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# Democracy and pretend democracies in Africa: Myths of African democracies

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## 1 INTRODUCTION

The objective of this paper is to analyse a range of printed and electronic literature to find out whether it is possible to identify a separate African democracy, or “distinct African style of democracy” on the continent<sup>1</sup>. Initially the term democracy will be defined and explored using a *liberal democracy* lens. The preliminary hypothesis is that there is no separate African democracy in terms of a democracy of a special kind. In order to test this hypothesis, the paper will examine the history of the forms of government in some African societies in the pre-colonial era, the colonial era, and the early years of independence in Africa (up to the 1980s) in order to establish whether any of these systems of government could be described as democratic. In this process of historical investigation the origin of the concept democracy and the forces behind the development of democratic processes in Africa will be explored. Given that currently the African continent has roughly 54 independent states (i.e. in terms of

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<sup>1</sup> ISS “Term limits for heads of state” (2009) 73.

having achieved independence from colonial powers and self-rule); the author uses the act of holding regular elections as the main criterion to classify into different categories the regimes or systems of government of various African states. The level at which each of them integrates some selected and specific democratic core values and/or procedures will be assessed. The historical forces behind the propagation of liberal democracy in Africa will also be examined. The confirmation or rejection of the research hypothesis is based on whether the values and principles on which liberal democracy are based are African (i.e. originated from Africa) and whether African leaders who claim to be democratic have voluntarily adopted and sustained the values of western liberal democracy or not. Some recommendations on how to deal with pretend democratic leaders on the African continent arising out of this analysis are offered at the end of the paper.

The African continent has roughly 54 independent states. Each of these independent states has a system of governance ranging from absolute monarchies and dictatorships to one approximating a western liberal democracy. Since it is practically impossible to study each individual state and system of government, in this paper, this research will focus on some selected regime prototypes. The analysis will use a liberal democratic lens with special emphasis on the political side (i.e. the ways in which political parties are formed and function, the ways in which candidates of various parties are elected, and the ways in which elections are run) of liberal democracy.

## 2 AFRICAN DEMOCRACY VS LIBERAL DEMOCRACY

### 2.1 African democracy

In order to differentiate the term *African democracy* from the term *liberal democracy* as used in this research, it is important to analyse the thinking of African leaders of post-independent Africa. According to Ahluwalia all the African leaders of post-independence Africa such as Nyerere in Tanzania, Nkrumah in Ghana, and Kenyatta in Kenya dismissed multiparty democracy, a fundamental principle of liberal democracy, as not being congruent with their African traditions<sup>2</sup>. They argued that a system of one-party government was African and an essential part of the African tradition<sup>3</sup>. Therefore, according to their definition, an *African democracy* is a form of government based on one-party rule. Political parties may exist nominally- but may not freely organise political activities in opposition to the rulers and the ruling party.

Another description of African democracy put forward by African leaders of the post-African independence is based on their argument that traditional African societies rested on a politics of *consensus* not *competition* a principle they perceived to be promoted by proponents of multiparty democracy. In the post-colonial era the problem, with this *consensus* under this so-called *African democracy* in terms of democratic governance, was that it was to be achieved mainly between the monarch and his/her entourage (mainly relatives from the monarchs' clan, such as uncles and in-laws) and the ruling elites. The ordinary citizens were seldom consulted. Theirs was to obey, not challenge the commands of the ruling elites. In this situation the powers of the three branches of government, normally separated in democratic states, are concentrated in one man (or woman) at the helm of government in a form of African democracy

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<sup>2</sup> Ahluwalia P, *Politics and Post-colonial Theory* (2001) at 56; Elliot F, *Dictionary of Politics* (1973) at 344.

<sup>3</sup> Ahluwalia, *ibid*, at 56.

envisioned by African leaders of the post-colonial era. Finally, except when the change of government is as a result of a military coup, or of an opposition party winning free and fair elections, power in African democracies has tended to be an intra-elite transfer (from the father to the son in the case in the monarchies, or from the incumbent president to a hand-picked successor).

## 2.2 Liberal democracy

While the holding of regular elections is one of the necessary prerequisites for creating and sustaining a democratic regime,<sup>4</sup> liberal democracy (also called western liberal democracy) is, as both Obama and Clinton have pointed out, “more than just holding elections”.<sup>5</sup> According to Clapham, “it is not sufficient to measure democracy by simply looking at whether elections are held regularly and according to national standards”.<sup>6</sup> Clinton and Clapham are of the view that, in order to ensure good and sustained governance, a true democratic system needs more than regular elections.<sup>7</sup> Perhaps the best description of a true, or ideal, liberal democracy is that of Hillary Clinton, the Secretary of State of the USA, in her speech at the Headquarters of the African Union in Addis Ababa on 13 June 2011:

“Now, of course, creating the conditions that allow people and communities to flourish in a democracy cannot simply be a matter of holding elections; they are a necessary but not sufficient condition. Good governance requires free, fair, and transparent elections, a free media, independent judiciaries, and the protection of minorities. And democracy must also deliver results for people by providing economic opportunity, jobs, and a rising standard of living”.<sup>8</sup>

However, notwithstanding the fact that all characteristics of a democratic regime considered to be critical to good governance, equity and the well-being of all citizens,<sup>9</sup> they are practicable only if there is a vibrant multi-party system where all citizens,<sup>10</sup> especially minorities, who may not support the ruling party, are free to express their views. Due to time and space constraints, this article will use the act of holding regular elections as the main criterion or measure to classify different African regimes into two groups: democratic or non-democratic (i.e. dictatorship or monarchic) regimes. This research will draw conclusions as to whether the selected prototype regime (i.e. original regimes or original copies) as evidenced in the main regimes on the African continent<sup>11</sup> is democratic or not on the basis of the existence, well-being and functioning of opposition parties and how, or to what degree, the ruling party integrates democratic values in the processes that puts it into power and sustains its term(s) of office.

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<sup>4</sup> Pausewang S, et al “Ethiopia since the Derg” (2002) at 6-8; Clinton HR, “Remarks at African Union” (2011) at 2-3.

<sup>5</sup> Obama B, in Cyllah A “Democracy and Elections in Africa” (2010).

