Chapter 5
Lawfare and accountability:
The effects on democratic legitimacy in post-colonial Anglophone Africa

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Introduction

The principles stipulated in the law, and the degree to which they ensure accountability, affects the legitimacy of any democracy – particularly in the ten 'post'-colonial[1] countries in Anglophone Africa. Each of these former British colonies have a common history but each has forged a different political path with some becoming stable democracies, others weaker versions, and others adopting more authoritarian styles. The political dynamics of each greatly influences the manner in which their laws promote accountability and shape democratic legitimacy. This chapter will grapple with these complex issues by looking at each of these countries to examine how their Constitutions, leaders, and citizens deal with lawfare and accountability.

To understand the relationship between law and accountability it is first necessary to understand what democratic legitimacy entails and what role the core democratic values that underpin it, play. It is also important to understand how accountability is affected by the notion of Rational Political Alienation (RPA) and its connection to economic inequality. This is becoming increasingly applicable as countries continue to see apathy and disillusionment towards democracy growing among their citizenries. The result of this is that 'despite the growth in the global voter population and the number of countries that hold elections, the global average voter turnout has decreased

1 The word 'post' has been placed in inverted commas because as a decolonial scholar I contest the notion of the post-colony. In many countries colonialism has not ended but simply transformed into neocolonialism. However, for the purposes of this chapter, the term post-colonial will be used to refer to a period after the end of formal colonialism in each country and not to refer to the state of affairs in each country with relation to colonialism and neocolonialism.

significantly since the early 1990s' (Solijonov 2019: 24). Using ten case studies, this chapter will explore whether increased accountability can address RPA and strengthen democratic legitimacy. Only once these issues have been explored can there be a discussion of how democratic legitimacy is affected by accountability and the law. In doing so, it will be necessary to address the differing concepts of democracy and accountability that exist in the various countries.

Understanding democratic values and democratic legitimacy

Democratic values

Although many key values underpin democracy there is no clear agreement among democracy scholars on what exact values are necessary and sufficient for democracy. For this reason, this chapter will focus on a few of the more widely accepted democratic values which inform many contemporary democracies. These values often remain relevant despite political outcomes. They include ensuring equal legal status; freedom of speech[2]; freedom of association; freedom of opposition[3]; and the existence of institutions enabling peaceful and orderly succession of governments[4] (Hyland 1995: 92). These five democratic values will be my reference points for democratic legitimacy.

2 This is often used interchangeably with freedom of expression in the various constitutions.

3 For the purposes of this chapter, this value relates to the right to form political parties.

4 For the purposes of the table below, this value relates to the constitution having a provision creating an independent Electoral Monitoring Body (EMB).

To start the process, the table below shows whether these values are present in each country's constitutions [5]:

Country	Values and Section of Constitution	Explicit Reference to Democratic values
Botswana	Equal legal status – 15 Freedom of speech – 12 Freedom of association – 13 Freedom of opposition – 13 Institutions enabling peaceful and orderly succession of governments – 65A	Not explicitly stated, but reference is made to a democratic society in sections 8, 9, 11, 12, 13, 14, and 15.
Ghana	Equal legal status – 17 (1) Freedom of speech – 21 (1a) Freedom of association – 21 (1e) Freedom of opposition – 21 (3) Institutions enabling peaceful and orderly succession of governments – 43	Not explicitly stated but democracy is mentioned in 33 (5), 35 (6d), and 36 (2e).
Kenya	Equal legal status – 27 (1) Freedom of speech – 33 Freedom of association – 36 Freedom of opposition – 38 (1) Institutions enabling peaceful and orderly succession of governments – 88	Referenced in section 10 – "National values and principles of governance- 2. The national values and principles of governance include a. patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people."
Malawi	Equal legal status – 41 (1) Freedom of speech – 35 Freedom of association – 32 Freedom of opposition – 40 Institutions enabling peaceful and orderly succession of governments – 75	Referenced in the preamble- "creating a constitutional order in the Republic of Malawi based on the need for an open, democratic and accountable government."
Nigeria	Equal legal status – 17 (2a) Freedom of speech – 39 Freedom of association – 40 Freedom of opposition – Chapter 6, Part 3D Institutions enabling peaceful and orderly succession of governments – Schedule 3, Part 1F	Referenced in section 14- "(1) The Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice."

