constitutions in Africa included term limits, and to date ten of these countries have had administrations which have changed constitutions to keep presidents in power (Vencovsky, 2007). Notably, parliamentary opposition and internal political party dynamics thwarted unconstitutional third term aspirants in Malawi (Bakili Muluzi), Nigeria (Obasanjo) and Zambia (Chilubu). Third termism has engendered considerable academic commentary about African's untamed presidencies (Akech, 2011); but it needs to be noted that most of its incidence has been in those countries in which electoral democracy was in any case very restricted. The incidence of such changes has become more frequent, but that is because incumbents have generally waited until they are well into their second term before trying to change the rules. Hence in the first decade of third wave democracy there was only one such prolongation, in Namibia in 1999. Even so, Pierre Nkurunziri's manipulation of the Burundian Constitution still represents a serious set-back, for it threatens to disrupt a negotiated peace settlement that ended several decades of ethnic conflict. The postponement of elections in the DRC, which are popularly attributed to President Kabila's predisposition to extend his prescribed terms, has a similarly threatening potential. But 'third termism' has yet to affect any of Africa's stronger democracies. In several of the group dominated by one party (South Africa, Namibia, Mozambique and Tanzania), regular leadership succession within the ruling party has become routine if not institutionalised.

Despite the ostensible success that certain African presidents have enjoyed in obtaining referendum support for their constitutional amendments, generally public opinion data collected by Afrobarometer in its 2015 poll suggests overwhelming majorities favouring two-term limits. Over 70% in Cameroon, Cape Verde, Benin, Gabon, Ghana, Guinea, Cote' D'Ivoire, Kenya, Malawi, Mali, Namibia, Niger, Nigeria, Senegal, Sierra Leone, South Africa and Swaziland were in favour of this limit, and all the other countries polled - 37 in total including Uganda - registered a pro-term sentiment above 60%.

Afrobarometer evidence does suggest generally high and still rising levels of public support for democratic political procedures across the continent. However, if public expectations that democracy itself has fostered are not met, then there is a serious risk to long term democratic survival. For example, recent analysis of Afrobarometer findings in South Africa indicate declining unconditional support for democracy since 2011, and an expanding proportion of citizens who would favour a non-elected government that delivered services efficiently (Lekalake, 2016). And if procedural abuse is on such a scale that it prompts forceful and even violent reactions from citizens, as in Mali in 2012, or as after the Kenyan elections in 2007, then a political breakdown may result in a nominally democratic regime being replaced with a succession of unstable administrations with a further reduced commitment to procedure.

## Environmental considerations that have contributed to success or failure

Democratic success does not depend upon levels of wealth, as measured by GDP per capita. As can be seen in the table below, the two groups of countries that are distinctive for either their adherence to free and fair electioneering or for its absence, include a mix of relatively poor and relatively richer countries. Poverty has not prevented Benin, for example, from scoring well on most democratic indicators. What may be the case is that countries that have remained or become strong in the extent of their commitment to democratic procedures, have been helped by generally rising national incomes in the late 1990s and the first decade of this century. This helped their governments to meet public expectations; research has shown that more competitive African democratic governments tended to be rather better in investing in primary education (Stavasage, 2005). Meeting such expectations today may be more challenging in a global setting in which African exporters are again disadvantaged. To cite one example, a third of Ghana's budget is currently expended on servicing foreign debts and the government is committed to domestic spending cuts of 20% by 2017, compared to its 2012 budget. Afrobarometer found a significant decline in support for its 'democracy is preferable to any other kind of government' among Ghanaian respondents, down from 78% in 2011 to a still high 68% in 2015. But whether material disappointments might actually create public support for an undemocratic regime change in an existing democracy has yet to be tested. What is cause for concern is that in South Africa where Afrobarometer evidence indicates especially alarming falls in democratic support amongst the poorest groups, disappointment with the ANC performance tends to translate into electoral abstention rather than votes for the opposition. Recent opposition victories in municipal elections were chiefly attributable to variations in levels of turnout between the core supporters of different parties, rather than shifting loyalties.

**Table 2**

Countries that have maintained free and fair elections since transition	Nature of transition: top-down, negotiated through conference or elite-pacted	Pre MPD incumbent replaced or remained after advent of MPD	GDP per capita	Countries in which elections have been unfair and unfree since advent of MPD	Nature of transition: top-down or pacted	Pre MPD incumbent replaced or remained after advent of MPD	GDP per capita
Benin	Negotiated	Replaced	1600	Algeria	Top down	Remained	7500
Botswana	NA	NA	16400	Cameroon	Top down	Remained	2400
Cape Verde	Negotiated	Replaced	4400	Chad	Top down	Remained	2500
Comoros	Top-down	Remained	1300	Djibouti	Pacted	Remained	2700
Liberia	Negotiated	Replaced	700	Equatorial Guinea	Top down	Remained	25700
Mauritius	NA	NA	16100	Gabon	Top down	Remained	19200
Morocco	Top down	Remained	5000	Gambia (until 2016)	Top down	Remained	2000
Mozambique	Negotiated	Remained	1200	Mauritania	Top down	Remained	2200

Countries that have maintained free and fair elections since transition	Nature of transition: top-down, negotiated through conference or elite-pacted	Pre MPD incumbent replaced or remained after advent of MPD	GDP per capita	Countries in which elections have been unfair and unfree since advent of MPD	Nature of transition: top-down or pacted	Pre MPD incumbent replaced or remained after advent of MPD	GDP per capita
Namibia	Negotiated	Replaced	8200	Niger	Negotiated	Replaced	800
Sao Tome	Top down	Replaced	2200	Rwanda	Top down	Remained	1500
Seychelles	Top down	Remained	26900	Sudan	Top down	Remained	2600
Sierra Leone	Negotiated	Replaced	1400	Togo	Top down	Remained	1100
South Africa	Negotiated	Replaced	11500	Uganda	Top down	Remained	1500
				Zanzibar	Top down	Remained	NA
Average GDP per capita*			7453				5515

Source for GDP per capita as on 1 January 2014: CIA World Fact Book

Whether African countries today belong to the consolidating or entrenching democracy group, or the group in which democracy remains a procedural facade for oligarchical neo-patrimonial rule in which a single group has predominated in power since 1990, still has more to do with the nature of the transition than any other consideration (Van de Walle, 2002). On the whole, countries which experienced top-down transitions managed by authoritarian incumbents predominate amongst the settings in which elections remain restricted and unfair. In 1990, all African regimes, or at least those that depended heavily upon concessionary loans and development aid from western donors, were under pressure to introduce multi-party elections. But if external pressure was not matched by internal mobilisation for change, democratic reform was often undertaken by incumbent elites during their terms in ways that did not seriously risk their loss of executive power. Combinations of external and internal democratic demand tended to produce more negotiated kinds of political settlement and hence a more thoroughgoing regime replacement. External donors' support for democratic reform was as transitory as it was sudden. Several authoritarian governments have managed to maintain high levels of donor support despite restricting democratic political opposition: Uganda, Rwanda and Ethiopia are cases in point. In the 1990s there was a degree of correlation between the size of foreign aid flows to countries and their democratic progress (Goldsmith, 2001, pp. 426-429). However, the advent of China as a major donor, as well as fresh strategic considerations that govern aid flows, are likely to have altered this. In short Africa's external relations in the early 1990s helped create a favourable environment for the installation and survival of at least nominally democratic governments; that is less the case today.

## Fourth wave or democratic regression?

Is Africa witnessing a phase of democratic recession? The data suggests not; if the primary focus remains on elections, then it is possible to argue that the chief set-backs have been in countries that were not in the first place very committed democratisers. They were hybrid regimes combining

authoritarian government with formal democratic procedure, and in these settings the mix has altered in favour of the authoritarian component. There are also important gains: the slow increase in the frequency of alternation of parties and presidential candidates in government, and in certain key countries significant improvements in electoral management: Nigeria is an important example. But that is not the whole case that needs to be addressed if claims about democratic degeneration are to be answered. Larry Diamond, for example, cites Freedom House data that suggests a continental deterioration of political rights, civil liberties, and transparency as well as the rule of law between 2005 and 2013 (Diamond, 2015, p. 149). These trends are not simply attributable to the really blatant intimidation and fraud that has characterised recent elections and political life in Africa's more hybrid regimes. Diamond comments on developments in Botswana, conventionally represented as a strong democratic performer, in which the run-up to the last elections included unprecedented kinds of intimidation and violence directed at opposition politicians as well as incumbent misuse of public broadcasting. Not mentioned by Diamond, but cause for similar kinds of anxiety, has been the proliferation of politically motivated killings in South Africa. These have been prompted not so much by competition between parties but rather competition within parties, especially during phases of candidate selection. It is possible, indeed, that as electoral outcomes become more uncertain as opposition parties gather strength in one-party dominant regimes, electoral competition may become fiercer and less rule-bound.

North African and Central Asian regime transitions in the last ten years are sometimes represented as a fourth wave of democratisation. In Africa these are distinct from the post-1990 democratic transitions because of the absence of strong international democratising pressures, the lack of well-organised opposition groups, and the assertive role played by very youthful citizens collectively mobilised through communications technology rather than formal associations (McFaul, 2002; Way, 2005). In North Africa only one of these transitions has produced an enduring democracy, and that is Tunisia. In sub-Saharan Africa the role played by youth-based networks connected through social media was critical in Senegal's democratic renewal in 2011-2012 (Sylla, 2012). This was also true in Burkina Faso between 2012 and 2014, though here opposition to Blaise Compaoré's regime can be traced through two decades of organised labour and student union agitation and protest (Engels, 2015). A final note of caution is the lesson from earlier phases of democratic transition, that regimes established mainly through insurgent pressure from below are less likely to result in the kinds of consensual settlement that produce stable polities. The jury is still out on the prospects for any fourth wave in Africa.

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# The Reponse of the African Union to Political Crises on the Continent: Focus on Burkina Faso and Burundi

By  
Khabele Matlosa and Sharon Ndlovu<sup>1</sup>

## Introduction

When African countries attained political independence in the late 1950s and early 1960s, there was an aura of optimism and a sense that at long last the autocratic and militaristic rule by colonialists had come to an end. It was generally assumed that the new rulers (African nationalists) who had led decolonisation struggles would usher in a democratic dispensation. But the new rulers did not transform the colonial state away from its authoritarian character. In essence, therefore, not much change happened after independence except that Africans had replaced colonialists at the helm of state power. It was a case of just changing the jockey while the horse remained the same.