<sup>6</sup> Clapham in Pausewang, *et al.* (n 4 above) at 8.

<sup>7</sup> Clinton (n 4 above) at 1-2; Clapham (n 4 above) at 8.

<sup>8</sup> Clinton, *ibid.*, at 1-2.

<sup>9</sup> Cloete F, *et al.* “Assessing sustainability in developing Countries” (2003) at 240.

<sup>10</sup> Franck TM, “The Emerging Right to Democratic Governance” (1992) at 47.

<sup>11</sup> Elliot (n 2 above) at 985.

### 3 ORIGINS OF LIBERAL DEMOCRACY

The literature shows that, prior to European colonisation, African societies had experience with self-rule. According to Vansina, Barclay and Mfuniselwa, pre-colonial Africa had strong and well-organized monarchic systems scattered around the continent.<sup>12</sup> According to Nabuderi some of these systems, such as the Buganda kingdom in East Africa (now Uganda) and the Ashanti kingdom (now Ghana) could match the European monarchic systems of that time in terms of organisation and maintaining power.<sup>13</sup> While it could be argued that this experience of self-rule of the pre-colonial era provided a precedent for forms of direct democracy, they did not come close to being liberal democracies in the modern sense. In order to illustrate this, an analysis of the African monarchic systems in the pre - and post-colonial era is provided below.

Pausewang et al argue that “democracy as a modern style of governance is in theory and practice a European phenomenon that has grown out of European history and built on European social ideals and political movements”.<sup>14</sup> This is also the view of Proudly Afrikan which argues that democracy as we know it today (multi-party, the right to vote, the rights to freedom of expression and to own private property etc.) is based on specifically western principles.<sup>15</sup> In order to examine the validity of this claim, it is necessary to examine the history and development of *liberal Western* democracy. As a system of government, liberal democracy began to develop in Europe in the eighteenth century in the form of extending rights to underprivileged groups (slaves, minority groups, women and the poor) in terms of equal participation in material benefits and political decision-making. Democracy later spread from Europe (France 1789) and North America (1861-65) to developing countries in the 1980s.<sup>16</sup>

### 4 OPPOSITION PARTIES IN A LIBERAL DEMOCRACY

Lipset and Rokkan, and Hoeane, describing the development and history of democratic systems of government in developing, or post-colonial, countries, argue that political parties play a critical role in a country’s democratic consolidation.<sup>17</sup> According to Schattschneider, it is “political parties [that] created democracy and one cannot imagine modern democracy except in terms of political parties”.<sup>18</sup> He goes on to argue that it is the condition and functionality of opposition parties in any regime that remains the best measure of how democratic that regime is.<sup>19</sup> A number of authors, such as Dolo, Olaleye and Teshome, endorse Schattschneider’s argument, arguing that democracy cannot

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<sup>12</sup> Vansina J, “ A Comparison of African Kingdoms” (1962) at 324–335; Barclay “People without government” (1992); Mfuniselwa “Ubuntu: The essence of democracy” (1996) at 23.

<sup>13</sup> Nabuderi DW, “Traditional and modern political systems in contemporary governance in Africa” (2003) at 7.

<sup>14</sup> Pausewang (n 4 above) at 2.

<sup>15</sup> Proudly Afrikan “Swazi Constitution” (2011) at 2.

<sup>16</sup> Pausewang et al (n 4 above) at 2; Kerrod R, “World Encyclopaedia” (1988) at 75.

<sup>17</sup> Lipset SM & Rokkan S, “Party Systems and Voter Alignments” (1967); Hoeane “The Racial/Ethnic Interpretation of South Africa” (2004) at 3.

<sup>18</sup> Schattschneider EE, “Party government” (1942) at 1.

<sup>19</sup> Ibid.

function without a diverse range of political parties from which voters can choose.<sup>20</sup> This view is also held by Obeng, who argues that “multi-party elections are today about the only internationally acceptable route to power”.<sup>21</sup> According to Ahluwalia, the essence of democracy resides in the relationship between the state and the people, particularly in terms of how much control the people have over the state.<sup>22</sup> Several political parties are therefore necessary in order to ensure that citizens have real choices in who governs them.<sup>23</sup> In addition, in a democratic state the existence of functioning political parties allows citizens to punish the ruling party by voting for the opposition if it fails to live up to their expectations once elected to power.<sup>24</sup>

## 5 THE 21<sup>ST</sup> CENTURY DICTATORSHIPS

According to Olaleye, a healthy multiparty democracy is one in which opposition parties are able to operate freely<sup>25</sup> while dictatorships are systems of government in which no opposition parties exist, and if some opposition parties happen to exist they have no freedom to represent the interests of those who, for one reason or the other, feel excluded from the ruling party.<sup>26</sup> Most importantly, dictators abuse power against their own citizens. Lord Action (1834-1902) in his famous aphorism, “Power tends to corrupt, and absolute power corrupts absolutely”<sup>27</sup> was echoed in 2009 in the words of Zille, the leader of the Democratic Alliance (DA), the main opposition party in South Africa, during the campaign to prevent the ANC from getting a two-thirds majority in parliament. In Zille’s own words: “it doesn’t matter whether the hands [that are holding that power] are black [referring to the ANC-led government] or white: the fact is that power tends to corrupt, and absolute power corrupts absolutely, regardless of the power holders’ skin colour”.<sup>28</sup> This is why, according to Mesfin some former liberation movements failed to convert the remarkable participatory gains made during their struggles into participatory governance but turn into dictatorships.<sup>29</sup> The main common characteristics of dictatorship governments include: lack of transparency; lack of effective legislature to act as a check on illegal activities; lack of independent judiciary to ensure adherence to the rule of law; and lack of freedom of expression in the media and for opposition parties.<sup>30</sup>

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<sup>20</sup> Dolo E, “Opposition parties: Benefits and Challenges in Building Democracy” (2006) at 1-8; Teshome W, “Opposition parties and the politics of opposition in Africa” (2009) at 3; Olaleye W, “Democratic Consolidation and Political Parties in Lesotho” (2003) at 2.

<sup>21</sup> Obeng KW, “Democracy in Africa’s Post-Conflict States” (2011) at 1.

<sup>22</sup> Ahluwalia (n 2 above) 77.