5 These constitutions have not been referenced individually but appear in the list of references.

Country	Values and Section of Constitution	Explicit Reference to Democratic values
South Africa	Equal legal status – 9(1) Freedom of speech – 16 Freedom of association – 18 Freedom of opposition – 19 Institutions enabling peaceful and orderly succession of governments – 190	Referenced in section 1 (d) "Universal adult suffrage, a national common voters roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness."
Tanzania	Equal legal status – 13 Freedom of speech – 18 Freedom of association – 20 Freedom of opposition – 21 Institutions enabling peaceful and orderly succession of governments – 74	Referenced in the preamble- "... ensuring that Tanzania is governed by a Government that adheres to the principles of democracy..."
Uganda	Equal legal status – 21(1) Freedom of speech – 29 (1a) Freedom of association – 29 (1e) Freedom of opposition – 71 Institutions enabling peaceful and orderly succession of governments – 61	Referenced in Section II. "Democratic principles. (i) The State shall be based on democratic principles, which empower and encourage the active participation of all citizens at all levels in their own governance."
Zambia	Equal legal status – 18 (but not explicitly stated), Freedom of speech – 20 Freedom of association – 21 Freedom of opposition – 60 Institutions enabling peaceful and orderly succession of governments – 229	Referenced in Article 8- "National values and principles: The national values and principles are — c. democracy and constitutionalism."
Zimbabwe	Equal legal status – 56 (1) Freedom of speech – 61 Freedom of association – 58 Freedom of opposition – 67 Institutions enabling peaceful and orderly succession of governments – 238	Referenced in the preamble- "Recognising the need to entrench democracy, good, transparent and accountable governance and the rule of law."

It is evident that each of the target countries' constitutions make reference to the five democratic values. Moreover, each constitution mentions the notion of democracy in relation to the country and its values. This shows that on paper these democratic values are entrenched in each country's constitution. However, this does not guarantee that these values are promoted by the government or accepted in society. Later in the chapter this will be further explored by looking at how these values relate to accountability.

What is democratic legitimacy?

With this outline of the core democratic values that are relevant to democratic legitimacy, it is now possible to further explore the notion of democratic legitimacy. 'Legitimation implies the basic organisation of the political regime, namely who has justified access to power; who is justified to select the government; and how and under what conditions and limitations rule is legitimately exercised' (Kailitz 2013: 41). Legitimacy, therefore, depends on those in power and how citizens feel about power structures. It is about citizens buying into the political state and supporting their leaders. This can be seen by how, 'legitimation seeks to guarantee active consent, compliance with the rules, passive obedience, or mere toleration within the population' (Gerschewski 2013: 18). The consent and compliance which takes place must not be under duress or through coercion as this would compromise the core democratic values of a society.

When looking at the concept of legitimacy through a more critical lens it must be stated that, 'it is not by virtue of a definitional identification of legitimacy with the scrupulous observance of procedural rules, but rather through our real-life experiences of how different systems connect with values, that we may endorse democracy' (Sadurski 2008: 23). This shows that democratic legitimacy is about more than simply complying with a system. Instead, it goes deeper and draws on the need to encourage a system that aligns with the values of its people so that they, in turn, will see it as legitimate.

There is a strong connection between the democratic legitimacy and the core democratic values discussed above. They are interlinked and must complement each other for there to be democratic legitimacy. Equal legal status relates directly to legitimacy in exercising the rule of law and governance in a way which will ensure that all are held accountable by the law –– which in turn gives a democracy legitimacy. Freedom of speech is linked to legitimacy as citizens need to be able to freely express their views on politics and can use this expression to reject illegitimate leaders and institutions or support legitimate leaders and institutions. This is also the case with freedom of association as part of life in a legitimately governed society. If one can associate with whomever

they want, whether it be in support of the government or merely in toleration of it, then they are well positioned to buy into the system and give the government legitimacy.

Freedom of opposition is particularly applicable for legitimacy. If a government does not allow any form of opposition, it cannot be seen as legitimate or democratic. Finally, the existence of institutions enabling peaceful and orderly succession of governments is all encompassing and allows for the entrenchment of legitimate governments and political leaders. If the citizens are assured that there will be peaceful and orderly succession, through an independent Electoral Management Body (EMB), then they are free to express their opinions, opposition, associate as they please, and buy into the government of the day.