It was not surprising, therefore, that following a short spell of multi-party democracy in the immediate aftermath of political independence, one African country after another relapsed into authoritarian rule of both civilian and military varieties. Between the mid-1960s and the late 1980s one-party and one-person rule became the order of the day across the continent. One-party rule took the form of either *de jure* (by law) or *de facto* (merely by practice) political systems. Military rule also became a common feature of the continent's political map. It is no exaggeration to argue that military coups were more frequent than elections in Africa during this period, a phenomenon that demonstrated the overwhelming power of the bullet over the ballot at that time.

Africa's authoritarian rule was further entrenched by two external factors, namely the Cold War and the structural adjustment programs imposed on the continent by the International Monetary Fund and the World Bank. The Cold War created a global environment in which the major superpowers, particularly the United States of America and the United Soviet Socialist Republics, did not promote democracy world-wide as they were simply interested in expanding their spheres of influence within the context of their ideological tug-of-war. Thus, the Cold War became a fertile ground for African dictatorships to thrive. Furthermore, the structural adjustment programmes which were imposed by the IMF and the World Bank in the early 1980s did not advance democratisation on the continent. In fact, these programmes achieved the exact opposite. They reinforced authoritarian states which had

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the power to respond to popular protests against the harsh social policies and austerity measures of structural adjustment programmes.

The fall of the Berlin Wall in 1989 triggered the end of the Cold War, and as a result the late 1980s and early 1990s ushered in a post-Cold War, post-adjustment and post-apartheid era in Africa. Apartheid became history when both Namibia (1990) and South Africa (1994) attained their independence following a protracted liberation struggle led by the South West Africa People's Organization (SWAPO) and the African National Congress (ANC) respectively. The IMF and the World Bank acknowledged the folly of their disastrous policies which had cost the African continent two lost decades of development, namely the 1980s and 1990s. It was only in 1997, through the World Development Report of that year, that the World Bank publicly acknowledged that their policies aimed at rolling back the state in favour of market forces were fundamentally wrong, arguing that the state was a key driver of socio-economic development and structural transformation.

The three developments above set the stage for momentous political transitions in Africa which formed part of what the American political scientist, Samuel Huntington, has dubbed the global third wave of democratisation. Over and above these exogenous factors, endogenous factors played a role in influencing democratic transitions in the 1980s and 1990s, including popular pressures for democracy within Africa itself. Political transitions have brought about considerable optimism for Africa's democratisation path, partly sustained by the start of regular multi-party elections in Africa. There are on average about 15 elections held annually in Africa. In 2016 alone, there were more than 20 elections on the continent. However, holding regular multi-party elections is one thing, while entrenching democratic and participatory governance is quite another. An election, in and of itself, is just a small part of the bigger democracy project. Real and genuine democracy has to play out between elections.

It is in this vein that we need to probe the democratic quality of elections beyond the vote and investigate the substantive quality of democracy beyond the procedural paraphernalia. Given the disconnect between elections and substantive democracy, it is a matter for concern that the 1990s optimism has been dashed by the current trends which point to democratic backsliding and the possible onset of democratic recession.

There are clear signs suggesting that Africa is currently caught up in a democratic recession which is not, however, a peculiarly African problem. It is a global trend. For instance in Europe and North America, a strong wave of rightist politics is underway espousing a narrow populist nationalism. The common rallying slogans of these rightist parties include the following: migrants are taking our jobs, send them back; Muslims are threatening our culture and security, keep them out; mainstream media is promoting political correctness, threatening our ability to speak freely, and is full of lies; the entrenched elites within the establishment are crooked and selling you out in the interest of the wealthy and well-connected; and elections are always rigged in favour of the establishment (Time, 3 October 2016)<sup>1</sup>. The whole political strategy of the rightist parties in the West is to instil

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<sup>2</sup> The following rightist parties are sending shock waves in Europe: (i) Freedom Party in Austria, contested the Presidential run-off in December 2016; (ii) National Front Party which has made its national footprint in France and whose leader was tipped as a front-runner for presidential elections in 2017 after winning a record 6.8 million votes out of 25 million in the 2015 regional elections; (iii) Alternative for Germany, which won a surprise victory in a regional election on 1 September 2016, and now enjoys representation in 10 out of 16 state parliaments in Germany; (iv) the UK Independence Party which played a key role in supporting England's withdrawal from the European Union (Brexit) in June 2016 with 52% of the referendum vote; (v) the Sweden Democrats party which won 13% of the votes during the 2014 elections, up from 6% in 2010; and (vi) Northern League party in Italy which won 20% of votes in the traditionally left-leaning Tuscan region in 2015. Within the context of the upcoming elections in USA in November 2016, the foremost supporter of the rightward swing of political waves in Europe is the Republican Presidential Candidate, Donald Trump (Time, 3 October 2016)

a culture of fear, mass migrations and terrorism, and violent extremism has helped them increase their political fortunes.

One of the indicators of this new trend of democratic recession is certainly the phenomenon of unconstitutional changes of government. While military coups are no longer a part of the continent's political culture, constitutional coups have become a new trend that undermines the continent's democracy project. We use the two cases of Burkina Faso and Burundi to illustrate this point and to highlight how the African Union is responding to this new governance challenge on the continent. What factors account for the current spate of unconstitutional changes of government in Africa? How has the African Union responded? Why has the African Union been successful in some countries and less successful in others? How can the African Union improve its response strategy to ensure that unconstitutional changes of government are prevented? We grapple with these vexed questions using Burkina Faso and Burundi as our reference points.

## Coming to Grips with the Phenomenon of Unconstitutional Changes of Government in Africa

It is useful to begin this discussion with an appreciation of the historical evolution of the OAU/AU normative framework on unconstitutional changes of government. On a global scale, OAU policy began to change dramatically towards promoting democracy and taking a firm stance against unconstitutional changes. This followed the end of the Cold War in 1989 and of the ideological bi-polarity between West and East. The OAU adopted the Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World. This Declaration reaffirmed the organisation's commitment to strengthening democratic institutions, promoting popular participation and ensuring the democratic transfer of power, and boldly stated the conviction of African leaders that 'democracy and development should go together and should be mutually reinforcing' (OAU, 1990).

The centrality of democratic governance in the quest for continental integration and development remained a key theme in the Cairo Agenda for Action adopted in 1995. Again the African leaders emphasised their firm belief that 'democracy, good governance, peace, security, stability, and justice are among the most essential factors in African socio-economic development. Without democracy and peace, development is not possible; and without development, peace is not durable' (OAU, 1995).

Sequel to the Cairo Agenda for Action was the adoption of the Algiers Declaration in 1999, in which African leaders expressed their appreciation of the expansion of democratic freedoms and the entrenchment of democratic institutions and culture in various OAU member states (OAU, 1999). The previous OAU normative framework broadly committed African leaders to democracy, peace and development as key pillars for continental integration. However, it was undoubtedly the 2000 Lomé Declaration that began to define in clear terms some of the elements that assisted African leaders to define unconstitutional changes of government. During its summit in Lomé, Togo, the OAU adopted the Declaration on the Framework for an OAU Response to Unconstitutional Changes in Government. This reiterated the Organisation's rejection and condemnation of unconstitutional

changes of government in Africa and elaborated on measures to be taken in such cases. For the first time, the OAU defined an unconstitutional change of government, a definition which still applies, with slight modifications. This definition is four-pronged, as follows (OAU, 2000):

- military coups d'état against a democratically elected Government;
- intervention by mercenaries to replace a democratically elected Government;
- replacement of democratically elected Government by armed dissident groups and rebel movements; and
- refusal by an incumbent Government to relinquish power to the winning party after free, fair and regular elections.

In July 2000, the OAU adopted the Solemn Declaration on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), and a clear-cut plan of action on how best to deepen democratic governance and build sustainable peace, security and stability on the continent. CSSDCA proposed a set of priorities for the OAU in this regard, namely the security calabash, the stability calabash, the development calabash, and the cooperation calabash. Building on the CSSDCA momentum, the adoption of the 2000 Lomé Declaration was a historic development. The Declaration affirmed the OAU's condemnation and rejection of unconstitutional changes of government, which were clearly defined to include military coups, mercenary interventions, rebellions and armed dissidence. The Declaration comprised principles, a plan of action, and an implementation mechanism that recognised democracy, the rule of law, human rights and good governance, among other issues. These principles were to be promoted by creating relevant institutions, the organisation of free and fair elections, popular participation, and laying down guidelines to facilitate the implementation of the decision regarding unconstitutional changes. The implementation strategy was to be monitored by a standing conference that would incorporate contributions from various sectors of African societies.

The CSSDCA Declaration, in its stability calabash, notes that stability requires that all states be guided by strict adherence to the rule of law, good governance, people's participation in public affairs, respect for human rights and fundamental freedoms. It affirms that:

- (i) the executive, legislative and judiciary branches of Government must respect their national constitution and adhere to the provision of law;
- (ii) the active and genuine participation of citizens of every country in decision making processes and in the conduct of public affairs must be fostered and facilitated;
- (iii) all rights and freedoms of citizens should be promoted and protected;
- (iv) there should be no hindrance to the promotion of political pluralism; and
- (v) terrorism, in all its manifestations, is inimical to stability.

In Durban, South Africa, the 2002 summit endorsed the Memorandum of Understanding (MoU) on the CSSDCA. The MoU spelt out key performance indicators with specific deadlines. Regarding the stability calabash, these indicators include, among others, democratisation and good governance, a limitation of the tenure of political officer holders, corruption, independent national electoral commissions, election observation, campaign finance reform, inclusive systems of governance, and political parties.

Even more transformative developments happened in 2000 when the OAU itself was replaced by the AU, following the 1999 Sirte Summit which recommended this far-reaching restructuring of the continental body. The founding treaty of the AU, the 2000 Constitutive Act, emphatically restated the Union's strong rejection and condemnation of unconstitutional changes of government in all its manifestations and forms. Article 30 of the Constitutive Act of the AU provides that 'governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union'.

To ensure a more systematic and firm response to such situations, the AU established the Peace and Security Council (PSC) during its inaugural summit of 2002 held in Durban. The PSC takes its mandate on unconstitutional changes of government from the 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union (AU, 2002). The key objectives of this Council are, inter alia, to:

- Promote peace, security and stability in Africa, in order to guarantee the protection of life and property, the well-being of the African people and their environment, as well as the creation of conditions conducive to sustainable development.
- Anticipate and prevent conflicts. In circumstances where conflicts have occurred, the Peace and Security Council shall have the responsibility to undertake peace-making and peace-building functions for the resolution of these conflicts.
- Promote and implement peace-building and post-conflict reconstruction activities to consolidate peace and prevent the resurgence of violence.
- Coordinate and harmonise continental efforts in the prevention and combating of international terrorism in all its aspects.
- Develop a common defence policy for the Union, in accordance with article 4(d) of the Constitutive Act.
- Promote and encourage democratic practices, good governance and rule of law, protect human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law as part of efforts for preventing conflicts.