<sup>23</sup> Afrobarometer “Poll of 18 African Countries” (2006) at 1-3.

<sup>24</sup> Boyne GA, *et al.* “Changing the guard or moving the desk chairs” (2008) at 2-4; Hoeane T, “Under Strain: The Racial/Ethnic Interpretation of South Africa’s 2004 Election” (2004) 3 (2) *Journal of African Elections* 3.

<sup>25</sup> Olaleye (n 20 above) at 2.

<sup>26</sup> Schlemmer L, “Testing times for democracy in South Africa” (2008) at 1.

<sup>27</sup> Lord Action (1834-1902) in Heywood A, *Politics* (2003) at 7.

<sup>28</sup> Zille H, “Thank you for voting for change” (2009) at 1.

<sup>29</sup> Mesfin B, “The Danger of African Liberation Movements” (2008) at 1.

<sup>30</sup> *Ibid.*

## 6 PROTOTYPES FOR ANALYSIS

Using the criteria of voting, we can divide the African States into two main groups: The countries in which there has never been an election of the ruler such as the hereditary Monarchs of Swaziland<sup>31</sup> and King Mohammed VI of Morocco<sup>32</sup> and the “Revolutionary Leaders” such as Muammar Gaddafi, the (former) leader of the Libyan Arab Republic<sup>33</sup>. Monarchies are hereditary while *Revolutionaries* tend to stay in power for a very long time. For example, Muammar Gaddafi ruled Libya with an iron fist for 42 years, from 1969 to 2011, without a single election.<sup>34</sup> Due to the fact that Gaddafi, one of the few African revolutionary leaders was overthrown by the Libyan Transitional Government in 2011, this type of regime will not be included in the focus of this research. Col Muammar Gaddafi used to call himself a “Revolutionary Leader” because he led the Revolutionary Command Council (RCC) (a group of young nationalist army officers) who overthrew King Idris I in September 1969.<sup>35</sup> Thus, according to the criteria underpinning this analysis, the prototype of an African monarchy regime is Swaziland.

The second group encompasses all African states in which elections are carried out regularly, but this group is also divided into two different sub-groups. The first sub-group includes all the states in which some kind of multi-party election is carried out, but where the election is simply a political exercise designed primarily to legitimise the intra-elite transfer of power. The prototypes for this sub-group include Rwanda and Uganda. This first group is synonymously referred to as *pretend democracies*, *virtual democracies* or *face democracies*.<sup>36</sup> They are called *pretend democracies* because although they claim to be based on democratic principles, the changes from absolute rule which are claimed to have been made are more nominal than real. They continue to hold on to the African traditions which, as has been described, do not permit opposition parties, despise multi-party democracy and thus in reality remain single-party dominated governments. Their constitutions claim they adhere, among others, to the United Nations’ Universal Declaration of Human Rights of 10 December 1948<sup>37</sup> and the African Charter on Human and Peoples’ Rights of 27 June 1981, which specifically stipulates in its preamble that “freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples”, while those in power continue to violate human rights, limit the freedom of association and view civil society groups with mistrust and suspicion.

The second sub-group includes all the states in which the principles and values of the western model of liberal democracy, also referred to as *open democracy*, or *full democracy*, have been successively incorporated into the political culture. Examples of these are Botswana,<sup>38</sup> Mauritius and South Africa.<sup>39</sup> The prototypes of this group in Southern Africa are South Africa and Botswana and Ghana in West Africa. However,

<sup>31</sup> Europa World Year Book “*Europa World Year Book*” (2003) at 3912.

<sup>32</sup> Heywood (n 27 above) at 342.

<sup>33</sup> The Europa World Year Book (n 31 above) at 2600.

<sup>34</sup> Makalima M, “Motormouth or Marthyr?” (2011) at 994; Putnam “With Libya’s Megalomaniac Philosopher-King” (2011) at 1.

<sup>35</sup> Elliott (n 2 above) 285; Europa World Year Book (n 31 above) at 2596.

<sup>36</sup> Pausewang *et al* (n 4 above) at xv-1.

<sup>37</sup> Universal Declaration of Human Rights (1948) Article 1.

<sup>38</sup> Mangcu X, “Role of lobby, civic groups in democratization” (2003) at 6; Molomo MG, “Pula” (2001) at 23.

<sup>39</sup> Ahluwalia (n 2 above) 76; Roux A, “Everyone’s guide to the South African Economy” (2002) at 17.

while the main focus of this paper is the prototypes, information regarding the regime of any other African country will be included in the discussion as and when the argument allows for or requires it.

## 7 LIBERAL DEMOCRACIES IN AFRICA BEFORE THE 1960s

### 7.1 Monarchies in the pre-colonial era

Heywood defines monarchies as systems of rule dominated by one person: “literally means rule by one”.<sup>40</sup> A monarchical system is also “an institution in which the position of head of state is filled not as a result of an election, but via inheritance or dynastic succession”.<sup>41</sup> There are striking similarities between the pre-colonial monarchic systems of Europe and Africa. According to Mafeje “traditionally, Europe was a land of corrupt absolute monarchs and predatory and callous, cunning and ruthless feudal lords”.<sup>42</sup> Like their counterparts in medieval Europe (11<sup>th</sup> to 16<sup>th</sup> centuries)<sup>43</sup>, many if not all of the African kingdoms of the pre-colonial era were oppressive.<sup>44</sup> Evidence also shows that many African kingdoms such as those ruled by the Rwandan and the Nkore/Ankore kings were characterised by gruesome human rights violations. For example according to Kintu, in Kingdoms such as Ruanda (now Rwanda), the “*Umwami*, (king) official drum and symbol of royalty, known as KALINGA, was decorated with the dried penises of Hutu men”.<sup>45</sup> “The Queen Mother, who wielded significant power, had her two spears, symbols of her authority, anchored in two Hutu babies” when she felt the need to do so.<sup>46</sup> Similar acts of brutality and dehumanisation of the kings’ subjects are also found in Nkore/Ankore, one of the four traditional kingdoms of Uganda abolished by Milton Obote in 1967. For example, Mugizi recounts “disturbing stories of how the Omugabe” (King of the Nkore kingdom) abused the Banyankore (citizens of the Ankore kindom).<sup>47</sup> According to Mugizi, the Omugabe’s spear never touched soil, so one of the king’s subjects had put out his foot for the spear to stand<sup>48</sup>. Another dehumanising ordeal for the king’s subject was one created by the custom of the “Omugabe refusing to spit on the ground, but in the mouth of a subordinate”<sup>49</sup>. The leadership and organisational skills of King Shaka Zulu of the Zulu Kingdom, (now KwaZulu-Natal in South Africa) have been credited for Shaka Zulu’s conquest of other peoples in his project to extend the Zulu kingdom.<sup>50</sup> However, the brutality he meted out to his warriors in the name of discipline is said to be “comparable to that of western conquerors” in the 19<sup>th</sup> Century.<sup>51</sup>

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<sup>40</sup> Heywood (n 27 above) at 426.

