Brittle Democracies?

Comparing Politics in Anglophone Africa

Edited by

Heather A Thuynsma

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This book compares the progress ten select countries, all former colonies of Britain, have made towards the practice of democracy. The authors assess a range of indicators including the quality of elections, the impact of voter turnout, the importance of term limits, civil society's various responsibilities, the presence of media freedoms, the impact of youth participation, accountability and the rising role of social media. These findings help illustrate the various periods within each country's democracy from the immediate post-colonial experience, to the emergence of one-party states, to the surge of multi-party elections that are being influenced by key political figures and technology.

   This book will be of great interest to a broad readership including students of politics, international relations and history at tertiary educational institutions as well as the wider readership that is keen to understand what has shaped the post-colonial political experience of some key Anglophone African countries.

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Foreword

Current African states exist thanks to the colonial partitioning that took place at the turn of the twentieth century. Then the colonial powers were grappling with notions of democratic governance and this seems to be a struggle that continues to plague their now former colonies. The subsequent campaigns for liberation across Africa sought to build on the continent's pre-colonial democratic foundations, but liberal democracy in the western sense has remained elusive.

This book studies *how* this unfolded.

African political economies are in the main influenced by those of their former colonial powers. Indeed, after independence most African countries adopted a democratic model similar to that of their former colonial ruler. This was unfortunate and seemed to reinforce the perception that the new political order simply replicated the mandate of its predecessor. Of course, the former colonial powers had a keen interest in maintaining strong ties given the heat of the Cold War, but it might have been better if these countries had adopted a democratic system that more accurately reflected their societies' reality.

Studying the common colonial heritage of former British colonies, and its footprint on their political application, offers an interesting comparative opportunity.

This book uses various indices to measure the progress that ten specific countries have made towards the practice of democracy. These assess indicators such as the: quality of elections, voter turnout, term limits, role/s of civil society, presence of media freedoms, type of electoral system, impact of youth participation, accountability and the rising role of social media. It is indeed fascinating to note that Anglophone countries have undergone phases or waves of democratisation – from the immediate post-colonial experience to a trend of one-party states induced by the Cold War to the surge of multi-party elections that now seems to be influenced by technology.

While this book details the progress made towards democratisation, it also engages with the disturbing exclusionary nature of democratic practices in these Anglophone countries. A combination of socio-political values, electoral systems and institutional designs have led to the exclusion of women, youth and ethnic minorities in key political decision-making roles – this despite these demographics being in the majority. The authors track various efforts to improve inclusivity suggesting, for example, moving away from the British influenced first-past-the-post electoral system and adopting a type of proportional representation. South Africa, for instance, is an Anglophone country that has used such a system with some success. Proportional representation

might also help these systems overcome 'third termism' and gerontocracy (two other threats to nascent democracies) because it offers more power sharing options to facilitate a peaceful leadership transition.

This book is a much-needed contribution to the assessment of democracy in Anglophone Africa and comes at a time when the established democracies themselves are threatened by nationalistic fervour. While Anglophone Africa may have passed the days of coups, the road to sustainable democratic governance still lies in the distance. And, until these countries truly incorporate the younger members of their societies as well as their women and ethnic minorities, their democratic institutions will struggle to find their feet. The role of civil society, the media and international community cannot be overstated.

But, most importantly, citizens need to continue working towards an authentically African form of democracy, which is deeply entrenched in society and able to effectively counter authoritarian tendencies in a peaceful and productive manner. It is our hope that this book will nudge the process along.

Henning Suhr
Resident Representative: South Africa

Preface

Academics and policy makers acknowledge that elections on their own do not secure a country's democracy. There are, in fact, a number of books that have assessed individual case study countries and/or looked at specific aspects of these democracies such as their political history, the electoral system, the machinations of political parties, the veracity of key institutions and the rise of authoritarianism. Many of these studies also feature African case studies in isolation and trace development trajectories using mostly economic data.

The authors contributing to this edited volume, however, take an essentially political approach to the study and compare the democratic principles, presence and performance of ten former British colonies across Sub-Saharan Africa. The book aims to see what trends are present and what challenges this subset of African democracies face. This volume, in other words, looks to examine the *practice of democracy* and does not intend to offer philosophical comment.

Most intentionally, this project also endeavoured to expose and mentor younger scholars through the rigors of academic research and publication. Many will see their work published for the first time. And this mix of seasoned and emerging scholars makes this publication audacious and will hopefully inspire similar projects in the near future.

This is a book that students and scholars of African affairs, politics and law will find useful. Its findings will also be of interest to independent electoral management bodies, political parties, policy researchers of all stripes, civil society groups and local and international funders.

Such an adventurous project would not have been possible without the steadfast support of the Konrad Adenauer Stiftung (KAS) specifically Henning Suhr, Nancy Msibi and Marlize van den Berg. I was also privileged to work with each of the contributing authors and appreciate their enduring patience, especially as we navigated the constraints imposed by the various COVID-19 lockdown measures. My thanks to the book's peer reviewers whose probing questions and insightful comments were invaluable and to my colleagues Prof Vasu Reddy, Prof Maxi Schoeman, Prof Karen Harris, Prof Siona O'Connell, Dr Stephen Symons, Anél Lewis, Rina du Toit, Makone Maja, Martin Swart, Anthony Bizos and Roland Henwood – thank you all for your hard work and encouragement.

Lastly, to Peter and Dawn – your support and dogged determination pushed this book across the finish line!