Another way of understanding democratic legitimacy is through noting that, 'We also paint a picture of democratic legitimacy in which losers are the crucial players in the democratic game. Only when losers overcome their negative experiences and consent to being governed by those they disagree with, does democracy endure and flourish' (Anderson et al. 2005: 13). Even those who do not feel that their values fully align must be satisfied with the system and consent to it for a democracy to be legitimate. This ensures that it is not only important for a political system to align with the values of the people it serves, but in doing so it must not only align with the majority of the people, which can lead to a tyranny of the majority.

Rational Political Alienation (RPA) as a threat to democratic legitimacy

While democratic legitimacy ensures stability, it must also stave off other threats. One of these threats is rational political alienation (RPA), which can arise from economic and political inequality. A deeper look at RPA reveals that political alienation has various meanings but as Schwartz explains, this 'may be referred to as "estrangement"—a perception that one does not identify oneself with the political system' (Schwartz 2007: 7). Political alienation exists when an individual or group of people feel that they can no longer identify with a political system. Political alienation can be divided into two categories. The first is political incapability which is where, 'alienation is forced upon the individual by his environment', and the second category is discontent where the individual chooses to alienate themself from the political system (Olsen 1969: 288).

This description of political alienation allows us to look at the notion of RPA to uncover the key role that economic inequality plays in an individual's disaffection with the political system. The first form of political alienation - political incapability - is when alienation is external or when,

'alienation is defined as inefficacy, then certainly the poor . . . have a "diminished differential access to the achievement of life goals, and they are likely to realize this and therefore to feel inefficacious"' (Schwartz 2007: 9). This shows a link between economic inequality and political alienation in that poor people often feel undesired by the political system and are thus prone to external alienation in the form of political incapability, which has arisen from their economic inequality.

In the second category, discontentment, the alienation is chosen by the individual. It is evident that this is also due to economic inequality because 'when disparate economic power enables disparate political power, the situation is not only at odds with democracy; it is also resented' (Dixon and Suk 2018: 374). This means that economic disparity leads to resentment of the political system which, in turn, leads to political alienation as discontentment.

To mitigate the effects of rational political alienation, liberal-democratic constitutional orders need to be re-aligned to appreciate the dynamics of rising economic inequality – especially in the Anglophone countries chosen for this study (Dixon and Suk 2018: 374). Furthermore, RPA influences a variety of political behaviours that include an increased participation in radical political movements, revolutionary tendencies, calls for reform, protest voting, and nonvoting (Schwartz 2007: 14). This means that RPA can be a threat to the system's accountability and, therefore, the country's democratic legitimacy. One of the ways that this threat can play out is in low voter turnout.

Voter turnout in the ten case study countries in their most recent national parliamentary election is as follows: Botswana - 84.75 per cent (2014); Ghana - 80.01 per cent (2012); Kenya - 85.91 per cent (2013); Malawi - 70.07 per cent (2014); Nigeria - 43.65 per cent (2015); South Africa - 73.48 per cent (2014); Tanzania - 62.68 per cent (2015); Uganda - 59.29 per cent (2011); Zambia - 53.65 per cent (2011); and Zimbabwe - 40.81 per cent (2008) (Solijonov 2019: 47-48). While some of the countries such as Botswana, Ghana, Kenya, Malawi, and South Africa have fairly high voter turnout, the others do not. Furthermore, there is a global trend of decreasing voter turnout which is possibly attributable to RPA.

It is evident that RPA can be a serious threat to democratic legitimacy because of its relationship with economic inequality and the two forms of political alienation. Consequently, it is pertinent to turn the discussion to that of accountability and how it affects RPA and democratic legitimacy in each of the ten countries.

Defining and understanding accountability

Accountability is particularly important in democratic societies to maintain democratic legitimacy and ensure stability. Part of this is having the power to hold political leaders accountable for their actions or inactions.

'An accountability relationship is one in which an individual, group or other entity makes demands on an agent to report on his or her activities, and has the ability to impose costs on the agent. We can speak of an authorised or institutionalised accountability relationship when the requirement to report, and the right to sanction, are mutually understood and accepted' (Keohane 2002: 12).