<sup>41</sup> Ibid.

<sup>42</sup> Mafeje (2002) at 4.

<sup>43</sup> Kerrod (n 16 above) 68.

<sup>44</sup> Nabudere (n 13 above).

<sup>45</sup> Kintu R, “The truth behind the Rwanda tragedy” (2005) at 2.

<sup>46</sup> Kintu, *ibid*, at 2; Ndikumana V “Healing the Wounds of the Past” (2011).

<sup>47</sup> Mugizi PK, “Nkore kingdom will remain a dream” (2011) at 1.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Madi P, “Leadership Lessons from Emperor Shaka Zulu the Great” (2000) at 2.

<sup>51</sup> Weir J, “Challenging heroic masculinity: leadership myths of nineteenth century” (2008) at 1.

## 7.2 The colonial era

The colonial era in Africa could be placed between the 1880s and the 1960s. While the governments of the countries in Europe from which the colonisers came could be described as “democratic” in terms of having a multiparty system and at least some of their citizens having voting power, colonisation was not a democratic system.<sup>52</sup> The argument that there was no democracy (i.e. no election of rulers, no opposition parties, no respect for human rights etc.), in Africa in the colonial period is best presented by Mafeje who argues that the:

“Colonial state, as the term signifies, was a creation of the colonial powers for their purposes. As such, it exhibits specific characteristics that are not found in the metropolitan state. These are: (i) an imposition from outside i.e. ready-made and extrinsic to the society in which it exists; (ii) a contrivance meant to administer not citizens but colonial peoples or natives i.e. to administer not subjects but objects; (iii) not accountable to those who are administered but to itself and ultimately to the metropolitan power; (iv) arbitrary use of power and lack of transparency; (v) highly extractive, especially with regard to the peasants; and (vi) disregard of all civil liberties in the colony”.<sup>53</sup>

This is also the view of Witbooi, Chief of the Nama (1884-1894) in 1891, who described the brutality and inhumanity of the Germans’ rule (1884-1918) in South-West Africa (now Namibia), a rule based on “unbearable, impossible, unattainable, unacceptable, unmerciful and unfeeling laws”.<sup>54</sup>

The brutality of the German rule is not an isolated case. Any colonised country has stories of how undemocratic and brutal the colonial system was. The Belgian colonial system is another example of a brutal system which resulted in the barbaric killing, beating and hacking off the limbs of the Congolese men and women who resisted the system of unpaid hard labour introduced by King Leopold II (the Belgian King in 1885).<sup>55</sup> The Belgians were also responsible for the murder of Prime Minister Patrice Lumumba in January 1961<sup>56</sup> because he resisted Belgian colonial rule. In summary, there is no single example in the literature of a colonial system based on democratic principles.

## 8 DEMOCRACIES IN THE POST-COLONIAL ERA

### 8.1 Modern monarchies

Modern monarchies, monarchies in the 21<sup>st</sup> century in Africa, can range from absolute monarchies such as the one in Swaziland and constitutional monarchies such as those of Lesotho and Morocco.<sup>57</sup> A factor common to all monarchical regimes, and what makes them undemocratic, is that none of them is based on the popular consent.<sup>58</sup> Transfer of

<sup>52</sup> Mafeje (n 42 above) at 6-7.

<sup>53</sup> *Ibid*, at 6.

<sup>54</sup> Lewis L, “New African History Report” (2003) at 62.

<sup>55</sup> *Ibid* (2003) at 58.

<sup>56</sup> Elliot (n 2 above) at 519.

<sup>57</sup> Ramaema “The constitution of Lesotho” (1993) at 29; Mzizi J, “Swaziland country report” (2011).

<sup>58</sup> Ahluwalia (n 2 above ) at 77.

power in monarchies is hereditary and thus Kings and Queens are never elected to power by their subjects.<sup>59</sup> Using the Swazi Kingdom as an example of this, historically the first person to become king after the kingdom's independence from Britain in 1967 was King Sobhuza II. King Sobhuza II inherited the kingdom from a generation of other kings of the same lineage. When he died in August 1982 he was replaced by his son Prince Makhosetive.

However, following the Swazi tradition, the Queen Mother Dzeliwe initially took over the reign because Prince Makhosetive was not yet 21 years old. Prince Makhosetive was officially inaugurated as King Mswati III in 1983 at the age of 18. Since kings/ queens do not retire, King Mswati III is expected reign over the Swazi people until his death. A system which is not open to public scrutiny or democratic contestation cannot be democratic.<sup>60</sup>

## 8.2 Division of power and freedom of association

Perhaps the most anti-democratic phenomenon observed in the generations of African monarchic systems is that the King has the final authority and holds and exercises ultimate power in all matters.<sup>61</sup> For example, in Swaziland the independence constitution of 1967 and the new constitution, which took effect on the 13th October 1978, vested the supreme executive, legislative and judiciary powers in the Swazi king.<sup>62</sup> It was only in 2005 that Swaziland enacted a constitution which provides for the independence of the judiciary.<sup>63</sup> However, while the judiciary is independent in most civil cases<sup>64</sup>, the legislative powers are still shared between the Swaziland Parliament and King Mswati.<sup>65</sup>

The Swazi Constitution, which made provisions for the freedom of association, was first outlawed by King Sobhuza II (the father of and king preceding Mswati III) in April 1973.<sup>66</sup> The decree which banned political freedom of association remained in effect till 2005 when the new constitution was enacted. However, while section 14(1) (b) of the Constitution of the Kingdom of Swaziland (2005) provides for the right to freedom of assembly and association<sup>67</sup> the same Constitution makes no mention of citizens' right to join or form opposition political parties. In addition, although freedom of association is enshrined in the constitution, permission to hold political gatherings has often been denied and prodemocracy protesters are routinely dispersed and arrested by police.<sup>68</sup>

The Imbokodvo National Movement (INM, a party founded by King Sobhuza II in January 1964) has been and remains the only official traditional party in Swaziland<sup>69</sup>. According to Europa World Year Book, one of the parties which were established in

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<sup>59</sup> Heywood (n 27 above) at 342; Europa World Year Book (n 31 above) at 3912.