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Acronyms

ACP	African, Caribbean and Pacific countries
AGA	African Governance Architecture
APC	All Progressive Congress
ANC	African National Congress
ASP	Afro-Shirazi Party
AU	African Union
AYC	African Youth Charter
BCP	Basotho Congress Party
BDP	Botswana Democratic Party
BNF	Botswana National Front
BNP	Basotho National Party
BVR	Biometric voter registration
CCM	Chama Cha Mapinduzi
CHADEMA	Party for Democracy and Progress (Swahili: *Chama cha Demokrasia na Maendeleo*)
CPP	Convention People's Party
CSO	Civil Society Organisations
DFID	Department for International Development
EAC	East African Community
EARC	East African Royal Commission
EC	Electoral Commission
ECOWAS	Economic Community of West African States
EEC	European Economic Community
EFF	Economic Freedom Fighters
EMB	Election Management Body
EPA	Economic Partnership Agreement
EU	European Union
FDI	Foreign direct investment
FIDA	Foundation for International Development Assistance
FPTP	First-Past-The-Post system
GNI	Gross National Income

IEBC	Independent Electoral and Boundaries Commission
IFES	International Foundation for Electoral Systems
IMF	International Monetary Fund
INEC	Independent Electoral Commission
ISS	Institute for Security Studies
KANU	Kenyan African National Union
KY	Kabaka Yekka
LSE	London Stock Exchange
MDC	Movement for Democratic Change
MDC	Alliance Movement for Democratic Change Alliance
MISA	Media Institute of Southern Africa
MMA	Media Monitoring Africa
MMD	Movement for Multi-party Democracy
MMP	Multi-Member Proportional system
MP	Member of Parliament
NA	National Alliance
NARC	National Rainbow Coalition
NDC	National Democratic Congress
NDI	National Democratic Institute
NDP	National Democratic Party
NEC	National Electoral Commission
NGO	Non-Governmental Organisation
NP	National Party
NPP	New Patriotic Party
NRA	National Resistance Army
NYC	National Youth Councils
NYP	National Youth Policies
ODM	Orange Democratic Movement
PDP	People's Democratic Party
PEI	Perceptions of Electoral Integrity Index
PEMMO	Principles for Election Management, Monitoring and Observation
PF	Patriotic Front
PNDC	Provisional National Defence Council

PR	Proportional Representation
QCC	Queen's Commonwealth Canopy
RPA	Rational Political Alienation
SACP	South African Communist Party
SACU	Southern African Customs Union
SADC	South African Development Community
SANYP	South African National Youth Policy
SMD	Single-Member District system
TANU	Tanganyika African National Union
TPA	Tanzania Ports Authority
UDC	Umbrella for Democratic Change
UK	United Kingdom
UN	United Nations
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNICEF	United Nations International Children's Emergency Fund
UNIP	United National Independence Party
UPC	Uganda People's Congress
URP	United Republican Party
USAID	United States Agency for International Development
US	United States of America
VAP	Voting Age Population
V-Dem	Varieties of Democracy dataset
WCR	Women County Representative Seats
WFD	Westminster Foundation for Democracy
WHO	World Health Organisation
ZANU	Zimbabwe African National Union
ZANU-PF	Zimbabwe African National Union–Patriotic Front
ZEC	Zimbabwe Election Commission
ZNYDC	Zambian National Youth Development Council

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Chapter 1
The promise of democracy in Anglophone Africa

Heather A Thuynsma

Peace, prosperity and trust.

D emocracy promises to deliver each, assuaging our fears and fuelling our hopes. After all, who can resist the allure of being in control and determining not only *who* governs but also *how* they govern. But these ideals are more than snappy, and standard, campaign slogans.

Strong democratic systems depend on the same notions they promise to deliver. These promises feed a country's political institutions, structures and leaders to produce a form of stability, encourages a type of economic attractiveness, and subsequently reinforces a level of confidence. If any of these links fail . . . well, then so does our faith in the overall system.

In a report assessing democratic trends across the African continent between 2015 and 2018, Nic Cheeseman (2019) describes the precariousness of this feedback loop. First, the quality of democracies across the continent has suffered given the decline of political and economic governance. Public participation, for instance, has waned as have indicators that measure the rule of law and the capacity of political and social institutions. Although the drop was not massive, it was tangible and has seemingly pushed the continent towards political and economic instability. The link between income per capita and democracy is something Seymour Martin Lipset (1959) first uncovered and, as Burbidge (2019) notes, social capital and economic prosperity certainly affect a country's stability. Considering Cheeseman's findings, the rosier economic outlooks that once pointed to the continent's political progress seem to have dulled. The apparent positivity of the past decade (Tvedten 2014; Radelet 2010; Rotberg 2013; Moghalu 2014; *The Economist* 2011) had prompted the International Monetary Fund's (IMF) 2014 'Africa Rising' conference in Mozambique and spurred trend reports from the World Bank and the African Development Bank Group encouraging investors to support renewed human and physical infrastructure efforts. But money is fickle and when it dwindles, tracking who benefits, especially if it is only a select few, has a way of eroding public confidence.

Second, Cheeseman notes that among the continent's 54 states, fifteen can be classified as defective democracies while more countries — sixteen in total — have moved towards authoritarian rule as governments enforce hard line measures at the expense of human rights and political liberties.