The 2002 Inaugural Summit of the AU adopted three other instruments all aimed at nurturing democratic governance and building peace in Africa. These are: (i) the New Partnership for Africa's Development Declaration on Democracy, Political, Economic and Corporate Governance; (ii) the OAU/AU Declaration on the Principles Governing Democratic Elections, and (iii) the AU Guidelines for Election Observation and Monitoring Missions. The NEPAD Declaration recommitted AU member states to democratic governance, while the other two instruments emphasised the need for credible, transparent and democratic elections that lead to legitimate and acceptable outcomes devoid of political violence and instability. A year later, the African Peer Review Mechanism (APRM) was established in Abuja, Nigeria. This brought together countries that agreed to ensure self-assessment and peer review of their democratic governance, leading to a clear-cut national programme of action aimed at redressing any deficits. The self-assessment and peer review processes focus on four components of governance, namely democracy and political governance, economic governance and management, corporate governance, and socio-economic development.

The latest instrument in the AU arsenal against unconstitutional changes of government is the African Charter on Democracy, Elections and Governance. More importantly, ACDEG has a specific section (Chapter 8) focusing on unconstitutional changes of government. In fact one of the primary drivers for the development and adoption of ACDEG was the concerted condemnation and rejection of unconstitutional changes of government in Africa by AU Member States. In its article 23, ACDEG expanded the definition of unconstitutional changes of government beyond what is provided for in the 2000 Lomé Declaration. Within ACDEG unconstitutional change of government now has a five-pronged meaning, as follows:

- Any putsch or coup d'état against a democratically elected government;
- Intervention by mercenaries to replace a democratically elected government;
- Any replacement of a democratically elected government by armed dissidents and rebels;
- Any refusal of an incumbent government to relinquish power to the winning party after free, fair and regular elections; or
- Any amendment or revision of constitutions or legal instruments, which is an infringement of the principles of democratic change of government.

The African Charter on Democracy, Elections, and Governance also strengthened the definition of unconstitutional changes by adding a fifth component to the four categories articulated in the previous Declaration: 'manipulation of constitutions and legal instrument for prolongation of tenure of office by (an) incumbent regime'. In broadening the definition of UCG, this additional component sought to pre-empt the emerging spates of constitutional revisions that were undermining the spirit of constitutionalism and rotation of power. The 2007 African Charter on Democracy, Elections, and Governance also devotes attention to concerns about UCG. For instance, there are ten clauses in article 25 that are explicit about the AU's policy regarding UCG:

- (i) When the Peace and Security Council observes that there has been an unconstitutional change of government in a State Party and that diplomatic initiatives have failed, it shall suspend the State Party from the exercise of its right to participate in the activities of the Union, in accordance with the provisions of articles 30 of the Constitutive Act and 7(g) of the Protocol. The suspensions shall take place immediately;
- (ii) The suspended State Party shall continue to fulfil its obligations to the Union, in particular with regard to those relating to respect for human rights;
- (iii) During the period of suspension of the State Party, the Union shall still maintain diplomatic contacts and take any initiatives to restore democracy in that State Party;
- (iv) The perpetrators of unconstitutional change of government shall not be allowed to participate in elections held to restore the democratic order or hold any position of responsibility in political institutions of their State;
- (v) Perpetrators of unconstitutional changes of government may also be tried before the competent court of the Union;
- (vi) The Assembly shall impose sanctions on any Member State that is proved to have instigated or supported unconstitutional changes of government in another country in conformity with article 23 of the Constitutive Act;
- (vii) The Assembly may decide to apply other forms of sanction on perpetrators of unconstitutional changes of government, including punitive economic measures;

- (viii) State Parties shall not harbour or give sanctuary to perpetrators of unconstitutional change of government;
- (ix) State Parties shall bring to justice the perpetrators of unconstitutional changes of government or take necessary steps to affect their extradition; and finally; and
- (x) State Parties shall encourage the conclusion of bilateral extradition agreements as well as the adoption of legal instruments on extradition and mutual legal assistance.

Since the promulgation of the UCG, the OAU/AU has suspended the membership and sanctioned the following countries: Cote d'Ivoire (2010), Central African Republic (2003), Guinea (2008), Madagascar (2009), Sao Tomé and Príncipe (2003), Togo (2005), Madagascar (2002 and 2009), Mauritania (2005 and 2009), Niger (2009), and Mali (2012). Sanctions were also imposed on the secessionist leaders in Anjouan, the Comoros. In all these cases, the AU interspersed diplomatic engagements with political and economic pressures in order to restore constitutional legality. Although the results of OAU/AU efforts have been mixed, relentless pressures from the AU, member states, RECs, and the broader international community have been instrumental in the return to constitutionalism in most of these countries.

Steady progress on deepening the norm of UCG has, however, been marked by selectivity, inconsistencies, and variations in implementation of some of its aspects. For the most part, the AU has succeeded in galvanising attention and mobilising pressures in cases where the violations of constitutional norms have been relatively straightforward, such as the military seizing power or where leaders have arbitrarily and flagrantly changed constitutions in defiance of popular will.

The provisions on UCG remain a key plank in building the norms and standards that undergird the AU's peace, security, and governance architecture. Alongside these provisions, there have been remarkable strides made in democratisation throughout Africa. These are evident in the recent peaceful electoral transfers of power, the relinquishing of power by leaders, and the widespread constitutional reforms that most countries have embarked on to broaden pluralism and participation. All these changes point to the fact that while the AU remains at the forefront of articulating continental norms on democracy, questions of effective implementation of democratic ideals and ethos hinge on member states.

## Towards a Redefinition of Unconstitutional Changes of Government in Africa

While it is both encouraging and gratifying that the AU has developed an expansive, robust and comprehensive normative framework against unconstitutional changes, two challenges still remain. These are (a) the scourge of unconstitutional changes of government has begun to reappear, posing a major challenge for the continent in respect of democratisation and peace-building; and (b) the current normative framework, comprehensive, robust and expansive as it may be, has not yet adequately addressed the problem of popular uprisings which have been witnessed in recent times in North Africa and especially in Tunisia, Egypt and Libya. It is worth recalling the AU Assembly in its Decision Assembly/AU/Dec.220 (XII) adopted at its 12th Ordinary Session of 1-4 February 2009 in Addis Ababa,

Ethiopia, in which African leadership expressed deep concern over the resurgence of coups d'état on the continent. These constitute not only a dangerous downturn and serious setback to democratic processes, but also a threat to peace, security and stability on the continent. The Assembly called on member states to react firmly and unequivocally to put an end to this scourge. The Assembly also requested the chairperson of the Commission to submit concrete recommendations on appropriate measures to prevent unconstitutional changes of government, and to develop capacity for early warning mechanisms, good offices and mediation, including the Panel of the Wise.

The 19th Ordinary Session of the AU Assembly held in July 2012 adopted Decision Assembly/AU/Dec.427 (XIX), requesting the AU Commission in collaboration with the African Court on Human and People's Rights (AfCHPR), as follows:

*to prepare a study on the financial and structural implications resulting from the expansion of the jurisdiction of the African Court on Human and People's Rights and submit the study along with a Draft Protocol on Amendments to the Protocol to the Statute of the African Court on Human and People's Rights for consideration by the policy organs at the next summit slated for January 2013.*

In this decision the Assembly also stressed the need for the AU to adopt a definition of the crime of unconstitutional change of government. It thus requested the Commission, in collaboration with the AU Commission on International Law (AUCIL) and the AfCHPR, to submit this definition for consideration by the policy organs in January 2013.

However, upon submission of the Draft Protocol and the study on the financial and structural implications, the Executive Council adopted decision EX.CL.766 (XXII). This requested the Commission to conduct a more thorough reflection, in collaboration with the Peace and Security Council, on the issue of popular uprising in all its dimensions and on the appropriate mechanism capable of deciding the legitimacy of such an uprising. The Peace and Security Council, at its 384th Meeting held on 5 July 2013, decided to devote one of its meetings in 2013 to the consideration of lessons learnt from all cases of unconstitutional changes of government in Africa, including the definition and status of popular uprisings or revolutions. The Office of Legal Council has worked closely with AUCIL and AfCHPR to provide a legal definition of unconstitutional changes of government in light of popular uprisings in North Africa. This discussion paper compliments the work of the OLC, AUCIL and AfCHPR by providing a political analysis of the redefinition of unconstitutional changes of government as the AU addresses the issue of popular uprisings or revolutions.

The popular uprisings that started in North Africa in January 2011 have had significant implications for strengthening the African Union (AU) norms, principles, and practices that undergird democracy and governance in Africa. These changes have also had a profound effect on the AU provisions on unconstitutional change of government (UCG). The convulsive transformation that toppled governments in Tunisia, Egypt, and Libya demand a reflection that informs thinking about how to balance political reforms, the restoration of constitutional order, and the expansion of popular legitimacy. All these are essential conditions for the promotion of good governance, peace, security, and stability in Africa. The AU, through its institutions such as the Panel of the Wise, retains a dominant role in popularising the diplomatic and political contributions to achieving these objectives.

Part of the dilemma surrounding the implementation of the UCG is that, of the five provisions that constitute unconstitutional changes, the first three (military coups; mercenary intervention; and replacement of governments by armed dissidents) entail the forceful seizure of power from democratically-elected governments. The last two provisions (refusal by incumbents to relinquish power, and constitutional changes to extend the term of incumbents) relate to the failure of governments to respect constitutional legality. Unlike the first three components that have met unambiguous condemnation from the AU because of the military element, the last two components remain contentious in garnering widespread consensus. Because of this disjuncture, there is considerable room for acknowledging popular protests as vehicles for political change in circumstances where there are no apparent alternatives to achieving democratic outcomes. Acknowledging the place of popular civilian uprisings would be consistent with the general spirit of the Constitutive Act and other democracy-promoting tenets that place popular legitimacy as the foundation for democracy and good governance.

While the AU, like other international actors, was unable to anticipate the developments in North Africa, it nonetheless reacted creatively. In other words, it exhibited the necessary flexibility, basing its action not on a literal and dogmatic interpretation of existing texts, but rather on the need to contribute to the attainment of the overall objective sought by the AU, namely, the consolidation of ongoing democratization processes in the continent. Thus, at its 257th meeting devoted to the situation in Tunisia, held on 15 January 2011, the PSC strongly condemned the excessive use of force against the demonstrators, and urgently appealed to the political stakeholders to work together towards a peaceful and democratic transition that would allow the Tunisian people to choose their leaders through free, open, democratic and transparent elections.