<sup>60</sup> Mangcu (n 38 above) at 8; Kalley J, & Olaleye W, "Election Update" (2011) at 1.

<sup>61</sup> Europa World Year Book (n 31 above) at 3912.

<sup>62</sup> Ibid.

<sup>63</sup> Sec 41 of the Constitution of Swaziland (2005).

<sup>64</sup> Freedom House (2008) at 1-2.

<sup>65</sup> Sec 106 – 107 of the Constitution of Swaziland (2005).

<sup>66</sup> Proudly Afrikan (2011) at 2-3; EISA (2008) at 1.

<sup>67</sup> S 14 (1) (b) of the Constitution Swaziland (2005).

<sup>68</sup> Freedom House (n 64 above) at 1.

<sup>69</sup> EISA (n 66 above) at 1.

1983 in spite of the prohibition against forming political parties is the People's United Democratic Movement (PUDEMO).<sup>70</sup> Since its formation many of its leaders and members as well as members of its youth movement, the Swazi Youth Congress (SWAYOCO), have been constantly harassed, arrested and imprisoned by the Swaziland government's security forces. For example, they were imprisoned in 1990 and 1991, on allegations that they had distributed tracts, and embarked on a peaceful march, which questioned the legitimacy of the Monarch's unilateral undertaking to reform the Swazi constitution.<sup>71</sup> The government paramilitary units were also responsible for crushing the pro-democracy peaceful marches on the 12 April 2011.<sup>72</sup>

## 9 INDEPENDENT STATES: THE 1960S

Except for Zimbabwe and Namibia, which became independent in 1980 and 1990 respectively, the abolition of apartheid in South Africa in 1994, the independence of South Sudan in 2011, and the continued dominance of Morocco over Western Sahara, all other African countries gained their independence during the 1960s.<sup>73</sup> However, according to Mafeje, "the successor to colonialism was not *uhuru* (freedom in ki-Swahili)".<sup>74</sup> As briefly discussed in 2.1 above, African leaders of the post-colonial era such as Julius Nyerere of Tanzania, Nkwane Nkrumah of Ghana, Kenneth Kaunda of Zambia, despised western liberal democracy and the values upon which it is founded. They claimed that the values of liberal democracy are not compatible with long established African traditions<sup>75</sup>, opting instead to continue with the tried and tested practices of the monarchic (i.e. pre-colonial era) and colonial era systems of government. As seen above the two systems were undemocratic as they were both based on the unquestioning respect for and obedience to the ruler and on consensus rather than debate and opposition.

### 9.1 The IMF and World Bank's democratisation project: 1980s

It has been illustrated above that democracy as a modern style of governance was not born in Africa. The literature shows that in the early 1980s the IMF and World Bank used a number of measures, such as financial aid and economic sanctions, to try to force many African countries into adopting a form of liberal democracy.<sup>76</sup> According to Pausewang et al "today Europe is the driving force in spreading democracy in Africa".<sup>77</sup> By the 1980s, democracy in Africa was often promoted as inseparable from free market

<sup>70</sup> Europa World Year Book (n 31 above) at 319.

<sup>71</sup> Mangcu (n 38 above) at 7.

<sup>72</sup> Motsamai D, "Swaziland: can southern Africa's last absolute monarchy democratise?" (2011) 20 *African Security Review* 42-50.

<sup>73</sup> Lewis (n 54 above); Nyati P, "MDC Spokesperson interview with SABC reporters" (2004).

<sup>74</sup> Mafeje (n 42 above) at 5.

<sup>75</sup> Chemhuru M, "Democracy and the Paradox of Zimbabwe: Lessons from Traditional Systems of Governance" (2012) 3 (10) *The Journal of Pan African Studies* at 181; Nyamnjoh FB, "Our traditions are modern, our modernities traditional: Chieftaincy and democracy in contemporary Africa" (2004) at 1.

<sup>76</sup> Kerf M & Smith W, "Privatising Africa's infrastructure" (1996) at 3; Kiggundu MN, "Civil services reform" in Minogue M, et al *Beyond the New Public Management* (1998).

<sup>77</sup> Pausewang et al (n 4 above) at 2.

economy to the third World.<sup>78</sup> This is also the view of Asad who argues that “the imperial and colonial states (i.e. Western European countries) are behind the construction and destruction of any processes going on in Africa”.<sup>79</sup> The literature shows that the IMF and the World Bank’s democratisation project has generally fallen short of African peoples’ expectations.

## 9.2 The results of the democratisation project

According to the Human Rights House’s Index on censorship report of 2001, Botswana and Mauritius were the only “fully free” or liberal democratic African countries in 1987.<sup>80</sup> With the exception of South Africa, which has been regarded by international observers as the model of democracy in Africa since 1994,<sup>81</sup> no other country has been declared fully free over the past 20 years. According to Pausewang *et al* the kind of “democracy” which was introduced by the Western Monetary Agencies on the African continent has taken the role of “face democracy” “virtual democracies”, “face democracies”, “pretend democracies”<sup>82</sup> or “disillusionment democracies”.<sup>83</sup> Currently the prototypes of Africa’s fully democratic regimes include Botswana and South Africa, while Rwanda and Uganda are the prototypes of Africa’s *face democracies*.