The report further suggests that these trends are pushing opinions towards the political extremes effectively threatening public trust in democratic systems and encouraging more undemocratic controls. Cheeseman bolsters his findings with another study that cites:

> 'About a third of all autocratization episodes started under a democratic dispensation. Almost all of the latter led to the country turning into an autocracy. This should give us great pause about the specter of the current third wave of autocratization. Very few episodes of autocratization starting in democracies have ever been stopped.' (Luhrmann and Lindberg 2019)

Studies that look to understand this predicament across the continent tend to treat "Africa" as one large case study which hides several key trends (Cheeseman 2019). Some attempt has been made to divide the continent into geographic regions to trace the effects of democratic initiatives but even these can obscure possible findings. And while many have blamed colonialism for the continent's experience, few have grouped countries according to their specific colonial power to assess the effect this has had on their political systems' trajectory.

For this very reason this book compares ten countries geographically located across the continent and that share a similar colonial experience — at one time each was colonised by Britain. The purpose is to explore whether their political systems, despite their varying political contexts, share some commonalities. If they do have common ground, do these trends help us better understand the democratic potential within these states. The chosen case studies include Botswana, Ghana, Kenya, Malawi, Nigeria, South Africa, Tanzania, Uganda, Zambia and Zimbabwe. To provide a broad indication of each country's demographic spread, leadership rotation, and representative system, here is a very brief political history.

Political Historical Overview

With the exception of Liberia and Ethiopia, the early twentieth century saw the African continent carved up and placed under the control of various Western European governments (Hunt 2017). These externally imposed boundaries were artificial and largely ignored key cultural, ethnic, linguistic or geographic realities (Graham 2019: 3). To quote Ali Mazrui's (2005: 70) description, 'it took European conceptualization and cartography to turn Africa into a continent' and these early efforts continue to shape the continent's identity and its politics. As a result, African countries developed at a pace dictated by their colonial administrators and in a style that reflected the economic and political needs of these same governors. African soldiers were, for instance, conscripted into the imperial military forces during each of the world wars and through their service discovered other political realities that sparked a greater expectation for self-determination (Ferguson and Adu Boahen 1990: 334). The spark became a call that a small group of European educated African leaders were happy to champion (Gocking 2005).

Perhaps aware of these murmurings and certainly keen to reshape the post-war world, US President Franklin Roosevelt pushed for the autonomy of all colonies during the 1941 Atlantic Conference with British Prime Minister Winston Churchill. With discernible reluctance, Churchill responded to the meeting's *Atlantic Charter* (1941) by introducing a degree of democratic government within Britain's colonies but only at the local level, rejecting universal self-determination (Karski 2014: 330). This move was enough to fuel a generation of African nationalists now tired of being exploited for their labour and their country's natural resources (Ferguson and Adu Boahen 1990). The 1945 Pan-African Congress became a key platform for Western educated leaders such as Jomo Kenyatta (Kenya), Kwame Nkrumah (Gold Coast, now Ghana), Julius Nyerere (Tanganyika, now Tanzania), and Nnamdi Azikiwe (Nigeria) to push for an end to colonial rule (Allman, 2013). In the conference's declaration, Nkrumah (1945) wrote 'We believe in the rights of all peoples to govern themselves. We affirm the right of all colonial peoples to control their own destiny. All colonies must be free from foreign imperialist control, whether political or economic'.

Ghana was the first to be granted self-determination and, keen to avoid another conflict similar to the one France was fighting in Algeria, Prime Minister Harold Macmillan ushered in a decade during which Britain formally withdrew from its colonies. Macmillan (1960) acknowledged 'the wind of change blowing through this continent', and by 1968, all colonies, with the exception of Southern Rhodesia (now Zimbabwe), were granted independence (Hemming 1996; Cooper 2002).

This decolonising initiative coincided with an intensifying Cold War between the US and Soviet Union and their competition to secure precious geopolitical footholds across the world. American diplomats were dispatched with orders to help establish or reform democracies, particularly across the resource rich African continent. Selling the promise that democracy would deliver peace and prosperity – and eventually trust – to nations struggling to manage an expectant people and internal rivalries, the Americans peddled their political system and vast 'development' packages to help them win friends and influence trade flows. To some extent these political and economic resources helped countries develop democratic models that differed from the American standard but the models they adopted also reflected each country's unique context. These diplomats also worked to help countries retool their constitutions and political institutions to ensure the integrity of the political systems and dissuade civil unrest. In essence, these political missionaries did everything in their power to make the idea of democracy seem achievable.

In the Anglophone African case studies compared in this book these models include versions of parliamentary democracies chosen along simple-majoritarian prescripts with a few proportional representation ballots thrown into the mix. And, although some did not start out this way, most now look to encourage multi-party systems instead of the much-debated American two-party arrangement. Nevertheless, the colonial construction of these states has skewed electoral dynamics and these imbalances have certainly favoured one party governance, and sometimes for prolonged periods. Unfortunately the inequities of these representative structures and, in countries with simple-majoritarian systems, the spirit of zero-sum competition has done little to nurture peace and prosperity and have, in fact, intensified partisan distrust (Cheeseman 2019).