Regarding Egypt, at its 260th meeting held on 16 February 2011 the PSC noted the deep aspirations of the Egyptian people, especially the youth, for change and the opening of political space. This was in order to democratically choose institutions that are truly representative and respectful of freedoms and human rights. It strongly condemned the acts of violence against the demonstrators. The PSC recognised the exceptional nature of the situation in Egypt, and took note of the decision of Hosni Mubarak to resign from his position as President of the Republic and surrender authority for the exercise of state power to the Supreme Council of the Armed Forces.

Regarding Libya, as early as 23 February 2011 the PSC expressed deep concern over developments in the country, and strongly condemned the indiscriminate and excessive use of force and arms against peaceful demonstrators. It underscored the legitimate aspirations of the Libyan people for democracy, political reform, justice and socio-economic development. At its 265th meeting held on 10 March 2011, Heads of State and Government in the PSC reiterated these positions, agreed on a road map for resolving the Libyan crisis and established a high-level ad hoc committee to assist in the speedy resolution of the crisis.

The UN Security Council resolution 1973 of March 2011 authorising all necessary measures to protect civilians in Libya from pro-Gaddafi forces, fundamentally altered prospects for a negotiated settlement. This was aggravated when NATO's intervention tilted toward military support for the opposition. On visits to Libya and in regional consultations, the AU High Level Committee crafted

a road map that included immediate cessation of hostilities, humanitarian aid to civilians in need, and a negotiated solution to the conflict. But the road map could not garner support from key international actors. During the 291st meeting of the AU PSC in Addis Ababa in late August 2011, the AU called for an immediate truce between the warring parties and the formation of an all-inclusive transitional government. The AU high level ad hoc committee meeting in early September 2011 in Pretoria reiterated this position, noting that the AU would work with various stakeholders, including the National Transitional Council (NTC), to establish an all-inclusive national government. On 20 September 2011, the AU finally recognised the NTC, stating that it was ready to help the NTC build an inclusive government.

## Proposals on the New AU Response to Popular Uprisings Within the Framework of its Doctrine on Unconstitutional Changes of Government

Firstly, in order to deal with the issue of popular uprisings in addressing the problem of unconstitutional changes of government, it is imperative upon AU member states to sign, ratify and implement all AU shared values instruments aimed at deepening democratic and participatory governance on the continent, as elaborated in this paper. This is one fundamental way to prevent unconstitutional changes of government and it is also an important mechanism to prevent popular uprisings against governments, on the basis that prevention is better than cure. But as long as the current gap between norm-setting and norm-implementation exists, the AU is still far from dealing with this problem. Thus more effort has to be invested in encouraging AU member states to implement agreed shared values instruments, including the African Charter on Democracy, Elections and Governance.

Secondly, the Summit on Shared Values in January 2011 underscored the need for increased popularisation of common norms and standards to underpin regional integration and development, including values that are enshrined in the CSSDCA and the formation of the AU. A number of AU Organs and Institutions with mandates on democracy, governance and human rights, which form part of the African Governance Architecture (AGA),<sup>3</sup> should redouble their efforts in popularising AU shared values instruments and advocating aggressively for their effective implementation at member state level. It is for this reason that this paper proposes that the above-mentioned AU organs and institutions use the AGA Platform to launch a series of dialogues at the continental and sub-regional levels. These should be on how Africa can return to the premises and practices of the CSSDCA. Dialogues that rededicate African actors around these issues will go a long way to underscore Africa's ownership of the principles articulated and enunciated over the years, emphasising that in order to build strong institutions, compliance with shared values is an imperative. Prioritising ratification and implementation would be a key contribution of these AU Organs and Institutions, particularly where there have been lengthy time lags between adoption and ratification.

Thirdly, in a strictly legal sense, any means of achieving a regime change outside of the Constitution and its provisions either constitute or is tantamount to an unconstitutional change of government.

<sup>3</sup> These form part of the African Governance Architecture (AGA), including PAP, AfCHPR, ACHPR, AUC, PSC, PRC, RECs, Panel of the Wise, and APRM.

It is important, therefore, that the AU implores its member states to embed a culture of constitutionalism and the rule of law in their own national jurisdictions. However, certain cases have shown that governments can be arbitrary, oppressive and show little regard for the rule of law, thus setting the stage for popular uprising. It is important to note that in any national setting, political expediency as a replacement for strict adherence to the provisions of the constitution is always a recipe for instability and political chaos. Perhaps the panacea to this dilemma lies not in calibrating the extent, depth and perceived acceptability of the uprising within the populace. Instead, it may be to devise a modality for early response based on the AU's continental early warning indicators, and to move to early action. In this regard steps should be taken to prepare a guideline for the preventive deployment of an AU presence before the breakdown of law and order. This is in accordance with the modalities of operationalising the Ezulwini Framework for the enhancement of the Implementation of Measures of the African Union in situations of Unconstitutional Changes of Government.

Fourthly, since the 50th Anniversary Solemn Declaration rightly commits the AU to recognise the right of 'our people to peacefully express their will against oppressive systems', the AU cannot sit idly by as popular uprisings happen. It needs to assess these uprisings and establish the following facts as early as possible allow for early response: which uprisings are legitimate and which ones constitute an unconstitutional change of government? which governance systems are oppressive and which are democratic, in other words, what constitutes oppressive political systems? in countries that have constitutions that clearly outline constitutional changes of government and a space for citizens to peacefully express dissent, how does popular uprising auger with constitutionalism and the rule of law? In order to provide definite answers to these weighty questions and others related to them, the AU has to commission a detailed study that will unravel the political ramifications of its concrete response to popular uprisings. Such a comprehensive study will complement the one undertaken by OLC, AUCIL, and AfCHPR on the legal ramifications of the AU response to popular uprisings, and the redefinition of unconstitutional changes of government in Africa.

Fifthly and finally, in determining whether or not a popular uprising amounts to an unconstitutional change or a legitimate expression of the people's will, the AU may consider five factors, namely:

- a culture of constitutionalism and the rule of law exists to allow citizens to express their opinions and change their governments;
- the national character of the popular protests cutting across various diverse divisions, especially of ethnicity and religion;
- the peacefulness of the protests;
- the involvement of security forces in the protests; and
- the involvement of external forces in the protests.

## Case Studies

### **Burkina Faso**

On the 17 September 2015, less than a month before the general elections in Burkina Faso, the presidential guard, the Regiment de securite presidentielle, led by General Gilbert Diendere, carried out a coup d'état against the transitional government in Ouagadougou. The coup was short-lived as a result of the intervention of the AU PSC, the leaders of the Economic Community for West

African States (ECOWAS) and the refusal of the majority of the population to accept the coup. The events that unfolded in the days following the coup indicate that the PSC acted on principle, basing its decisions on the African Charter on Democracy, Elections and Governance (ACDEG), signed and ratified by Burkina Faso in 2010. The PSC rejected any compromise with Diendere and his presidential guard and did not entertain any of their grievances. ECOWAS, however, offered the coup leaders a way out for the sake of keeping the peace and preventing a further escalation of the crisis. It also called for inclusive elections, initially slated for 11th October 2015, thereby giving way to Diendere's demand that the old guard from the former ruling party, which had been excluded from the polls, be allowed to participate (Institute for Security Studies, 2015).

The African Union condemned the crisis in Burkina Faso. Its response in dealing with the situation was based on three key principles: support of the country's constitution; insistence on a civilian-based government since there were concerns about the role of the military in the current situation; and international coordination in efforts to solve the situation in the country.

These translated into the following actions by the AU:

- When the crisis first broke out in October 2014 on the eve of the vote in Parliament to allow a constitutional change to permit Compaore to serve a third term, the AU stood by the principle of upholding the constitution;
- When the popular uprising resulted in a military take-over and the suspension of the constitution, the AU strongly condemned this in its statement of 3rd November 2014;
- The AU further gave Burkina Faso one week to appoint a civilian transitional government. It decided not to impose sanctions following the nomination of Michel Kafando as interim Head of State.

In its strong desire to mitigate the crisis, the AU appointed former Togolese Prime Minister Edem Kodjo as a special envoy to coordinate efforts between the AU, ECOWAS and the UN. Kodjo played a supportive role in drafting the Constitutional Transition Charter that was adopted on 16 November 2014. The AU also created the International Follow-up and Support Group for the Transition in Burkina Faso (GISAT-BF), which it co-chaired with ECOWAS.

The same principles that guided the AU's responses in 2014 were adhered to during the September 2015 coup. Within a few days of the coup, the AU had instituted several strong measures, cracking down on Diendere and his cohort and sending a strong message that coups would not be tolerated, going as far as labelling coup leaders as terrorists. Following the coup, the AU instituted several strong measures to send a message that coups would not be condoned. From a political stand, it suspended Burkina Faso from all AU activities, imposed travel bans on the coup leaders, and also imposed an asset freeze on them.

In addition the AU called for the suspension of all economic, political and military cooperation by international partners with Burkina Faso. It also consulted with the West African Economic and Monetary Union in order to deny the coup leaders the use of Burkina Faso reserves in the Central Bank of West African States.

The AU faced challenges especially with differences in opinion with the ECOWAS. Despite the emphasis on joint action and the focus on ACDEG, the AU was determined not to make concessions. However, ECOWAS took a more conciliatory stance than the AU PSC. ECOWAS proposed a draft political agreement that called for the release of detainees, the restoration of transitional institutions, and the withdrawal of the military from the government. ECOWAS also called for an open, inclusive, free and transparent process, to allow for former ruling party members to participate in the upcoming elections. In the final communique after Kafando had been released but not yet reinstated, ECOWAS heads of state placed the emphasis on dialogue and national reconciliation rather than sanctions. ECOWAS leaders also told the AU PSC to 'mind its own business', emphasising the principles of subsidiarity which governs relations between the AU and Regional Economic Communities (RECs).

However, Burkina Faso opted for the solution proposed by the AU and formed a transitional government. There were no further talks on amnesty for the coup leaders as had been earlier suggested by ECOWAS, and the AU PSC emphasised the ACDEG. However, the sanctions on the coup leaders were also put on hold, allowing ECOWAS to save face and preventing the AU PSC from openly contradicting ECOWAS.

## Lessons Learnt

The AU's engagement in the crisis in Burkina Faso can be considered a success, regardless of the lack of coherence between the AU PSC and the REC. Despite the clear desire to tackle the problem in Burkina Faso, no special envoy was appointed to coordinate the response as was the case in 2014. This may have prevented the dissension between the AU PSC and ECOWAS. To address such a conflict, a facilitator could have been appointed who was a member of both the REC and the AU PSC, in this case Nigeria, Niger, the Gambia or Guinea.