An accountability relationship is a vital part of any democracy as it entrenches rule of law and allows for the promotion and protection of democratic values. And for accountability to exist in a democracy and to give a government legitimacy, there needs to be specific institutions that impose continuous accountability on political leaders (Hyland 1995: 152). This chapter specifically explores institutions such as courts and legislatures that have the power to hold political leaders accountable in accordance with laws and constitutions.

Accountability can be problematic when referring to systems where politicians influence their supporters by providing them with material goods instead of delivering on political obligations. '[D]emocratic accountability in such a system does not result primarily from politicians' success in delivering collective goods such as economic growth, jobs, monetary stability, or national health care, nor does it rest on improving overall distributive outcomes along the lines favoured by broad categories of citizens' (Kitschelt and Wilkinson 2007: 2). There are, clearly, different factors at play in a polity where providing specific benefits outweighs the general need to deliver collective goods. Where this is the case, accountability becomes a grey area. This means that in systems run in this manner, there can often be a lack of accountability or a weaker form of accountability.

Each of the countries' constitutions refers to accountability in various ways. There is no mention of accountability in the Constitution of Botswana. The Constitution of Ghana mentions accountability in its preamble. The Kenyan Constitution notes accountability in section 10 (2c) among the national values. In its preamble of the Constitution of the Republic of Malawi it notes that the Republic is based on accountable government, amongst other things. The Nigerian Constitution does not speak of accountability in terms of governance other than mentioning it in Section 22 with reference to the media holding the government accountable to the people. Section 1 (d) of the

South African Constitution notes that the country is based on, amongst other things, ensuring accountability. The Tanzanian Constitution's preamble states that the principles of the country must be realised in a society where the executive is held accountable by the legislature and the judiciary. The Ugandan Constitution devotes and entire section, section XXVI, on accountability. The Constitution of Zambia refers to accountability more generally in terms of local government officials and councillors; and finally, the Zimbabwean Constitution holds that accountability as one of the founding values and principles that bind the government.[6] However prominent and noble these countries display the value they attach to accountability, as with the discussion of the democratic values above, it is by no means a guarantee that accountability is a reality.

Following the explanation of accountability and how it is referenced in each of the countries' constitutions, it is apt to undertake a specific discussion of three main aspects of accountability that will be used in the further analysis of the case studies. First, accountability deals with a group or individuals who ensure that an agent reports their action and is sanctioned for any irregular or illicit activities. Second, for there to be accountability of government and political leaders within a political system there have to be proper institutions that conduct and manage this process. Third, in certain cases the political system, and thus accountability, is not driven by the delivery of collective goods but rather by specific benefits, and this can be a major challenge to accountability. Given these three aspects it will be possible to determine whether accountability exists in each of the countries by looking at how the laws provide for accountability and how this then links to democratic legitimacy. To do this, accountability will be divided into three categories to determine the degree of accountability in the various countries, viz. vertical, horizontal, and personal accountability (Signe 2018: 2-4).

Vertical accountability

This form of accountability 'allows citizens to choose their leaders through free, fair, transparent, regular, and meaningful elections, which happens when there is an acceptable level of political rights and civil liberties' (Signe 2018: 2). Under this form, it must be noted that the accountability is, 'a matter of degree, since the quality of elections could be higher and certainly more meaningful in some countries than others' (Signe 2018: 2). Vertical accountability links to institutions that enable peaceful and orderly succession of governments such as independent EMBs.

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6 Each of these sections are taken directly from the respective constitutions, cited in the list of references.

Horizontal accountability

This form of accountability occurs when government institutions are charged with monitoring 'abuses by other branches of government, [it is] a system in which government institutions are independent and no agency or branch becomes too powerful compared to the others' (Signe 2018: 2). Accountability in this form is often required when a leader has failed to account for certain actions or must be sanctioned for irregular or illicit. The most effective way to enforce this brand of accountability is by deploying laws, institutions, and other appropriate mechanisms. These can be used to hold leaders to account for their actions, or inactions, and to apply sanctions on them where necessary.

It must, however, be noted that, 'horizontal accountability might not always end in leadership change, but it can preserve democracy and the rule of law' (Signe 2018: 2). The manifestation of this form of accountability often arises through laws and rules which provide frameworks and mechanisms of accountability that can be enacted by the institutions in different countries.