### 9.2.1 Africa’s fully democratic regimes: Botswana, South Africa and Ghana

The role of the IMF and the World Bank in the democratisation process of Botswana has not been properly or fully documented. However, some researchers such as Chemhuru and Iwuchukwu claim that any meaningful search for an African theory of democracy must begin with a radical rejection of liberal democracy<sup>84</sup>, and others such as Nyamnjoh and Fayemi argue that liberal democracy must be modified or “domesticated” in order to suit African culture and traditions.<sup>85</sup> Available literature seems to contradict this view. For example, according to Mangcu, Botswana is the archetype of a strong and vibrant democracy with a synthesis of both modern liberal democratic values and traditional African values. The modern democratic values upon which it is based include free and fair multi-party elections, freedom of speech, freedom of press, and freedom of individual while the traditional African values are based on the Batswana language and culture.<sup>86</sup> In Mangcu’s view, liberal democracy has succeeded in Botswana more than in any other African country since its independence on 1st March 1965.<sup>87</sup> Botswana has held regular, free and fair election since 1966.<sup>88</sup> While the international community has been concerned about the outcomes of elections of many other African states, Botswana

<sup>78</sup> Austin G, “Markets, democracy and African economic growth” (2000) at 543.

<sup>79</sup> Asad in Ahluwalia (n 2 above) at 52.

<sup>80</sup> Ahluwalia (n 2 above) at XVIII; Mafeje (n 42 above) 9; Pausewang *et al* (n 4 above) at 1; Mangcu (n 38 above) at 6.

<sup>81</sup> Roux (2002) 17

<sup>82</sup> Pausewang *et al* (n 4 above) at XV-1.

<sup>83</sup> Ahluwalia (n 2 above) at 77.

<sup>84</sup> Iwuchukwu O, “Democracy and Regional Ontologies” (1998) at 90; Chemhuru (n 75 above) at 185.

<sup>85</sup> Fayemi A, “Towards an African Theory of Democracy: Thought and Practice” (2009) *1(1) A Journal of the Philosophical Association of Kenya* 101; Nyamnjoh (n 75 above) at 1.

<sup>86</sup> Mangcu (n 38 above) at 6; McCullum H “Ruling party sweeps in to victory in Botswana” (1999).

<sup>87</sup> *Ibid*.

<sup>88</sup> Tlakula P, “Promoting free and fair elections” (2011) at 2.

remains the exception.<sup>89</sup> The international community is committed to attempts to influence circumstances in countries where there has been an absence of power sharing before and since independence, or where there have been autocratic or despotic rulers, or where a country has gone through turbulent periods in its history perhaps accompanied by human rights violations. None of these has been applicable to Botswana.<sup>90</sup>

Perhaps the other (if not only) African country in which liberal democracy can be said to be fully established is South Africa. It is important to mention that, while the white minority government in South Africa before 1994 discriminated against the black (i.e. generally all non-white but specifically “Bantus”) majority,<sup>91</sup> it was in theory based on a form of multiparty system. That is, there were other parties besides the National Party (NP) such as the United Party, the Progressive Party (later became the Democratic Party) and others competing for power during the apartheid period (1948-1994).

Thus the Republic of South Africa can currently be said to be a democratic state founded on the democratic values of human rights and freedom since 1994. In terms of their Constitution, South African citizens are guaranteed universal adult suffrage, regular, free and fair elections, and a multi-party system of democratic government.<sup>92</sup> The fact that the South African government subscribes to accountable, responsible and open democracy, and to the political rights of its citizens which include the right to form or campaign for a political party of choice and to stand for election, is best demonstrated by the fact that there are more than 117 registered (estimate 2009) political parties from which South African voters can choose as alternatives to the ruling party.<sup>93</sup> The South African Constitutional Court order extended the right to vote to prisoners, making South Africa one of the few countries in the world where even criminals have the right to exercise their democratic rights.<sup>94</sup>

Finally, Ghana is one of the western African countries that, in spite of having suffered decades of military rule, has made remarkable progress towards democracy in the past two decades. Ghana obtained independence in 1957.<sup>95</sup> Unfortunately, President Nkrumah Nkrumah, one of the post-independent presidents who despised liberal democracy and its values as being foreign to the African traditions of no opposition parties, no individual rights etc., became its first president (1957-1966).<sup>96</sup> Nkrumah’s intense hatred for multiparty democracy led to his not only establishing a one-party state but also to going ahead in the vesting and consolidation of all the three powers of government in him. According to Elliot, Dr Nkrumah had the power not only to appoint but also to dismiss all High Court Judges at his discretion.<sup>97</sup> Nkrumah’s hatred for democratic rule created a model for successive military dictatorships that finally overthrew him on 24 February 1966.<sup>98</sup> Military dictatorship rule remained the hallmark

<sup>89</sup> Otlhogile B, “Botswana remains unique in Sub-Saharan Africa” (1994) at 294.

<sup>90</sup> Freedom House Report (2010) at 1.

<sup>91</sup> Posel D, “What’s in a name?” (2001) at 53.

<sup>92</sup> Constitution of the Republic of South Africa, section 1(d).

<sup>93</sup> Booysen S, “The Political environment of elections” (2009); Tlakula P, “Election updates” (2009).

<sup>94</sup> *Minister of Home Affairs v National Institute for Crime Prevention and the Re-Integration of Offenders (NICRO) and Others* (CCT 03/04) (2004) 42.

<sup>95</sup> Beckman B, *Organising the farmers: cocoa politics and national development in Ghana* (1976) at 1.

<sup>96</sup> *Ibid.*

<sup>97</sup> Ghanadistricts (2006) at 2-3.

<sup>98</sup> Elliot (n 2 above) at 191.

of the Ghanaian regimes until early 2001 when the last military rule of Lieutenant Jerry Rawlings was defeated by John Kufuor.<sup>99</sup>

Ghana is now a vibrant multiparty democracy bustling with more than a dozen political parties. In December 2004, eight political parties contested parliamentary elections and four parties, including the New Patriotic Party (NPP) and National Democratic Party (NDC), contested presidential elections.<sup>100</sup> Ghanaian democracy was again consolidated by the departure of President Kufuor after his two-terms in government (2001-2008). Ghana is now widely considered Africa's rising star in terms of multi-party democratic rule because of power changing hands democratically and peacefully after presidents have served their two terms. For example, in the 2008 national elections power shifted from the NPP to the opposition party, the NDP.