The issue of subsidiarity, which keeps arising whenever the AU and RECs have to deal with a crisis, has to be addressed by both the AU and RECs in order to find common ground.

The AU experience in Burkina Faso also highlighted a gap in the early warning system to prevent crisis situations, and a need for renewed efforts towards conflict prevention. The situation in Burkina Faso also pointed out the difficult role of the army in politics. Although a civilian-led transitional government was insisted on, the army also became part of the administration as a way of evading any sanctions that would be imposed on the country by the AU.

### **Burundi**

The 2015 crisis in Burundi was sparked by President Pierre Nkurunziza's decision to seek a third term. This triggered mass protests, an attempted coup, and a crackdown that fuelled a cycle of violence in which more than a thousand people died. President Nkurunziza was re-elected for another term in office on 29 June 2015, a process to which the AU did not deploy its election observer mission as is customary with all member states. In conformity with the PSC communiqué of 13 June 2015, the AU argued that the necessary conditions for the organisation of free, fair, transparent and credible elections (in compliance with the relevant provisions of the African Charter on Democracy, elections and Governance) were not met<sup>4</sup>.

<sup>4</sup> See Communiqué issued by the office of the CUC Chairperson, available from: <http://www.peaceau.org/uploads/aucomm-burundi-28-06-2015.pdf> [Accessed, 13 October 2016].

The holding of the elections did not prevent the conflict, which degenerated into targeted assassinations, disappearances and torture, with more than 300,000 people having fled to neighboring countries, and more than 100,000 estimated to be internally displaced.

Again, in attempting to solve the crisis in Burundi, there were divisions within the AU, the UN and the East African Community (EAC); the EAC was charged with leading the continental response to the crisis in Burundi. President Nkurunziza exploited these divisions to undermine EAC attempts to institute negotiations, and also stalled the deployment of AU Human Rights and military observers, as well as UN Security Council-sanctioned police. The AU itself was divided over the response to Burundi's crisis. The majority of member states preferred a less confrontational approach than the interventionist-inclined AUC, which together with its PSC, ended up taking a quiet approach to the crisis.

AU involvement in Burundi can be divided into three types of intervention: mediation, human rights monitoring, and attempts to deploy security forces to maintain peace in the country. However, the AU faced many challenges in each of these forms of intervention.

### **Mediation**

Using the principle of subsidiarity, the AU relied on the EAC which, during the first year of the crisis, did not manage to gain much traction in getting the government and the opposition leaders in exile to sit and talk. Having delegated mediation to the EAC, whose negotiator was President Yoweri Museveni of Uganda, the choice of mediator was received with much scepticism by the opposition and many other observers. Museveni was himself preparing for elections in his own country and seeking another term in office. Museveni hence delegated the mediator role to his Defense Minister, Crispus Kiyonga, who did little to bring the actors to the negotiation table.

Despite the EAC's inability to make headway in Burundi, the AU remained committed to playing a supporting role in the EAC-led talks. The AU also failed to put forward a consistent negotiator to represent it throughout the crisis, opting instead to use high-level missions, special representatives and the AU Commissioners, at times on an ad hoc basis. In addition, the AU failed to fill the vacant position of special representative to the Great Lakes Region. This was after recalling the special representative a few weeks before the crisis erupted, at the request of the Burundi government, for criticising the Burundi government.

### **Monitoring**

At the onset of the political crisis in Burundi, the AU did not have a systematic monitoring mechanism to enable it to prevent the escalation of conflict in the country. The existence of the gap enabled the government of Burundi to continue engaging in political violence and facilitated the emergence of armed groups. In June 2015, the AU PSC adopted a communiqué to dispatch a small number of human rights observers and military advisors to report on possible rights violations and to verify the disarmament of militias and armed groups (African Union, 2015). While the Burundian government accepted the deployment, the observers faced many challenges in the performance of their duties because the AU was not able to secure a Memorandum of Understanding (MoU) from the government. In addition, the observers could only operate within Bujumbura and could not access the areas outside the capital, thus limiting their view of the human rights situation in

the entire country. In October 2015 and in February 2016, the AU PSC attempted to increase the number of human rights observers and military advisors to 100 each, but government delays added to the challenges that the AU was already facing.

The African Commission on Human and People's Rights (ACHPR) deployed a fact-finding mission to Burundi from 7 - 13 December 2015, with the mandate to investigate human rights violations and other abuses in Burundi. At the same time that the group was in Burundi, there were armed attacks on four military camps around the capital city Bujumbura. While the ACHPR briefed the AUC Chairperson during the AU Summit in January, the report was not published until May 2016. This limited the impact of the ACHPR mission.

## **Security**

The AU attempted to stabilize the Burundi crisis and to provide protection to civilians through the deployment of the African Prevention and Protection Mission in Burundi (MAPROBU). However, as with attempts to mediate and monitor the crisis, the deployment of peacekeeping troops was rejected by the government.

On 17 December 2015, the AU PSC issued a communiqué requesting the Burundian government to accept the deployment of a 5,000 strong AU peacekeeping force, or face the risk of referral of the case for forceful intervention based on Article 4(h) of the Constitutive Act (AU, 2015). Such a deployment of peacekeeping forces would have been the first in AU history, and would have required a two-thirds majority of the heads of states. Following the Burundian government's rejection of MAPROBU, the heads of state declined to support MAPROBU without Burundi's consent. Some analysts suggested that the AU PSC failed to show two key elements required to implement Article 4(h) of the Constitutive Act (Dersso, 2016). The PSC needed to provide evidence of actual occurrence or credible fear of imminent occurrence of grave violations and to demonstrate that the Burundian government was failing to address those circumstances.

Soon after the MAPROBU Communique, the Burundian government accepted calls by the Ugandan government to convene a dialogue for the first time since the July 2015 presidential elections. The talks were said to be ceremonial and gave the impression that government was addressing the insecurity issues by engaging in an inclusive and genuine dialogue, which in turn challenged the argument that a force was needed to promote dialogue (Africa Policy Brief, 2016).

It is important to state that the AUC was instrumental in putting pressure on the Burundian government through the Chairperson of the AUC's numerous comments and statements on the crisis. Dr Nkosazana Dlamini Zuma was very vocal about her views that the ruling party was violating not only the Arusha Declaration, but also the Constitution. She further announced that the AUC would not be sending electoral observers for the Burundi poll, as a clear rejection of the electoral process.

## **Lessons Learnt**

Failure by the AU to deploy peacekeeping forces to Burundi was the height of the challenges faced by the AU in its attempts to implement peace and stability in Burundi. This was definitely a missed

opportunity for the AU to use its doctrine of non-tolerance, thereby highlighting some of the weaknesses of the APSA.

As was the case in Burkina Faso the role of the REC, and subsequent delays in the mediation process, meant that the AU spent considerable time and resources on the Burundi crisis, with few gains from the efforts. 'Another concern that arose from the AU involvement in Burundi was its continued ambivalence about what constitutes unconstitutional seizures of power beyond military coups. While the AU acts promptly in clear cases of military coups, such as Burkina Faso or Guinea, the Burundian case was more complex.'(ibid.) In addition, the PSC's decisions about the use of force are not binding, unlike those of the UN Security Council. As such, the interplay between the various organs and the people in them has to be recognised as an important factor in influencing how decisions are made and whether they are implemented.

One other reason why the AUC's and PSC's aggressive public postures had limited success in Burundi is that they were not backed by persistent private diplomacy. Critics have suggested that they should have both engaged earlier at lower levels and mobilised a high-level dialogue with interlocutors that Nkurunziza trusted (International Crisis Group, 2016). The AU also lacked consistent presence and representation in Bujumbura.

Once Nkurunziza won the election, the third term bid became a moot topic both in the region and much of Africa. For former liberation struggle leaders in Africa, incumbency is crucial.

## Conclusion

In order for the democratisation process to be entrenched in Africa there is a need to transcend the mere act of voting, given that democracy means more than just elections. Another challenge facing Africa is whether the model of democracy in place is suitable for the peculiar socio-economic and political context of the continent. As the continent rolls out the implementation of the Africa Agenda 2063 and the 2030 global agenda for sustainable development, African leaders and citizens need to refashion the continent's democracy project. The kind of democracy that Africa needs has to be able to address its developmental and peace and security challenges. This is because democracy is not sustainable without durable peace. Sustainable democracy and durable peace are a critical condition for socio-economic transformation that effectively addresses such development challenges as inequality, poverty, unemployment and exclusion.

To this end, Africa needs to strive towards social or developmental democracy. Africa needs home-grown and Africa-owned solutions to its inter-state and intra-state conflicts. Regarding the idea of developmental democracy, Claude Ake (1996, p.123) has proposed signposts towards its achievement by making a strong case for:

- A democracy in which people have some real decision-making power over and above the formal consent of electoral choice;
- A social democracy that places emphasis on concrete political, social and economic rights as opposed to liberal democracy that emphasises abstract political rights;
- A democracy that puts as much emphasis on collective as it does on individual rights;

- A broadly inclusive, representative and participatory democracy with special representation of marginalised social groups such as women, youth, minorities, people with disabilities, labour, and peasantry.

Fifty years after its independence, Africa's democracy is still work in progress. Africa is still grappling with the process of nurturing and entrenching democratic culture and practices over fifty years since attaining independence. The process of constituting legitimate governance and sustaining stability has been high on the agenda of the African Union and its predecessor, Organization of Africa Unity. The paper notes that the AU certainly has normative frameworks for entrenching democracy on the continent. It further highlighted key strategic normative frameworks on unconstitutional changes of government, including: the Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World; the 1995 Cairo Agenda for Action; the 1999 Algiers Declaration; the 2000 Solemn Declaration on the Conference on Security, Stability, Development and Cooperation in Africa; the 2000 Declaration on the Framework for an OAU Response to Unconstitutional Changes in Government; and the African Charter on Democracy, Elections and Governance.

In spite of the existing normative frameworks highlighted in the paper, the AU is fraught with challenges in operationalising the norms at the national, regional and continental levels. The existence of a gap between norm-setting and norm-implementation implies that the AU has a long way to go in order to effectively address the contemporary challenges relating to unconstitutional changes of government.

Lessons from Burundi and Burkina Faso suggest that governance crises on the continent are becoming more complex. The continental early warning systems need to be more effective in detecting conflicts in their early stages for effective preventive responses. Moreover, the AU needs to enhance its strategies for collaboration and building synergies with like-minded institutions and actors, particularly the Regional Economic Communities and the United Nations.