Personal accountability

This third form of accountability focuses on the individual responsibility of political leaders. It rests on the idea that there is a positive obligation placed on political leaders to be accountable for their actions. Here it is 'an individual's responsibility and commitment to uphold high standards' (Signe 2018: 3). They must account to those who elected them and whom they serve. This form of accountability stems from the leader themselves who should commit to being accountable. However, where this form is not evident or where it fails, the other two forms of accountability must be employed to hold political leaders accountable.

How each form of accountability manifests itself in each of the provided countries

Vertical accountability in the form of quality elections

As stated above, this form of accountability relates to accountability through legitimate free and fair elections – elections conducted without any major discrepancies, and which have results that are widely accepted by all political stakeholders. Each of the case study countries has a constitutional provision that creates an independent EMB. However, this does little to provide evidence of free and fair elections.

In the broader context of the continent, 'It's often said that Africa features elections without change. But repeatedly holding elections not only creates opportunities for the opposition to compete for power. It also promotes democratic consolidation' (Cheeseman 2018: 2). Promoting regular quality elections will, logically, translate to promoting democracy and, in turn, democratic legitimacy. In line with this, there are a number of examples in African countries where this form of accountability manifests itself quite positively. The first such examples are, 'In 2015, a sitting civilian Nigerian president lost power to another civilian ruler for the first time. In 2016, the same thing happened in Ghana . . . From a few isolated examples in the early 1990s, almost half of the continent has now witnessed a transfer of power' (Cheeseman 2018: 4). Optimistically, this signals a positive shift towards stronger accountability and democratic legitimacy in both Nigeria and Ghana.

Botswana also shows positive signs of vertical accountability. This is particularly notable since 'Botswana has long been considered a leader in democratic practice, ranking among Africa's best performers with regard to good governance, the rule of law, and respect for civil liberties' (Isbell and Seabo 2018: 1). While this may be a good sign for accountability and democratic legitimacy in Botswana, there are also negative signs. This is evident in that, 'while Batswana[7] still strongly endorses democracy and multi-party competition, they are significantly less likely to express satisfaction with the way their democracy is working and feel less free to say what they think' (Isbell and Seabo 2018: 1). This shows that even though there is good vertical accountability in the form of good institutions and electoral apparatus, the value of freedom of speech is not perceived to be a strongly promoted.

However, positive examples of accountability are not always the case throughout the continent. Many African countries have applied democracy superficially. Many have only adopted elections to appear democratic to the international community, and often the quality of these elections is questionable. When looking at other countries it is clear that, 'in more authoritarian contexts such as . . . Uganda . . . and Zimbabwe, the quality of elections remains extremely poor; even when leaders suffer a setback they may be able to bounce back' (Cheeseman 2018: 4). Although Zimbabwe holds regular elections, they are controlled by the government and are not free and fair. This was the case during the 2013 elections:

'In short, the election represented a resounding reassertion of one-party power and defeat for a decade-long attempt to introduce a more inclusive set of rules for the conduct of politics . . . Mugabe's party was so determined to emerge as the winner that it flagrantly manipulated the

7 Batswana is the term used to refer to the Tswana people from Botswana.

procedures and institutions of democratic elections, thus inadvertently calling into question the legitimacy of its own apparently overwhelming victory' (Bratton 2014: 1).

This undermining of democracy leads to the undermining of accountability and threatens democratic legitimacy. Furthermore, the 2018 elections in Zimbabwe had a major impact on the country. 'Election observers noted that the voters' register remained opaque and biased, that the ruling party showered its supporters with public handouts (including food aid), and that soldiers, party militants, and traditional leaders continued to threaten the electorate, especially in rural areas' (Bratton and Masunungure 2018: 1). This shows that Zimbabwe continues to lack vertical accountability as the elections are seemingly compromised and threatens the county's democratic legitimacy. Indeed, in Zimbabwe the level of vertical accountability is quite low, and this then calls into question the state of democratic legitimacy in these two countries.