Case Studies

Botswana

Between 1885 and 1966 Bechuanaland was a British protectorate. The country changed its name to Botswana upon independence in 1966 when the people elected Seretse Khama as their president. Khama would occupy the presidency for three consecutive five-year terms. A leader of the independence movement and a member of the influential Ngwato royal family, Khama founded the Botswana Democratic Party (BDP) and used his stature to drive a vigorous market-friendly economic programme to bring social prosperity to his country. Khama upheld several of the fundamental principles of liberal democracy and instituted strict measures to guard against

corruption, to promote non-racism and to embrace the rule of law (Mungazi 2004; Tlou et al. 1995; Rotberg 2013). The country's mineral resources and progressive policies, particularly in combatting HIV/Aids, served to attract key foreign investment and kept its economic and social arenas relatively stable (Acemoglu et al. 2003: 85-106; Good 1992).

Widely considered to be one of the most politically stable countries on the African continent, Botswana has enjoyed some 54 years of uninterrupted civilian leadership. Under its parliamentary republic system the president is indirectly elected by the National Assembly for a five-year term and once elected, s/he appoints the vice-president and cabinet. The current president, Mokgweetsi Eric Masisi, succeeded Ian Khama (son of the founding president) who retired in 2018 obeying the constitutionally mandated ten-year term limit (Tlou and Campbell 1997).

There are 65 seats in the National Assembly where 57 members are directly elected from single-seat constituencies by a simple majority vote. Six are nominated by the president and then confirmed by simple majority vote by the rest of the National Assembly, where the president and attorney general sit as ex-officio members. In addition to the National Assembly, and acting as an advisory body, is the 35-member House of Chiefs (Ntlo ya Dikgosi). This body comments on issues such as the powers granted to chiefs, how customary law should be enforced, how tribal property should be governed and proposed constitutional amendments (Freedom House 2020).

Ghana

In 1957, Ghana became the first Sub-Saharan country in colonial Africa to gain its independence. Unlike Botswana the country's political experience has been a rocky one. The charismatic Kwame Nkrumah, founder of the Convention People's Party (CPP) and a leader of the Pan-African movement for self-determination, assumed the role of president in 1960 but four years later the promise of his tenure morphed into a controversially amended constitution that made Ghana a one-party state with Nkrumah as president for life of both his party and the nation (Gocking 2005; Apter 1972, Iliffe 2007).

Nkrumah was deposed in 1966 by Joseph Arthur Ankrah and the National Liberation Council which was a combination of national military and police forces. A subsequent series of coups finally ended in 1981 when Lt Jerry Rawlings took control and banned political parties (Tordoff 2002). Over the next decade Rawlings crafted and passed a new constitution that restored multi-party politics before winning the presidential vote in 1992 and again in 1996 (Cooper 2002). In 2000, and of particular importance for our study, he obeyed the constitutional term limit mandate

and stepped down ahead of the scheduled election. His tenure has been followed by a series of peaceful transitions of power with the New Patriotic Party (NPP) candidate John Kufuor winning in 2000 and 2004 before John Atta Mills' National Democratic Congress (NDC) took office in 2008. Upon his untimely death in 2012, Mills' Vice President John Dramani Mahama assumed office and won the scheduled election later that year. However, Mahama's re-election bid was halted by the NPP's Nana Addo Dankwa Akufo-Addo marking the third peaceful transition of power since the country's return to democracy.

Ghana has improved its health care, nutrition and hygiene services and by addressing its poverty levels has increased its proportion of elderly persons to a level that is amongst the highest in Sub-Saharan Africa (World Bank 2020). A severe drought and an economic downturn has seen many Ghanaians leave for Cote d'Ivoire or Nigeria to work in the agricultural and extractive industries and many of the country's doctors and teachers took up opportunities in the UK and US.

The country is a presidential republic with both the president and vice president directly elected on the same ballot by an absolute majority vote. Both are elected for four-year terms and are limited to two terms in office. Interestingly, the Council of Ministers is nominated by the president but must be approved by Parliament. There is one legislative chamber with 275 seats to which members are elected from single-seat constituencies by a simple majority vote every four years (Freedom House 2020).

Kenya

Kenya's struggle for liberation ended when it was granted independence in 1963. The country elected Jomo Kenyatta, a leading figure of the struggle and the Kenyan African National Union (KANU) party, as its president in 1964, a position he held until his death in 1978. Kenyatta was succeeded, according to a constitutional mandate, by his vice president Daniel arap Moi, who continued KANUs reign and subsequently altered the constitution to recognise KANU as Kenya's sole political party in 1982 (Cooper 2002; Iliffe 2007). Internal and external calls for political liberation eventually pressured Moi to allow multi-party elections in 1992, but an opposition that was ethnically divided and a flawed election process characterised by violence and fraud kept Moi in office until 2002 (Burbidge and Cheeseman 2017).

After a peaceful and fair election in 2002, Mwai Kibaki, the standard bearer for a multi-ethnic National Rainbow Coalition (NARC), assumed the presidency defeating KANU's candidate Uhuru Kenyatta, the son of the country's founding president. Kibaki's campaign touted an anti-corruption

platform which it also used in its bid for re-election in 2007. However, Raila Odinga and his Orange Democratic Movement (ODM) cited widespread electoral fraud sparking two months of violence during which around 1 100 people died. With no end in sight, the African Union asked former UN Secretary General Kofi Annan to intervene, which resulted in a power sharing agreement that saw Odinga accepting the restored post of prime minister. Kibaki and Odinga also agreed to reform the constitution to include additional checks on the executive branch, empower 47 new counties, and eliminate the restored prime minister position. The new constitution was accepted through a national referendum in 2010 and Uhuru Kenyatta won the first election under the new legal standard in 2013. The 2017 round of elections saw Kenyatta controversially re-elected after the initial poll was nullified by the country's Supreme Court citing substantive irregularities. When the vote was held again later that year, Odinga and his opposition party boycotted the process, handing Kenyatta's Jubilee Party a victory with 98.27 per cent of the vote (The Carter Centre 2018).