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# Democratic Shortfalls in Mauritius

By

Roukaya Kasenally

## Abstract

Mauritius will mark half a century of its post-independence existence in 2018. This is, without doubt, a moment to celebrate but also one to engage in a profound reflection on the achievement of half a century of existence as an independent nation state. The small island of Mauritius, located in the Indian Ocean off the African mainland, has been celebrated as both a democratic and economic model to be emulated (see Darga, 1996; Bräutigam, 1997; Carroll & Carroll 1997; Miles, 1999; Subramanian, 2001; Stiglitz 2011). Mauritius must also be acknowledged for having developed a culture of ballot as opposed to one of the bullet (Bunwaree & Kasenally, 2005). However, the core question that must be answered is: what to make of the Mauritian democratic journey 50 years down the road?

This paper seeks to explore some of the shortfalls of the Mauritian democratic system. The argument is extended by analysing its democratic credentials and deconstructing the frequent assumption of it being a 'full democracy' (EIU Report, 2016). In this exploration, the paper revisits the debate about democratisation. An understanding of democracy must go beyond the indices in a debate on whether democracy is conceptualised as procedural or substantive (Burchard, 2014). The procedural understanding includes only the presence of institutions (elections) while a substantive understanding incorporates outcomes produced by democratic institutions and the degree and quality of participation.

There is no denying that there has been a procedural conception of democracy in Mauritius. It is argued that while exhibiting these procedural criteria Mauritius manifests deficiencies in respect of the substantive. These include appropriate constraints on the executive, a decline in quality democratic institutions, minimal change to electoral set-ups, relatively weak political party structures, weak and/or complacent legislatures, an adversity to progressive legislation such as Freedom of Information Act (FOIA), lack of political commitment to electoral reform and a quasi-domination of the executive when it comes to decision making. Such structural incongruities have predisposed Mauritius to a particular syndrome of democratic politics. Therefore it is believed that these incongruities not only challenges substantive democracy but have the ability to stall future democratisation within Mauritius.

## Setting the Scene: A short historical and political perspective

Mauritius lies in the Indian Ocean 800 km west of the island of Madagascar and occupies a total land area of 2040 km<sup>2</sup>. The Republic of Mauritius comprises the islands of Mauritius, Rodrigues, Agalega and the Cargados Shoals. According to the last census carried out in 2011, the total number of inhabitants in Mauritius was 1.24 million (Statistics of Mauritius 2012). English is the official language and French is widely spoken. A variety of Oriental languages is also spoken by the islanders, a legacy of their origins in India and China. Despite the presence of this palette of languages, the Mauritian lingua franca spoken and understood by all Mauritians is Creole, a pidgin derived from French.

Mauritius is often referred to as the 'key and star of the Indian Ocean'. It was initially colonised by the Dutch (1638-1710), then by the French (1710-1810) and lastly by the British (1810-1968). The Dutch were sporadic in their settlement and were not interested in exploiting the full potential of the island. It is interesting to note that although the Dutch introduced sugar cane to the island in 1639, it was the French who developed the island into an important sugar and trading post (Salverda, 2010). Britain left its imprint at the administrative and parliamentary level with the prevailing Westminster model of democracy. This sequential colonisation is responsible for the peopling of the tiny island, as Mauritius had no indigenous population living on the island except for the now extinct dodo.

The years before independence did not augur well for the tiny Indian Ocean island. In fact, two Nobel laureates, namely James Meade (1961) and VS Naipaul (1972) dismissed Mauritius as a place destined for disaster. Nonetheless the country defied all doom and gloom predictions and was able to move from a monocrop economy (sugar) to one that was highly diversified: tourism (1970s), manufacturing (1980s), financial (1990s) and ICT (2000s). Political awareness and emancipation were equally important to the small island population. Prior to independence Mauritius had already established the foundation of multiparty politics through the creation of the Mauritius Labour Party (1937), the Parti Mauricien Social Democrite (1956), the Comite Action Musulman (1957) and the Independent Forward Block (1958). Last but not least, early post-independent Mauritius had made social engineering an important feature of its welfare system by ensuring that all Mauritians would have access to a universal pension scheme (1958), as well as free healthcare and free education (1977). It must be noted that Mauritius was one of the few countries in Africa that resisted the Structural Adjustment Programme (SAP) led by the IMF in the early 1980s, allowing it to invest massively in its people and building its future pillars of development.

Mauritius attained independence in 1968. As Mauritius negotiated its independence, the island was split with 44% of the population voting against independence. This split was due to a fear of what was termed the rising of the 'Hindu hegemony'. This saw the exodus of a fair number of gens de couleur who chose to migrate to Australia and France. The newly elected Prime Minister Sir Seewoosagar Ramgoolam went to great lengths to accommodate all political parties representing the interests of diverse ethnic communities in a grand post-electoral coalition government. Ramgoolam's understanding and practice of inclusive leadership was paramount in ushering Mauritius 'from a

potentially explosive racial hothouse<sup>1</sup> into a bustling, prosperous, politically hectic sustainable democracy' (Rotberg, 2003). Although Rotberg's understanding of the Mauritian model might be slightly exaggerated, independent Mauritius was known for its ability to 'manage diversity' and ensure a unique brand of 'unity' (Eriksen, 1994).

## The Electoral and Political Landscape: Evolutionary or a Revolutionary Democracy?

The track record of the Mauritian democratic model since independence indicates that the small island has in essence followed an evolutionary as opposed to a revolutionary approach. This has been a tranquil, stable and uneventful evolution of democracy in which civil unrest, post-electoral violence, and coups d'état have been largely absent. Mauritius has a long tradition of organising elections that have been qualified as free and fair<sup>2</sup> by international observers. Elections have witnessed a satisfactory voter turnout of 75-85%. The Constitution of Mauritius has a clause that ensures the holding of elections every five years: 'parliament unless sooner dissolved, shall continue for 5 years from the date of the first sitting of the Assembly after any general election and shall then stand dissolved' (Section 57, sub section 2). This constitutional guarantee is of paramount importance in guarding against any excesses from incumbents and has served Mauritius well.

As mentioned earlier, Mauritius embraced multipartyism prior to its independence. Ten subsequent general elections have seen regular alternation of power. It is a known fact that 'electoral systems matter as they are a crucial link in the chain connecting the preferences of citizens to the policy choice made by governments' (Gallagher & Mitchell, 2005). This is very true in the case of Mauritius which prior to independence adopted the First-Past-the-Post (FPTP) model. In addition to the FPTP, the Best Loser System (BLS) (a corrective measure to ensure ethnic representation) is also applicable and it was recommended by Trustram-Eve in 1958. The idea of inserting a corrective measure to ensure ethnic representation was deemed important to reassure the minorities as the island transitioned to its status of independent nation. However, the question being posed today is whether the BLS is still relevant or is communalising the electoral system.

The prevailing FPTP electoral system in Mauritius offers a number of advantages as it is the simplest form of plurality/majority electoral system, presents clear cut choices for voters, and maintains proximity between elected members and their constituencies among others (See Electoral System Design: International IDEA Handbook, 2005). No doubt, the FPTP has served well, producing stable and strong governments. However, a more introspective look at the results point to the grave disproportionality between the percentage of popular vote the dominant party or coalition party received, and their percentages of seats won in the different legislatures.

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<sup>1</sup> As Mauritius became independent there were some important clashes, essentially along ethnic lines.

<sup>2</sup> Free and fair elections is a term widely used by the international election observation missions but which is increasingly being questioned.

Table 1 provides a breakdown of the ten post general elections, as follows:

**Table 1: Ten Post General Elections Results (1976 - 2014)**

Election Year	Parties or Coalition Parties	Number of Seats Won (inclusive of BLS)	% of Popular Votes
1976	<ul style="list-style-type: none"> <li>• MMM</li> <li>• MLP</li> <li>• PMSD</li> </ul>	<ul style="list-style-type: none"> <li>• 34</li> <li>• 28</li> <li>• 8</li> </ul>	<ul style="list-style-type: none"> <li>• 40.9</li> <li>• 38.1</li> <li>• 16.5</li> </ul>
1982	<ul style="list-style-type: none"> <li>• MMM / PSM</li> <li>• MLP</li> </ul>	<ul style="list-style-type: none"> <li>• 60</li> <li>• 2</li> </ul>	<ul style="list-style-type: none"> <li>• 63</li> <li>• 24.8</li> </ul>
1983	<ul style="list-style-type: none"> <li>• MSM / MLP / PMSD</li> <li>• MMM</li> </ul>	<ul style="list-style-type: none"> <li>• 46</li> <li>• 22</li> </ul>	<ul style="list-style-type: none"> <li>• 51.9</li> <li>• 45.6</li> </ul>
1987	<ul style="list-style-type: none"> <li>• MLP / MSM / PMSD</li> <li>• MMM</li> </ul>	<ul style="list-style-type: none"> <li>• 39</li> <li>• 21</li> </ul>	<ul style="list-style-type: none"> <li>• 48.8</li> <li>• 47.3</li> </ul>
1991	<ul style="list-style-type: none"> <li>• MMM / MSM</li> <li>• MLP / PMSD</li> </ul>	<ul style="list-style-type: none"> <li>• 57</li> <li>• 5</li> </ul>	<ul style="list-style-type: none"> <li>• 55.4</li> <li>• 39.3</li> </ul>
1995	<ul style="list-style-type: none"> <li>• MLP / MMM</li> <li>• MSM / RMM</li> </ul>	<ul style="list-style-type: none"> <li>• 60</li> <li>• 0</li> </ul>	<ul style="list-style-type: none"> <li>• 65.2</li> <li>• 19.8</li> </ul>
2000	<ul style="list-style-type: none"> <li>• MMM / MSM</li> <li>• MLP / PMSD</li> </ul>	<ul style="list-style-type: none"> <li>• 58</li> <li>• 8</li> </ul>	<ul style="list-style-type: none"> <li>• 51.7</li> <li>• 36.6</li> </ul>
2005	<ul style="list-style-type: none"> <li>• MLP / PMSD</li> <li>• MMM / MSM</li> </ul>	<ul style="list-style-type: none"> <li>• 42</li> <li>• 24</li> </ul>	<ul style="list-style-type: none"> <li>• 48.8</li> <li>• 42.6</li> </ul>
2010	<ul style="list-style-type: none"> <li>• MLP / MSM / PMSD</li> <li>• MMM</li> </ul>	<ul style="list-style-type: none"> <li>• 45</li> <li>• 20</li> </ul>	<ul style="list-style-type: none"> <li>• 49.9</li> <li>• 42.01</li> </ul>
2014	<ul style="list-style-type: none"> <li>• MSM / PMSD</li> <li>• MLP / MMM</li> </ul>	<ul style="list-style-type: none"> <li>• 51</li> <li>• 16</li> </ul>	<ul style="list-style-type: none"> <li>• 49.83</li> <li>• 38.51</li> </ul>

Source: Electoral Commission Office, Mauritius

The general elections of 1982 and 1995 produced a total wipeout known as the '60-0 phenomenon', whilst the 1991, 2000 and 2014 general elections produced a numerically weak opposition. Unfortunately, such scenarios have had negative ramifications on the advent and more precisely on the quality of democracy. There seems to be a direct correlation between the rise of dominant parties and leader-centric political parties.