In addition to this instance of poor accountability in elections, the Perceptions of Electoral Integrity Index (PEI) is an indicator of a country's perceived electoral integrity. According to this index the electoral integrity of the ten case studies are as follows: Botswana - 58; Ghana - 65; Kenya - 41; Malawi - 48; Nigeria - 53; South Africa - 63; Tanzania - 44; Uganda - 37; Zambia - 45; and Zimbabwe - 35 (Norris et al., 2017: 6). Conversely, the PEI rates Ghana and South Africa with very high electoral integrity; Botswana and Nigeria with moderate electoral integrity; and Kenya, Malawi, Tanzania, Uganda, Zambia, and Zimbabwe with a low to very low electoral integrity (Norris at al. 2017: 6). The stronger the electoral integrity, the stronger the vertical accountability and thus the stronger the democratic legitimacy.

From these diverse examples it is evident that at least some of the countries have strong vertical accountability and this is, of course, a good sign for democratic legitimacy. On the other hand, there are also a number of countries that have much weaker vertical accountability, and this has a negative impact on democratic legitimacy.

Horizontal accountability in the form of checks and balances

Horizontal accountability is based on the strength of different institutions within a democracy which act as checks and balances for political leaders and that effectively holds them accountable. South Africa provides a convenient example of this when, 'President Jacob Zuma — plagued by corruption scandals, legal battles and a deteriorating economy — resigned under pressure from colleagues in parliament' (Signe 2018: 2). In this case, pressure came from the legislature to force the president to resign. In other words, the South African parliament acted as the check and balance to hold the

executive accountable through horizontal (or lateral, not tiered) accountability.

It is also evident that this form of accountability does not necessarily result in leadership change; it can also serve to preserve democracy and the rule of law. Kenya, where the 'Supreme Court annulled its August elections, given inconsistencies in the process, and ordered a re-run — a result respected, though unsteadily, by both the incumbent and opposition' (Signe 2018: 2). The courts in this case acted as a check and balance to ensure accountability during the electoral process, and this is a positive sign for democratic legitimacy and horizontal accountability in Kenya.

Further examples of legislatures being able to hold politicians horizontally accountable include the Ugandan legislature's threat to shut down the government because of a dispute over the nature of the proposed health budget (Cheeseman 2018: 3). So too did the legislatures in Nigeria and Zambia reject efforts by their respective sitting presidents to extend their own terms of office beyond that stipulated in their constitutions (Cheeseman 2018: 3). These examples show strong manifestations of horizontal accountability in Uganda, Nigeria, and Zambia and demonstrate efforts from the respective legislatures to ensure the sanctity of each county's democratic legitimacy.

Ghana provides a further example of horizontal accountability where the constitution and laws play a vital role. Here the Constitution emphasises administrative decentralisation to ensure 'government accountability and responsiveness, and lays down the legal regime for its implementation' (Armah-Attoh and Norviewu 2018: 1). This example clearly shows how the law can be used to enforce horizontal accountability within a country.

However, the laws and constitution of a country do not always influence accountability in a good way. Evidence of this is also found in Ghana where:

'The Constitution vests enormous political power in the president by assigning him the responsibility of appointing all mayors (metropolitan and municipal chief executives) and district chief executives — collectively known as MMDCEs . . . In practice, this arrangement has . . . helped make many MMDCEs subservient and accountable to the appointing authority while weakening accountability to the citizens they are supposed to serve' (Armah-Attoh and Norviewu 2018: 1).

So, while the Ghanaian Constitution can be used to ensure accountability, it can also minimise accountability to the people.

Botswana, as was the case with vertical accountability, is also a model for the horizontal form. It is found that 'hand in hand with their support for democracy, Batswana strongly favour government accountability . . . More than seven in ten (73 per cent) "agree" or "agree very strongly"' (Isbell and Seabo 2018: 9). In addition, research in Botswana shows that over three quarters of the population agree that the president must be held accountable by the parliament when it comes to spending

taxpayers' money. They also believe that the president should always adhere to laws and decisions by the courts, even when the president disagrees. (Isbell and Seabo 2018: 9). This is a positive sign for democracy in Botswana as it is clear that horizontal accountability is a priority.

Uganda, on the other hand, is an example of weak horizontal accountability – their institutions that should provide oversight are not very strong. 'Uganda consistently ranks low in terms of the rule of law and judicial integrity . . . While the Constitution calls for judicial independence and a clear separation of powers between the executive, legislature, and judiciary, the president and military are frequently accused of undermining the judiciary and rule of law' (Isbell and Dryding 2018: 1). This issue with the Ugandan Constitution is similar to the Ghanaian example. It is also evident that while the Constitution provides for accountability, in reality it is seldom the case. This is evident from the fact that while, 'Ugandans overwhelmingly believe in the rule of law . . . far fewer trust the courts and the police' (Isbell and Dryding 2018: 1).