Under the new constitution the president and deputy president are elected by a qualified majority vote where the candidate must win an absolute majority of the popular vote and must receive a minimum of 25 per cent of the ballots cast in 24 of the 47 counties. If this threshold is not met it triggers a runoff election. Candidates for both positions are limited to two terms of five years each and the president is able to appoint his cabinet after the National Assembly confirms his proposed candidates. Kenya has a bicameral parliamentary system that is elected every five years in a process that goes to great lengths to ensure fairness and inclusivity. A mixed electoral system elects a 67-seat Senate, of which 47 members are elected from single-seat constituencies by a simple majority vote and twenty are elected using a proportional representation system ensuring that certain sectors are represented – that is, sixteen female representatives, two representing the youth and two members from the disabled community. The second chamber is the 349-seat National Assembly where 290 members contest single-seat constituencies determined by a simple majority vote, 47 seats are reserved for women members who are elected via simple majority and the remaining twelve members are nominated by the National Assembly to represent the youth and the disabled (Freedom House 2020).

Despite incidents of intense internal violence Kenya has been relatively stable since its independence and has been home to refugees escaping violence in their own countries. The country sheltered some 300 000 Somali refugees in 2017. This stance has prompted reprisals from extremist groups and terrorist attacks on key elite and tourist sectors within the capital Nairobi, a factor that fed the narrative of political instability for political parties and wary economic investors.

Malawi

The country grew from the prosperous Kingdom of Maravi in the fifteenth and sixteenth centuries with territory that stretched into Zambia and Mozambique. In 1889 it became the British Central African Protectorate after Britain increased its missionary and trading activity around Lake Malawi and was subsequently renamed Nyasaland in 1907 and then Malawi after gaining independence in 1964 (Tordoff 2002). During the colonial period economic prospects were limited and Malawians went to work as domestic servants, farm labourers and miners in neighbouring southern African countries. But by the mid-1970s the Malawian government, under President Hastings Kamuzu Banda, looked to develop its estate agricultural sector enticing some 300 000 migrant Malawians to return to assist the effort. Since then, the country has seen its population grow exponentially, effectively increasing pressure on the agricultural sector. Like many of its African compatriots, Malawi's population continues to demand that its government does more to promote economic growth and contain corruption and the spread of HIV/AIDS (Iliffe 2007).

These demands manifested most recently in the 2019 countrywide protests that erupted after President Peter Mutharika was re-elected in a disputed election. Since its independence, Malawi has had a total of six presidents — Hastings Banda (1964-1994) who presided over 30 years of one-party rule; Bakili Muluzi (1994-2004) who became the first freely elected and re-elected president under a multi-party system and who failed to amend the constitution to extend his tenure; Bingu wa Mutharika (2004-2012) who was re-elected despite allegations of economic mismanagement and poor governance but died in office; Mutharika was succeeded by his vice-president Joyce Banda (2012-2014) who, after Elizabeth II, was the country's second female head of state; Peter Mutharika won his 2014 election bid but his re-election was questioned after the Malawi Constitutional Court nullified the 2019 poll. In a fresh election in 2020, Lazarus Chakwera took office for the first of two possible five-year terms.

Malawi's electoral system is an elementary one that relies on a simple majority to elect the president and its 275-member National Assembly. National Assembly members represent single-seat constituencies and serve five-year terms. The President has the sole authority to name his own cabinet (Freedom House 2020).

Nigeria

The country, which has always been home to a range of ethnic groups with their own distinct languages and traditions, has seen a spike in religious and ethnic violence over the years. It houses the largest population of any country on the continent and, like so many other countries, is battling to improve economic productivity and reduce unemployment and poverty (World Bank 2020).

After World War II, Nigeria was granted greater autonomy and by 1960, it was granted independence. Given its disparate population, the country has been plagued by longstanding divisiveness that was controlled by a series of coups and military rule (Iliffe 2007; Tordoff 2002). In 1999 a new constitution was adopted, and the military allowed a civilian administration to assume control. This transition fought to institutionalise democratic principles and curb the rampant corruption and mismanagement that saw millions expropriated from the country's petroleum-based economy. Corruption has since featured prominently in election campaigns after 2003. But despite allegations of irregularities, intimidation and violence, Nigeria has remained under civilian control with the first peaceful transfer of power between civilian administrations taking place after the 2007 general elections. The 2015 election is another key marker for the country's democracy — it was the first time since 1999 that the People's Democratic Party (PDP) was defeated, and another party was able to peacefully assume office.

Under the Nigerian electoral system a presidential candidate is directly elected by a qualified majority vote and at least 25 per cent of the votes cast in 24 of the country's 36 states. The successful candidate can serve a maximum of two, 5-year terms and can appoint the Federal Executive Council, but the body must include a least one member from each state. The legislative body serves a four-year term and consists of two houses: a 109-seat Senate, with one member elected to represent the Abuja-Federal Capital Territory and three members from each state (108) elected by a simple majority from single-seat constituencies; and a 360-member House of Representatives that are also elected by a simple majority from single-seat constituencies (Freedom House 2020).