## Mauritius: The Need to Debunk the Poster Child Syndrome

As mentioned earlier, Mauritius has constantly topped the league of best performing democracies in Africa (IIAG 2016) and the only 'full democracy' on the continent (EIU Report, 2016). This was echoed by the annual report of Freedom House that classified the country as free in 2016. This paper will discuss what these indicators demonstrate, whether Mauritius is an effective democracy, and other issues that do not fit the indices but yet remain problematic.

## Leadership: Serving the Interests of the Nation?

During his inaugural visit to Africa in 2009, Obama stated loudly and clearly that 'Africa does not need strongmen, it needs strong institutions'. No doubt that has been one of the greatest failing of Africa. However, the role of leadership in steering the political ship cannot be underestimated. In fact, leaders are seen to account for the initiation of a developmental path and changes in direction (Yashar, 1997; Bardhan, 2005). Reflecting on the state and quality of African political leadership, a number of scholars (see Adamoleku, 1998; Rotberg, 2004; Mandel & Shilpa, 2003; Aseka, 2005; Ayittey, 2011; Tetty, 2012) point to the grave deficits found among Africa's contemporary leaders. Speaking more specifically about leadership types, Tetty (2012, p.28) points to 'transactional' and 'transformational'. The former is characterised 'by followers who give support to the leaders, by way of performance and other means, in return for rewards'. Here leaders emphasise populist post-election perks such as maintaining subsidies, projects and jobs that go to their supporters. As for transformational leadership, it is the 'capacity to mobilise followers on the basis of shared core values and principles, as well as the ability to cultivate future leadership and are not content with perpetuating a non-progressive culture of followership' (p.30). A cursory view of predominant leadership traits in Africa points to the fact that they are mostly transactional leaders and Mauritius is no exception. However, not all the blame should be laid at the feet of political leaders as the advent of a critical and mobilised citizenry is equally important in ensuring quality leadership.

## Leadership and Party Political Structures: Strong Leaders - Weak Parties

Political party structures are important in legitimising the role and responsibility of its leaders. The literature covering African political parties points to the fact that party structures are usually weak or non-existent (Salih, 2003; Lodge & Fakir, 2015).

In the case of Mauritius, political parties are fundamental to democracy and a number of them have their roots in pre-independent Mauritius. At the last general elections held in 2014, 44 political parties/party coalitions fielded 726 candidates. Due to the prevailing FPTP it is essentially the mainstream parties and their candidates that are represented in Parliament. The three key mainstream parties that have dominated post-independent politics are the Mauritius Labour Party (MLP), the Mouvement Militant Mauricien (MMM), and the Mouvement Socialiste Mauricien (MSM). Mainstream political parties in Mauritius have a well-established internal

structure reflected by the different committees that deal with matters pertaining to policy conceptualisation and decision-making. Decentralisation is visible through the different regional branches (MMM and MSM) and the Constituency Labour Party (CLP), which essentially garner the majority of party members and ensure grass-roots connectivity. The constitution of the party is an important document which provides the necessary rules of engagement. The constitution of the mainstream political parties is not easily accessible as the formal approval of the party leader must be sought before the document can be released.

There is no tradition of leader election in any of the mainstream Mauritian political parties. This autocratic approach to party leadership never really gets contested as the rank and file of party members is encouraged to toe the party line and avoid embarrassing the leader. This 'toe or go' philosophy has over the years considerably fortified the unequivocal position and authority of the leader. The party leader thus determines the nomination and selection of candidates for election, the choice of coalition partner(s), and control of party finances (see Bunwaree & Kasenally, 2005; Kadima & Kasenally, 2006).

Dynastic politics is another visible trait within Mauritian political leadership. This is evidenced by the fact that only two families (Ramgoolam and Jugnauth) have held positions as party leaders and prime ministers during the last 50 years. Sir Seewoosagur Ramgoolam was Prime Minister from 1968-1982, his son, Navin Ramgoolam from 1995-2000 and again from 2005-2014; whilst Sir Anerood Jugnauth held that position from 1982-1995, 2000-2003 and from 2014 till January 2016. At the end of January 2016 Sir Anerood Jugnauth made an unexpected public declaration to the effect that he was stepping down as Prime Minister and was handing over the mantle to his son Pravin Jugnauth. This generated a fair amount of commentary as to the legitimacy of such an act and the fact that Pravin Jugnauth has no popular mandate to be the Prime Minister.

Such arrangements are operationalised to the point of being legitimised. This is due to the absence of any mechanisms that allow party members to compete for leadership positions, or any formal structure that provides for succession planning. This problem is further exacerbated by the fact that there are no term limits for party, legislative or executive positions. In Round 6 of the Afrobarometer survey, seven out of ten Mauritian respondents interviewed believed that the Prime Minister's position should be limited to two terms.

Pre-electoral coalitions are a normalised feature of the Mauritian political landscape and nine of the ten post-independent elections were fought through pre-electoral arrangements. Such arrangements are usually the sole prerogative of party leaders who decide the terms and conditions of coalitions. It must be noted that some parties have been weakened by these never-ending coalitions, either by losing their loyalty base or by political cadres leaving the party. Coalitions have also had the adverse effect of creating a clear divide between dominant and junior parties, thus giving at times unbridled power to party leaders.

## The Rise of Neopatrimonialism and Clientelism: Features of Contemporary Mauritian Politics

Fukayama (2011) argues that there are three basic categories of institutions that constitute political order, namely the state, the rule of law and mechanisms of accountability. These three features operate differently in different countries. However, in modern democratic societies like Mauritius, the interplay of these three institutions should in principle seek to ensure that the state is impersonal, that the rule of law is robust and fair, and that both vertical and horizontal accountability are exercised. The question that should be asked, is how respectful is political leadership in Mauritius of these key institutions, and whether these institutions are allowed to exercise with independence and impartiality.

Mauritius operates on the doctrine of the separation of powers, and the independence of the executive, judiciary and legislative is guaranteed by the Constitution. Politics in Mauritius functions within the framework of parliamentary democracy. The prime minister holds executive power, is a member of parliament and emanates from the party (or coalition party) that commands the majority of seats.

One of the key features of horizontal accountability is the ability of the legislature to act as the watchdog of the executive, and that a strong parliament is a sign of a functioning democracy (see Brakan, 2009). So how resilient and independent is the Mauritian legislature, and is it shielded from the power of big man politics?

Mauritius's legislature follows a well-established procedure according to the standing orders and rules of the National Assembly. This has all the necessary administrative and procedural mechanisms of a well-oiled machine, including the various sessional committees (selection, public accounts, standing orders and the house), select committees, and the types of questions asked (private notice questions and questions to ministers, among others). An important oversight element is the position of Leader of the Opposition, which is enshrined in the Constitution of Mauritius. This is fundamental to building functioning and relevant opposition parties that have often acted as a watchdog on ruling parties. However, this important democratic asset is unfortunately reversed by a clause in the Constitution that gives the power to the Prime Minister, in consultation with the President, to 'prorogue or dissolve Parliament' (see Section 5:57). Several observers note that this gives undue advantage to the incumbent leader to call for elections at a moment that can be most advantageous to his party, or coalition party.

A close observation of successive parliaments, (including the current Sixth Parliament) has revealed a gradual weakening of the legislature, particularly in its role and responsibility in exercising oversight, especially over the executive. Some observers have commented that the legislature merely acts as a rubber stamp for the executive and this is exacerbated when the opposition is numerically weak.

Over the years the executive has grown stronger, with an increase in the number of ministerial portfolios and the creation of a parliamentary private secretary (PPS), which is equivalent to a

junior ministerial position. Currently the ruling coalition, headed by the MSM Party, has 53 (out of 69) elected members of Parliament, of whom 35 hold executive posts (ministers and junior ministers). A simple mathematical exercise indicates that well under 30% of the ruling coalition are backbenchers, making it very difficult for them to exercise due oversight. In essence, legislative oversight in the current Parliament has become the sole responsibility of the opposition, which numbers 16 MPs. The second observation relates to the process of legislation, most of which is initiated, managed and controlled by the executive. It is extremely rare to see the legislature initiate or propose any type of legislation. Barkan (2009), in his extended study of African legislatures, writes about the importance of reformers who can push for the 'coalition of change' within a given legislature. Reformers, he believes, are a core group willing to lead their fellow members to adopt change, push for new laws, strengthen oversight and develop cross-party alliances, among other things. In such circumstances the modus operandi of the reformer is to emphasise the idea of parity among members of the legislature and not to follow party allegiances blindly. There has been very little research into the Mauritian legislature and no doubt such work would help shed important light on the means and mechanisms of helping it to become a space where democratic traditions are observed and practised.

The advent of an impersonal state is fundamental to a fair and merit-based democratic society. Political leadership often seizes state resources to its advantage and in the past this has been visible in varying ways in Mauritius. Fukayama (2015, p. 13) aptly captures this when he refers to the fact that 'neopatrimonialism can co-exist with democracy, producing widespread patronage and clientelism in which politicians share state resources with networks of political supporters'. This returns to the initial argument about what type of democracy prevails and its ability to speak truth to power.

In the case of Mauritius, political patronage and clientelism have become a big issue and seem to have permeated many segments of Mauritian society. Indices pertaining to levels of corruption point to the fact that Mauritius is, together with Botswana, Cap Verde and Seychelles, among the least corrupt countries in Africa. The CPI 2015 (Transparency Index) ranked Mauritius 45 out of 168 countries and gave it a score of 53 on 100 (0 being most corrupt and 100 least corrupt). But once again, indices offering numerical scoring do not tell the whole story.

Perhaps the most tangible example of the average citizen's reaction to corruption within the political class was the results of the 2014 general elections. Several observers noted that the previous regime, headed by Navin Ramgoolam of the MLP, lost the elections due to a combination of incumbency fatigue, political patronage and impunity. The current ruling party rode to victory on an electoral promise 'of clean and corrupt free government'<sup>3</sup> and at mid-mandate is facing its own share of corruption-related scandals. It therefore seems that high-end corruption is endemic within the Mauritian political class and that the small island has not escaped from the infamous 'politics of the belly' syndrome (Bayart, 1993).