Horizontal accountability can manifest itself in various ways, but in essence it is based on there being mechanisms in place for monitoring political power. For many of these countries, the law, their constitutions, or even a proactive legislature prescribes the necessary checks and balances. In reality, though, effective implementation of these measures is lacking in many of these cases.

Personal accountability in the form of individual responsibility

Personal accountability focuses on an individual's responsibility and commitment to uphold high standards. A strong indication of personal accountability in African democracies is the willingness of a leader to respect the constitutional terms of office limits. This means that they must hold themselves to a high standard and not attempt to stay in power indefinitely.

A clear example of this form of accountability was earlier in 2018 when, 'President Ian Khama of Botswana stepped down after a decade in power to respect his country's two-term limit' (Signe 2018: 3). This act demonstrated the president's willingness to prioritise accountability and hold himself to high standards as well as adhere to the spirit of the country's constitution. As with the previous two forms of accountability, this is another example of the high level of accountability in Botswana.

Uganda has a population that supports personal accountability, but its president does not comply. Indeed, 'most Ugandans (82 per cent) say the president must always obey the laws and courts. Only a slim majority (52 per cent) say President Yoweri Museveni "rarely" or "never" ignores them' (Isbell and Dryding 2018: 2). Further evidence of this is where term limits have hampered

accountability in, . . . 'Uganda . . . [which has] . . . fiddled with term limits . . . by abolishing, amending or ignoring them, or by simply not holding elections' (Hendricks 2018: 2). Consequently, Museveni, has been president of the country since 1986 (Felter 2019: 1). This is clearly a negative sign for personal accountability and democratic legitimacy in Uganda.

Term limits safeguard against leaders asserting themselves as dictators, and to ensure accountability. If a country manipulates term limits and do not adhere to them, they are undermining a key mechanism of personal accountability. Zimbabwe is another important example of this. During the 2007 constitutional amendments, 'the Kariba Draft also incorporates the existing constitution's provisions that enable the executive to dominate the other branches of government. It imposes a two-term limit for the presidency but proposes that this should not apply to terms served by the existing president, thus allowing the incumbent Mugabe to serve additional terms' (Dzinesa 2012: 5). Although Mugabe eventually stepped down, it remains to be seen whether his successor, Emmerson Mnangagwa, will respect the term limits set out in the constitution.

From this analysis, it is clear that personal accountability remains as important as the previous two, but it can be much harder to entrench. This is because personal accountability rests almost solely on the leaders themselves. Should a leader act unethically it can be extremely challenging to compel them to hold themselves accountable of their own accord. For this reason, the other two forms of accountability exist to hold such leaders accountable where they are reluctant to do it themselves.

Accountability and how it can mitigate RPA and economic inequality

Having explored accountability in each of the ten countries and following on from the discussion of democratic values above, it is now possible to examine how accountability can mitigate RPA and economic inequality. When addressing this issue, it is vital to note that, 'if economic liberty and property are important factors leading to the emergence of democracy and contributing to the maintenance of democratic accountability, then radical disparities of wealth would be expected to lead to radical disparities of effective political power' (Hyland 1995: 227). This shows that economic inequality is directly linked to political alienation and leads to RPA where democratic accountability is not entrenched.

The effects of wealth and political disparity can also be further explored in the case studies by looking at their economic inequality via their Gini coefficient. The Gini coefficients for the 10 case study nations are: Botswana –53.3 (2015); Ghana – 43.5 (2016); Kenya –40.8 (2015); Malawi – 44.7

(2016); Nigeria – 43 (2009); South Africa – 63 (2014); Tanzania – 40.5 (2017); Uganda – 42.8 (2016); Zambia – 57.1 (2015); and Zimbabwe – 44.3 (2017) (World Bank 2020: 1). These measures indicate the extent to which economic inequality negatively impacts these societies, especially in Botswana, South Africa, and Zambia which have the highest levels of inequality of the ten case studies. The inequality in these countries have the potential to contribute to RPA and threaten democratic legitimacy. In countries with high economic inequality there will be more disparity when it comes to political power. This can exacerbate RPA and lead to fewer citizens buying into the political system, thus weakening democratic legitimacy.