South Africa

The British seized the Cape of Good Hope from Dutch colonists in 1806 and clashed with other indigenous people as they sought to expand their territory. An increase in European immigrants seeking their fortunes started after diamonds (1867) and gold (1886) were discovered in the colony

and spurred the British Empire to expand its colonial claim. A series of brutal wars ensued against the Zulu kingdom (1879) and the Afrikaner settlers (1899-1902). By 1910, the British and Afrikaners reached a detente of sorts and together formed the Union of South Africa, which morphed into a republic in 1961 after a whites-only referendum (Cooper 2002; Iliffe 2007).

The National Party's (NP) 1948 policy of apartheid or 'separate development' is a legacy the country continues to battle. Often brutally enforced, the policy favoured the white minority population (both English and Afrikaners) over other 'non-white' groups and ignited a decades long struggle for liberation spearheaded by the African National Congress (ANC) (Cooper 2002). Mounting internal protests and a campaign of insurgent attacks led to lengthy prison sentences for the movement's leadership — Nelson Mandela and his detention on Robben Island being the most prominent example (Iliffe 2007). Eventually these tactics, combined with a widespread international boycott, forced the NP to negotiate a peaceful transition to majority rule. The country's first multi-racial elections in 1994 saw Mandela take office as the country's first truly democratically elected leader, a position that has rotated amongst the party's various leaders from Thabo Mvuyelwa Mbeki (1999-2008) to Kgalema Petrus Motlanthe (2008-2009) to Jacob Gedleyihlekisa Zuma (2009-2018) to Matamela Cyril Ramaphosa (since 2018).

Like many of the other countries under study in this book, the successive ANC administrations have had to manage allegations of corruption and address the wealth, housing, education and health care imbalances that they inherited from previous colonists. After nearly three decades, a lack of essential infrastructure and the inability to enforce accountability on those in office have stoked national frustrations and pose perhaps the most significant threat to the country's stability (Thuynsma 2017).

Fortunately, allegations of mismanagement have not influenced the country's electoral process. South Africa's national elections use a proportional representation system to elect the 400-seat National Assembly, one of two legislative bodies. Here, members are elected from multi-seat constituencies to serve a five-year term. This body also elects the president for a similar term with both Mbeki and Zuma having been re-elected for a second and final term, although both were removed by their party before finishing their full ten-year tenures. The second legislative body is the 90-seat National Council of Provinces to which each of the nine provincial legislatures appoint ten members. This Council's purpose is to protect the regional interests of their constituencies including safeguarding the linguistic and cultural traditions of ethnic minorities (Freedom House 2019).

Tanzania

This is the only country in this study, although not the only one on the continent, to have been transferred from German to British rule after World War I. Britain initially ruled Tanganyika and the Zanzibar Archipelago separately, but after each earned their independence the two territories merged to form the United Republic of Tanzania in 1964 with Julius Nyerere as the leader of the Tanganyika African National Union (TANU) elected as president. After unification, Tanzania had the largest population in East Africa and became one of the most diverse countries on the continent with over 130 languages spoken (Iliffe 1979, 2007). Nyerere recognised the need to reconstruct the nation's identity and, to harness potential friction, implemented a policy of ethnic repression and identity transformation which continue to make the country one of the most politically stable in the region. This is one reason Tanzania has become a major transit country for migrants from the Horn of Africa and the Great Lakes region who head south to escape violence or pursue economic opportunities. But perhaps the country's biggest challenge is managing the political and economic expectations of its youthful population — about two-thirds of the population is younger than 25 (*East African Regional Analysis of Youth Demographics* 2018 :8).

Tanzania has been a one-party dominant state — Nyerere's TANU party merged with the Afro-Shirazi Party (ASP) to form Chama Cha Mapinduzi (CCM) in 1977 which has remained in power despite claims of voting irregularities and the 1992 constitutional amendment allowing multiple political parties to contest elections.

According to the constitution, presidents and vice-presidents are allowed to serve a maximum of two five-year terms provided they successfully win the popular vote by a simple majority. The president appoints his cabinet from among the members of the 393 Bunge or National Assembly. Tanzania uses a complex electoral system in an attempt to maintain political inclusiveness and representation — a simple-majority election system elects 264 members of the Bunge from single-seat constituencies and five members from the Zanzibar House of Representatives. 113 women are indirectly elected through a proportional representation ballot, and the president appoints a further ten and the attorney general occupies the remaining seat. All representatives are elected for five-year terms, but the president may only serve for a maximum of ten years. The Bunge enacts laws for the entire republic as well as specific laws for the mainland. Zanzibar is semi-autonomous and elects a president to manage internal matters and 82 members of its own House of Representatives – 50 members directly elected by simple-majority from single-seat constituencies, twenty women directly elected by a proportional representation vote, ten appointed by the Zanzibar president

and the House speaker and attorney general (as an ex-officio) occupy the last two seats (Freedom House 2020).

Uganda

British explorers seeking the source of the Nile River began prospecting in Uganda in the 1860s and after concluding several trade agreements, established the Uganda Protectorate in 1894. During this period, the colonial power sought to build the Uganda Railway and imported some 32 000 people from British India as indentured labourers to complete the task (Iliffe 2007). At the end of their contractual period almost 7 000 labourers elected to stay in East Africa and eventually became the country's new breed of entrepreneurs managing, among other things, cotton ginning and the sartorial retail sector.

Besides these Indian immigrants the colonial boundaries of the era incorporated a range of ethnic groups, each with their own political system and culture. Managing these differences has been a complicated process and one that challenged the political system after the country's independence in 1962 (Iliffe 2007).