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<sup>3</sup> See <http://www.theafricareport.com/Southern-Africa/mauritius-the-great-clean-up.html>

## The Pitfalls of Incumbency

Incumbency plays a significant role in the electoral landscape of Mauritius, and very often this causes the level playing field to be tilted, thus questioning the 'free and fair election' label. Factors that have entrenched the incumbents include greater access to state media and financial resources than their counterparts, and ruling parties that can host more elaborate campaigns and more easily extend their reach into the rural areas. Although there are claims that incumbency has in some way allowed democracy to be dysfunctional, this does not necessarily invalidate whatever record an office holder has had under an incumbent setback. In essence the problem is not with either incumbency advantages or anti-incumbency; but instead the need to interrogate the effects that entrenched incumbency has had on the quality of leadership, and by extension on that of democracy.

Long-term incumbency has significant ramifications for political stability in general and the substantive essence of democracy in particular. 'Open term incumbency is detrimental to democratic consolidation with the failure to substantively institutionalize and habituate democratic norms and values but equally throttle democratic renewal a key ingredient for democratic deepening' (Kiwuwa, 2013, p. 266).

Pre-election periods are particularly conducive to abusive incumbency. Repeated observations of elections have pointed to the abuse of state resources in Mauritius (see EISA Observation Missions Reports). Previous incumbent governments have systematically abused the system to their advantage. This has been done by favouring and recruiting political agents in public sector jobs, allocating funds for important infrastructure projects in key constituencies, and systematically abusing national television for government propaganda. After the general election on 3 July 2005, defeated candidate Raj Ringadoo filed an election petition (as provided in the Representation of People's Act 1958, Part 3, Section 45) against the victory of Ashock Jugnauth, who was from the outgoing incumbent government, as follows:

ever since the dissolution of the National Assembly on 24 April, and at any rate since the issue of the Writ of Election on 9 May 2005, the respondent and his agents and persons acting on his behalf with his consent and knowledge have indulged in bribery, contrary to sections 45(1)(a)(ii) and 64(1) of the Representation of the People Act, in order to procure, promote and/or influence the election of the respondent in constituency no 8.

Ashock Jugnauth lost his case both in the Supreme Court of Mauritius as well as his appeal to the Privy Council. Unfortunately, the situation has not been totally remedied and state apparatus remains abused. There has been some discussion on how to minimise this abuse and the proposal to give the incumbent government the role as a caretaker has met with little interest.

In Mauritius campaign managers often refer to a long list of electoral expenses. These range from the organisation of public meetings, printing and distributing electoral pamphlets, banners, transport, public rallies, political agents' payroll, and website and social media platforms. In a newspaper article (Valayden, 2014), a politician and former leader of a small political party detailed the core electoral expenses and their costs which were estimated at some 330 million rupees (about USD 9 million) for a 30-day campaign for one political party. This correlates with what the leader of the Labour Party, Navin Ramgoolam mentioned in an interview a documentary entitled *Financement Politique: Voyage dans un trou noir*, in December 2015.

All the political leaders of the mainstream parties have publicly declared that there is in principle an urgent need to tackle the issue of political party financing. Paul Berenger, the leader of the MMM, even refers to how 'money in politics has denatured the democratic game' (ibid.).

## An Amorphous Mauritian Citizenry

Citizen participation and involvement is crucial to the quality of democracy. Citizens should not limit themselves to the mere act of voting but should be actively encouraged to participate between elections. As mentioned earlier, the voting turnout in Mauritius in the past ten general elections has been high, at between 75-80%. However, the question is whether the Mauritian citizen can participate after an election. Unfortunately, this does not happen. Despite scoring high on the democratic scoreboard there is very little public debate initiated by the state on some of the key issues shaping Mauritian society. What little debate there is remains in the hands of elites and experts. Parliament proposes and adopts laws without really engaging with the citizens on content or formulation.

Despite the absence of an active culture of public deliberation, the media (private and social media) contributes to a nascent but growing ecosystem where citizens are finding space to voice their views, concerns and expectations. No doubt, the media is an important amplifying platform but on its own does not bring about core transformation to a society in need of it. This begs the question as to why there is such a poor culture of public deliberation. The following are some of the multiple reasons to explain this state of affairs.

Prior to independence and also from the early 1970s until the mid-1980s, Mauritius had an extremely vibrant civil society and citizenry. The fight for independence is a case in point: most of the ethnic communities, trade unions and political parties rallied around a core cause and they used the existing battery of platforms (media, street protests and public campaigns) to arouse public participation and involvement. A similar trend was visible in the early 1970s with the emergence of a young party, the Mouvement Militant Mauricien (MMM,) that grew from the belly of the May 1968 student protests and fought for the rights of the working class. The MMM commanded important support from the young intelligentsia, the trade unions and the common man. The main drive behind the MMM was to act as a counterforce to the existing old and dominant oligarchy represented by the Mauritius Labour Party (MLP), which had been in power since independence in 1968. It started to become authoritarian with the promulgation in 1971 of the Public Order Act (this has subsequently been replaced by the Public Gathering Act (1991)) aimed at clamping down on political and media freedoms. The election scheduled for 1973 was postponed, causing anti-establishment sentiments to run high, and was finally held in December 1976.

The erosion of Mauritian solidarity became visible in the mid-1980s when mainstream political parties started embarking on pre-election coalitions and alliances based on ethnic calculation with the purpose of winning. The Mauritian voter was exposed to a political game that maximised and celebrated easy gains such as the pursuit of ethno-politics, clientelist versus programmatic ideas, and the advent of big money in politics.

Today, there is an urgent need to claim back public citizenry and to fight for a common cause that brings all Mauritian citizens together. This seems to have started with the recently mooted idea on the need for political renewal as Mauritius celebrates 50 years of independence. The movement around political renewal is still nascent and has been carried out mainly on social media platforms, particularly Facebook. The most visible of these are: Nou Republik (Our Republic), Ennsellepep (One Nation), Mauritius Society Renewal, and Young Thinkers Mauritius. These different entities wish to promote an 'intelligent and constructive debate' with citizens, and especially with the young generation.

## Resistance to Electoral and Democratic Changes

A clear sign of the quality of political leadership is its ability to question the status quo and to promote a progressive agenda based on programmatic as opposed to merely clientelist or populist ideas. As Flinders (2016) aptly says, 'politics is complex but populism is simple'. In the case of Mauritius, leadership has been linked to different phases of the small island's evolution, both political and economic. Sir Seewoosagur Ramgoolam, the first Prime Minister of post independent Mauritius, is referred to as the 'father of the nation' whilst Sir Aneerod Jugnauth is labelled the 'father of the Mauritian economic miracle'. These appellations are carefully nurtured by the respective party partisans and the aficionados of these two leaders as part of the popular memory bank.

The most visible aspect of great political intentions exhibited by party leaders is their electoral manifestos. Every single post-independent general election has consisted of a wish list of political, social and economic changes which are seldom if ever implemented.

It is more than 15 years since retired South African judge Albie Sachs was called upon to set up a commission to make recommendations on electoral and constitutional reform for Mauritius. The remit of the Sachs Commission was quite broad and included that of political party funding and strengthening the role of the Electoral Commission and Electoral Supervisory Commission, amongst others. However, the discussion was mostly focused on the 'proposals regarding representation in Parliament on a proportional basis within the existing electoral system' (Sachs, 2002). What ensued were two Parliamentary Select Committees set up to study the recommendations on 'Electoral and Constitutional Reforms' and 'Public Funding of Political Parties' respectively. Unfortunately, nothing changed as political consensus did not materialise. In 2011, nearly ten years after Sachs's proposals, the then Prime Minister (Navin Ramgoolam) commissioned Professor Carcassonne to make recommendations on electoral reform. This was followed by an extensive report by Rama Sithanen, an electoral systems expert and once an active politician. When the current ruling coalition came to power at the end of 2014, a Ministerial Committee was established to make recommendations on electoral reform. More precisely, this was: 'the introduction of a dose of proportional representation in the National Assembly, and guarantee better women representation; the mandatory declaration of community; anti-defection measures; the widening of the powers of the Electoral Supervisory Commission and the Financing of Political Parties Bill'. To date nothing has materialised and the process remains stalled.

Another case in point is the introduction of a Freedom of Information Act (FOIA). The promise to enact such a piece of legislation has been long in the waiting. It has appeared in the electoral manifesto of all mainstream political parties but has never been enacted. It seems that there is a draft law prepared by the current ruling alliance; but the main bone of contention is that if an FOIA is ever enacted it will be done with no public consultation. This is a matter of deep concern to a number of observers who see thus it as a mere piece of window dressing.

## Conclusion

Mauritius has suffered at the hands of a highly romanticised version of democracy. This has unfortunately presented democracy as an uncontested, linear, placid principle, which has in turn played to the advantage of the dominant and mainstream parties, allowing for an at times unbridled and uncontested leadership.

The quality of political leadership internationally is at a low ebb, with several important democratic reversals in a number of regions. African political leadership has been problematic with a frequently uninspiring track record from liberation leaders who become despotic. A number of key safety valves have been introduced to ensure that the power of incumbency is limited. These include the introduction of term limits, strengthening of opposition parties, and the creation and consolidation of institutions with both horizontal and vertical accountability. Unfortunately, several of these key institutions have been weakened by the rule of strongman politics.

Another troubling feature has been the systematic grabbing of state apparatus and its benefits for the personal advancement of the incumbent party and its leader. This highlighted the problematic weakening of the impersonal state, making the notion of a competitive electoral democracy a rather difficult ideal to pursue.

In Mauritius, entrenched political leadership is becoming a matter of concern following the recent decision of Anerood Jugnauth to step down as prime minister in favour of his son. This succession sheds light on tacit agreements to perpetuate dynastic and clannish rules to serve the immediate interests of an uncontested leader, further exacerbated by the fact that Mauritius has no term limits and the same leaders can return. That is why post-independent Mauritius has seen the political rule of only two families, Ramgoolam and Jugnauth.

The Mauritian democratic model is essentially a supply-driven democracy with a host of institutions. However, it lacks a demand-driven democracy where citizens place demands and expectations on their elected representatives to ensure that democracy delivers on its promises. As Mauritius turns 50, this is perhaps the ideal opportunity to take stock of the Mauritian democratic model and to start questioning who democracy should really serve.

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- Electoral processes are inclusive, transparent, peaceful and well-managed;
- Citizens participate effectively in the democratic process;
- Political institutions and processes are democratic and function effectively; and
- EISA is a stronger and more influential organisation

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