### 9.2.2 *Intimidation of opposition parties*

According to Sache, Botswana has remained unique in Sub-Saharan Africa due to the fact that when many countries such as Tanzania and Zambia abolished the Westminster model of democracy, opting for a one-party regime(s), Botswana retained its multiparty democratic system after independence in 1965 and has continued to do so.<sup>101</sup> Three political parties, namely the ruling Botswana Democratic Party (BDP), Botswana National Front (BNF) and the Botswana Congress Party (BCP)/Botswana Alliance Movement pact are represented in the current Botswana parliament.<sup>102</sup> Botswana has held general elections (both parliamentary and local councils' elections) every 5 years as section 91(3) of Botswana constitution requires,<sup>103</sup> and the country has never had political prisoners like many other African countries.<sup>104</sup> While, as has been mentioned, the International Community has been concerned about the outcome of many other African elections it has not been concerned about Botswana.<sup>105</sup> There is also agreement that Botswana's human rights record has remained relatively clean.<sup>106</sup>

In South Africa although nobody has been jailed by the ruling party (ANC) for being a member of the opposition party since the first democratic elections in 1994, tensions between the African National Congress (ANC) and the Inkatha Freedom Party (IFP) in Kwazulu Natal in the 2004 and 2009 elections and in the Eastern Cape as well as in the Free State between the ANC and the Congress of the People (COPE), often taint South African elections.<sup>107</sup> Despite these isolated shortcomings, many international observers, such as the Southern African Development Community (SADC), Commonwealth and the African Union (AU) agree that elections in South Africa are generally free and fair.<sup>108</sup>

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<sup>99</sup> Centre for Democratic Development in Ghana (2009) at 1.

<sup>100</sup> US Department of State (2011) at 1.

<sup>101</sup> Sache I, "Political life in Botswana" (2003) 1.

<sup>102</sup> USA Department of State "Background Note: Botswana" (2011) at 1-2.

<sup>103</sup> Constitution of Botswana (sec 91).

<sup>104</sup> McCall-Smith S, "Botswana: The best of Africa" (2003) at 1.

<sup>105</sup> Otlhogile (n 85 above) 294.

<sup>106</sup> Freedom House Report (2010) 1.

<sup>107</sup> Leonard TM, "Encyclopaedia of the World" (2006) at 1463; Booyesen (n 93 above) at 13-14; Kleinschmidt M, "Is 'Free and fair' a thing of the past?" (2009) at 18.

<sup>108</sup> Tsie B & Salim SA, "Observers declare elections free and fair" (2009) at 1.

However, according to Brunts, the continued success of countries such as Ghana, Botswana and South Africa's liberal democracy stands in sharp contrast to the string of incidents of electoral violence and flawed elections in other pretend African democracies<sup>109</sup> such as Rwanda, Uganda, Zimbabwe, the Republic of the Congo and others which are not discussed in this paper.

### 9.3 African *Pretend democracies* and democratic principles

According to Breytenbach, the fundamental and particular feature of "pretend democracies" is the exclusion of the citizens from meaningful participation in government besides the freedom of opposition parties to contest the ruling party in debate or elections.<sup>110</sup> Pretend democracies as applied to some democratic African states, refer to those systems of democratic government which, although having adopted formally written constitutions in which those democratic ideals such as respect for human rights, freedom of the individual and of the media and other taken-for-granted democratic rights, do not enshrine or implement these values. According to Ahluwalia, such Western European driven processes have often resulted in a game of "intra-elite power circulation" in which the ruling party is consolidated in the form of a one-party state or the power is passed from one elite group to the other.<sup>111</sup> Except for the monarchic regimes, where power is inherited, as discussed above, and for a few countries which can be said to be fully democratic (as discussed above) the rest of the African states – roughly 49 out of 54 independent African states - fall into the *pretend democracy* category. For the purpose of this research, Rwanda is one of the prototypes of a pretend African democracy. Following are just some of the strategies that leaders of pretend democracies have used and use to remain in power.

#### 9.3.1 *Intimidation of opposition parties in pretend democracy: Rwanda*

The most recent *pretend democrat* of the 21<sup>st</sup> century is Major General Paul Kagame, the president of Rwanda since 2000.<sup>112</sup> Since the nineties Rwanda has made headlines because of war between the Rwandan Patriotic Front (RPF, dominated by Tutsis) and the former *Mouvement Révolutionnaire National pour le Développement* (National Revolutionary Movement for Development - MRND, dominated by Hutus) beginning on 1 October 1990 and culminating in the Rwanda genocide in 1994<sup>113</sup> and the subsequent massacre of many Hutu refugees and Congolese citizens in the Eastern part of the Democratic Republic of the Congo in subsequent years.<sup>114</sup> The motive for the RPF's bloody war against the Rwandan government between 1990 and 1994 was supposedly to bring freedom and democracy to Rwanda<sup>115</sup>. The preamble to the Rwandan constitution states that "We the people of Rwanda...determined to fight dictatorship by putting in place democratic institutions and leaders freely elected by ourselves"<sup>116</sup>. Article 52 of the same constitution states that "[a] multi-party system of government is

<sup>109</sup> Brunts L, "Ghana: Africa's Rising star" (2008) at 1.

<sup>110</sup> Breytenbach WJ, "Ruler, labels and Mercantilists" (2002) at 2-5.

<sup>111</sup> Ahluwalia (n 2 above) 77.

<sup>112</sup> Rwema IT, "Behind the Presidential curtains" (2012) at 1.

<sup>113</sup> Kintu (n 45 above) 2; Prunier G, "Africa's World War" (2009) 1.

<sup>114</sup> UN Report "République Démocratique du Congo, 1993-2003" (2010) 1-563.

<sup>115</sup> The Permanent Consultative Council of Opposition Parties in Rwanda (2010) at 1.

<sup>116</sup> The constitution of the republic of Rwanda (2003) Article 1.

recognized”, while article 53 states that “Rwandans are free to join political organizations of their choice or not to join them”.