Uganda has been ruled by its share of imperious leaders. The first post-independence election was relatively peaceful after a loosely formed political alliance between the Uganda People's Congress (UPC) and Kabaka Yekka (KY) won enough seats to place a quiet-spoken Milton Obote in the role of executive prime minister. Obote was accused of benefitting from the illegal trade of ivory and gold from the neighbouring Congo, a trade managed by his then army chief of staff Colonel Idi Amin. Once Parliament voted to censure Amin and investigate Obote, the cultural and political fault lines became more inflamed. In 1966, the Obote-led government suspended the constitution, removed the dual positions of president and vice president and in 1967, Obote declared himself president. He was eventually deposed in 1971 when Idi Amin executed a military coup. Amin's brutal dictatorial regime lasted until 1979 during which he expelled the Indian businessmen and traders and killed some 300 000 opponents. Obote returned to office 1980 in a disputed election that spurred a prolonged guerrilla war led by Yoweri Museveni's National Resistance Army (NRA) and a few other military forces. It is estimated that between 100 000 and 500 000 people lost their lives in that conflict (Bercovitch and Jackson 1997).

Current president Yoweri Museveni assumed office in 1986 and has developed the country's economy despite having one of the youngest and fastest growing populations in the world and with limited infrastructure and natural resources (*East African Regional Analysis of Youth Demographics*

2018: 8). He has also brought relative stability, although inter-communal violence persists in some areas of the country, and his administration has been dogged with allegations of corruption. Uganda's public service was ranked as one of the most corrupt in the world by Transparency International (2015:14).

In 2017, the parliament removed the constitutionally imposed age limit effectively allowing Museveni to run for further five-year terms. To win he would need to garner an absolute majority of the popular vote (in two rounds, if needed). As president he would then again be allowed to appoint his cabinet from among the elected members of the National Assembly, the country's only legislative body. The 426-member National Assembly is comprised of 289 members and an additional 112 women who are all elected by a simple-majority vote in single-seat constituencies; 25 representatives from special interest groups such as the army (ten), disabled (five) youth (five) and labour (50), and a maximum of eighteen ex officio members are appointed by the president (Freedom House 2020).

Zambia

The British secured mineral and other economic concessions from local leaders in the region and in 1911 incorporated the territory into the British Protectorate, called Northern Rhodesia. The colonial power helped to develop the country's mining sector into the 1930s, promoting the sector as the destination for business developers and anyone seeking employment.

Upon independence in 1964 Zambia continued to develop its mines and effectively capitalising on its natural copper reserves. Under Prime Minister Kenneth Kaunda (1964-1991) and his socialist United National Independence Party (UNIP), which between 1972-1991 was the sole legal party, Zambia played an important role in regional politics helping to resolve conflicts in Zimbabwe (then Rhodesia), Angola and Namibia. But the decline in the copper price in the 1980s and a prolonged drought hurt the economy and exposed the extent of the government's mismanagement (Iliffe 2007). A peaceful transfer of power saw Frederick Chiluba's social-democratic Movement for Multi-party Democracy (MMD) assume power in 1991 intent on revitalising the country's social-economic growth. The MMD continued its rule despite claims of electoral misconduct during the 1996, 2001 and 2006 election cycles with its leaders Levy Mwanawasa and then Rupiah Banda remaining in office until 2011. Michael Sata's Patriotic Front (PF) won control in 2011, but his tenure was characterised by allegations of economic malfeasance and an attempt to silence the opposition. Sata died in office in 2014 and was eventually succeeded by Edgar Lungu who was re-

elected in 2016.

The president is elected by an absolute majority popular vote, in two rounds if necessary, for a five-year term and is eligible for a second term. S/he appoints a cabinet from among members of the National Assembly. Of the 165 seats, 156 members of the National Assembly are directly elected from single-seat constituencies by a simple majority vote (in two rounds if needed) and up to eight members are appointed by the president (Freedom House 2020).

Zimbabwe

Southern Rhodesia became a self-governing territory in 1923. In 1965 the essentially white government repudiated Britain's policy of 'no independence before majority rule' and issued a Unilateral Declaration of Independence (Iliffe 2007). Britain rejected the pronouncement and demanded more inclusive voting rights for the country's black majority. After an intense guerrilla war and a series of UN sanctions, free elections were eventually held in 1979 and Robert Mugabe and his Zimbabwe African National Union (ZANU) became Zimbabwe's first prime minister in 1980. Mugabe ruled until his resignation in 2017 after allegedly rigging elections in his favour.

During his 37-year reign, Mugabe enacted several controversial policies including a land redistribution campaign that forced white farmers, who were fixtures of the agricultural sector, from the country. The policy crippled the economy and decimated the local currency. Despite international condemnation Mugabe's tenure continued and in 2005 he launched Operation Restore Order that, under the guise of urban renewal, destroyed over 700 000 homes and businesses belonging to opposition supporters. The disputed 2008 election, which the Movement for Democratic Change (MDC) led by Morgan Tsvangirai was generally acknowledged to have won, provoked an intense backlash both internally and from international fora which saw more sanctions imposed and socio-economic conditions reach crisis proportions. Mugabe and Tsvangirai eventually reached a power-sharing agreement which produced a revised constitution.

Despite this, Mugabe won the 2013 election and promptly re-instituted one-party rule perpetuating what *The Economist* called 'misrule and dazzling corruption'. By November 2017, after a military intervention that forced Mugabe to resign, Vice President Emmerson Mnangagwa took control. He retained office in 2018 and has, in Mugabe-esque fashion, continued to violently disrupt protests and opposition rallies.