In a bid to strengthen accountability through reducing RPA there has to be a concerted effort to reduce economic inequality. This is made clear by the fact that, 'economic development is the most commonly confirmed predictor of differential modes of democratic accountability. Affluent democracies and parties appealing to affluent citizens in a democracy tend to operate more through programmatic accountability, while parties in poor democracies and parties appealing to the poorest electoral segments tend to practice clientelism' (Kitschelt and Wilkinson 2007: 24). While the specifics of economic development are not within the scope of this chapter, it is notable that the promotion of economic development ties into the promotion of democratic legitimacy. This principle and logic should be applied in all countries including the ten dealt with in this chapter to improve accountability and strengthen democracy.

In an effort to reduce RPA, the different categories of accountability can be applied to its two forms. In terms of political incapability, those who are economically disadvantaged feel externally alienated. Not only are they ill-positioned to be afforded opportunities and attain economic stability or success, but these individuals are also subject to economic exclusion due to a lack of resources and being neglected by the system. This is often a symptom of political leaders and governments ignoring the plight of the poor. Accountability remains crucial to mitigate this form of RPA. If people are able to hold their leaders accountable for neglecting them, they may be able to change the system so that they are no longer economically excluded. Through exercising vertical accountability these citizens can choose leaders who will serve them and address their problems. The onus then falls on leaders to employ personal accountability to be able to account to these individuals.

In terms of discontentment, the second form of RPA, internal alienation, is born out of discontent with the political system which has excluded these individuals from both economic and political power. These individuals have lost faith in the system, no longer buy into the democracy, and therefore do not see the system as legitimate. This will continue to be the case until they are given

a way to regain both political and economic power. To address the discontentment of this portion of the citizenry, political leaders and governments need to be held accountable. This can be done through vertical accountability, however, it may not be as effective as these individuals are already discontent. Therefore, horizontal accountability by institutions within the country may be more effective to ensure that leaders cater to these alienated individuals. Additionally, leaders should hold themselves personally accountable to address these issues.

Therefore, in these ten case studies, if leaders and governments are to properly address RPA and mitigate economic inequality, it is crucial that they are held accountable through free and fair elections, through strong institutions, and through personally holding themselves accountable. While this theoretical analysis remains difficult to execute effectively, this framework can provide a guide for the complex challenges facing these case studies.

Conclusion

These ten case studies show that democratic values are intrinsically linked to democratic legitimacy and accountability. Each of the countries has the five core democratic values written in their constitutions but this does not necessarily reflect in the way that their governments approach or exercise these democratic values. RPA arises in these countries as a threat to democratic legitimacy because of economic inequality. Additionally, accountability ties into the legitimacy of each of these democracies. Even though the majority of case studies' constitutions mention accountability in some form, this does not necessarily reflect the implementation of these principles.

Accountability can manifest in a number of ways including the three forms discussed in this chapter, i.e. vertical, horizontal, and personal accountability. Each of the three manifest themselves either positively or negatively in the countries under study. Regardless, it is clear that while laws and constitutions can provide an ideal framework for the manifestation of accountability, they can also be abused by leaders for personal gain. We must also note that spurious accountability can be blamed for increased economic inequality — a key factor underlying increased levels of RPA and its associated behaviour. In the context of the ten African countries and how democracy is understood, scholars have noted a 'mounting concern . . . about a lack of leadership as well as an increasing trend of hard-won democratic rights being reversed' (Hendricks 2018: 1), of which abandoning or extending presidential term limits is one evident example. And even more worrying for these scholars is the fact that there is 'a re-emergence of authoritarian politics, and political violence' (Hendricks 2018: 1). This is an indication that in many countries, even though democratic

values are entrenched in their constitutions there is, in reality, a disregard of these values and this can have a negative impact on democratic legitimacy.

Finally, a positive result of this study is the case of Botswana. Throughout the analysis Botswana has consistently ranked high on all of the accountability measures. Given this, it could be argued that Botswana deserves its place as Anglophone Africa's model democracy, and that the other countries should look to emulate it.

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