However, in spite of these democratic principles as laid down in the Rwandan constitution, according to the Rally for the Democracy in Rwanda (RDR), a political party made up mainly by Rwandans living in exile “no other political party- except the RPF is allowed to campaign, to designate or back candidates in elections, neither to issue membership cards nor to hold public meetings or rallies in Rwanda”.<sup>117</sup> Only persons supportive of the RPF government are allowed to be candidates.<sup>118</sup> Like any other regime in which the rulers are members of the armed force, the Rwandan ruling elites are prone to use directly and uninhibitedly what they know best: naked force<sup>119</sup> against their people, in particular against the leaders and members of opposition parties. For example, Faustin Twagiramungu, the main opposition candidate in the 2003 presidential election “opted to run as an independent candidate after the government banned his party, the Movement Democratic Republican (MDR), and had many of its members imprisoned”.<sup>120</sup> At the time Twagiramungu, the first Prime Minister of the RPF government (1994-2002), had just left the RPF to form his own party after falling out of favour with Paul Kagame.

In addition to this anti-democratic strategy, according to Grant, just before the 9 August 2010 elections, two opposition parties, the FDU- Inkingi and the Democratic Greens, were prevented from registering. About four months later Andre Kagwa Rwisereka, the vice-president of the Democratic Greens, was beheaded by the Rwandan secret services in 2010.<sup>121</sup> Not only have the political rallies of opposition parties which are not under the umbrella of the RPF been broken up violently by the police, but the Hutu opposition candidates have been targeted for arrest charged with “divisionism” or “genocide ideology”.<sup>122</sup> Former president Pasteur Bizimungu, the president of the Party for Democracy and Renewal-Ubuyanja (PDR-Ubuyanja), was arrested in 2002 and sentenced to 15 years’ imprisonment for divisionism. The “crime” was committed in the course of a magazine interview in which Bizimungu predicted Hutu violence and civil war unless the RPF started sharing power in a concrete and genuinely democratic way.<sup>123</sup> Other targets for incarceration or execution include Victoire Ingabire the president of the party - FDU Inkingi, who has been in jail since 2010 for “the Orwellian crime of genocide ideology”.<sup>124</sup> Another victim is Bernard Ntaganda, president of the party PS Imberakuri who remains in jail for criticising the RPF government’s lack of human rights and democratic rule in Rwanda.<sup>125</sup> An analysis of the various RPF anti-democratic strategies shows that no real and official opposition party was running against President Kagame in both the 2003 and 2010 elections. For example, according to Cowell, an official announcement from the Rwandan National Election Commission

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<sup>117</sup> RDR “RDR condemns non-free and unfair local elections in Rwanda” (2002) at 1.

<sup>118</sup> Ibid.

<sup>119</sup> Mafeje (n 42 above) 3.

<sup>120</sup> Patten C, “Report for the European Union parliament’s commission on the 2003 election in Rwanda” (2004) at 1-3; Herman ES & Peterson D, “Peter Erlinder Jailed by One of the Major Genocidaires of Our Era” (2010) 1-3.

<sup>121</sup> Grant R, “Paul Kagame: Rwanda’s redeemer or ruthless dictator?” (2009) 2-3.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> Shaba EB, “Suede: Umuyobozi w’Ishyaka Democratic Green Party” (2011) 1-3.

on 8 July 2010 confirmed that the four candidates registered for the presidential election and on the ballot paper were Paul Kagame (RPF), Jean Damascene Ntawukuriryayo (Social Democratic Party: SDP), Prosper Higiyo (Liberal Party: LP) and Alivera Mukabaramba (Concord Progressive Party: CPP).<sup>126</sup>

However, both the SDP and the LP had previously been in an electoral alliance with the RPF during the 2003 Presidential election. The CPP is currently part of the governing coalition with the RPF in parliament which controls 80% of the seats in the Chamber of Deputies.<sup>127</sup> It is the refusal to register opposition parties and the harassment, killing and imprisonment of those who might challenge Kagame's re-election which explains why Kagame got 95.5% of the votes in 2003 and 93.08% of the votes in 2010.<sup>128</sup>

## 10 CONCLUSION

The aim of this research was to find out whether one can identify a separate African democracy or any kind of democracy at all on the continent. This research has found that neither during the pre-colonial era nor the colonial era, could most African states be generally described as democratic according to the Liberal democracy model. It also found that, while there are a small number of *fully democratic* states in the post-colonial era, most African states claiming to be democratic are in fact *pretend democracies*. The arguments above show that what is currently understood by democracy and its values is based on the liberal democracy model which originated from the Western Europe, not from Africa, and that Western European countries and their financial institutions are the ones who at some point in the 1980s introduced liberal democracy and its values to Africa. Since the ideas and values of liberal democracy originated from Western countries, and the values and practices of African monarchies and kingdoms in the pre-colonial era and African states during the colonial period as well as the post-colonial period were generally undemocratic in terms of their systems of government.

Therefore, we maintain our hypothesis that there could not be a separate African democracy, or a democracy of a special kind, based on African traditions. There cannot be true liberal democracy without fully functioning opposition parties. The fact that the liberal democratic system has succeeded in a few African countries such as Botswana, South Africa and Ghana, which has had its share of military rule and dictatorship, contradicts the myth perpetrated by some African leaders since the early 1960s that western liberal democracy is not compatible with African traditions.

The main recommendation arising from this paper would be that African people should stand up and fight for their democratic rights. "Democracy is a just system of government rightly prized and defended".<sup>129</sup> It is the view of the researcher that African people should say *no* and take action against the continued abuse and exploitation by dictators who pretend to be democratic while violating all the values and principles of a true liberal democratic system. Given that in many African states and in a monarchy such as Swaziland, any protest or activism is ruthlessly crushed, they should use whatever means they can, such as the social media and the press outside their borders.

<sup>126</sup> Cowell F, "Post-Election Reflection: Rwanda's August 2010 Presidential Election" (2010) 1-3.

<sup>127</sup> Ibid.

<sup>128</sup> RDR (2002) at 1; The New York Times "Paul Kagame" (2011) at 1-4; Kron "Grenade Strikes Rwanda's Capital" (2010) at 1.

<sup>129</sup> Ofosu-Appiah B, "Ghana, Democracy and the survival of the nation" (2003) at 3.

It is the responsibility of African academics and pro-democratic citizens to become activists in terms of educating and encouraging African people to challenge and to denounce African leaders who prevent the citizens of their countries from enjoying the human rights and sharing in the material economic benefits that come with a true liberal democracy.

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