Under the law a candidate for president must have a nomination form signed by at least ten registered voters (at least one candidate from each province) and be elected by an absolute

majority popular vote in two rounds if necessary. The successful candidate is then appointed for a five-year term (there are no limits to the number of times a person can be elected to the office), and the co-vice presidents are drawn from within the winning party's leadership. The president is able to appoint his own cabinet, but the body is responsible to the National Assembly. The National Assembly has 270 seats with 210 members directly elected from single-seat constituencies by a simple-majority vote and the remaining 60 seats are reserved for women who are elected via proportional representation vote. The upper chamber, the 80 seat Senate, consists of 60 members who are proportionally elected from multi-seat constituencies – six seats in each of the 10 provinces, sixteen members are elected by the regional governing councils, two are reserved for the National Council Chiefs and two are reserved for members with disabilities (Freedom House 2020).

Assessing their Democracy

Elections on their own do not secure trust, peace, or a prosperous democracy. Previous publications have assessed individual case study countries and/or looked at specific aspects of these democracies such as their political history, the electoral system, the machinations of political parties, the veracity of key institutions such as the judiciary or the rise of authoritarianism. Many of these studies feature African case studies in isolation, and trace development trajectories using economic data.

Assessing the electoral processes of democratic systems is a key and sometimes sole or 'thin', to use Coppedge's (2005) terminology, focus for international agencies, such as Freedom House, and political scholars (Le Duc et al 1996, 2002, 2010, 2014; Kabemba and Eiseman 2004; Lindberg 2008). Indeed, such research typically studies aspects such as how inclusive a particular electoral system is and whether it, for instance, accommodates universal adult suffrage in a manner that facilitates easy registration and voting options (Dahl 1970). Also important for these authors is the frequency of elections, the independence and integrity of the voting process and the candidate and issue options that effect the range of choice voters have at their disposal. The question of access is another key concern with some assessing the impact of the geographic location of voting booths, and others looking to measure the level of access all candidates and parties have to the media (Thuynsma 2002 and 2017) and their ability to campaign in their various constituencies. The often-cited *Comparing Politics* series examines democracies across the globe studying whether all parties accept election results (Le Duc et al 1996, 2002, 2010, 2014). A question they explore is: in the event that a ruling party has to transfer power to another political party, is this process done

peacefully and does it include interventions from other powerful and vested interests such as the military, business and or ethnic interest group (Kpundeh 1992)?

The authors contributing to this volume have, however, chosen to compare the broader democratic presence and performance of these case studies in the hope that they can discern key trends and challenges. They do so by using questions inspired by Bruce Baker's (1999) democratic audit that assesses the more characteristic measurements of a democratic system: the transparency and oversight ability of the public and political institutions, the level of political participation within each society, the presence and influence of civil and human rights on the political system, and the influence the colonial legacy has had on each country's specific political context.

In both her chapters, for instance, Yolanda Sadie looks at the respective electoral processes and pays particular attention to the systems' ability to promote inclusive representation and engage issues that matter to women in each of the case study countries. What is also of great importance is the impact voters have on the electoral result and system. While it does indeed seem as if the democracies across the continent are moving towards political extremes (Cheeseman 2019), a key concern is how these trends have affected the participation of voters and, in particular, younger political candidates and constituents. After all, population profiles across the chosen case studies show that the voting pool is dominated by those who are between 18-35 years old. This younger demographic is also raising concerns that their interests are not represented and, therefore, casting doubt on the importance of their ballot. These arguments, as Victoria Graham explores, have affected the levels of voter participation and have also caused commentators to routinely question electoral results.

Measuring the health of a country's electoral system only reflects one aspect of a country's political performance. A feature that should not be ignored is the degree of transparency and accountability of a country's government, which in turn calls a number of different features into question. Studies have tried to correlate what a government does while it is in office with what they promise voters on the campaign trail. They have, for instance, looked to understand the extent ruling parties consult public opinion and take into account relevant interests, such as those voiced by civil society, as they develop policies and enact legislation. This is something that Andrea du Toit is particularly keen to understand as she unpacks the vibrancy and relevance of civil societies across the sample countries.

Good governance, or rather the lack thereof, is largely responsible for the growing turn towards 'autocratization' (Luhrmann and Lindberg 2019). A country's inability to entertain oversight, they point out, effects the government's ability to reach consensus, curb corruption and use available

resources. To be accountable requires that representatives consult and present their constituent's interests, appoint qualified people to serve within public institutions, and account for the spending priorities of the legislature as a whole. It also requires that these representatives declare potential conflicts of interest and allow public and independent bodies to measure the effects of particular policies and legislation. Key among these priorities is the need for the executive and public officials to respect judicial authority and uphold the relative autonomy of local government structures. These are questions that Michael Bongani Reinders explores in his study of lawfare. He also looks at how civil and political rights are sustained and enforced, paying particular attention to how informed citizens are of their rights and responsibilities and to what extent independent monitors are allowed to assess such compliances and provisions.

Authors also address pivotal influences such as Olugbemiga Samuel Afolabi and Michael Reinders's study of the role and impact leaders have in each of these specific post-colonial contexts and, together with Francois Gilles de Pelichy, Afolabi also studies the rising effect issues such as land and identity have on each case's politics. In her chapter, Suzanne Graham highlights the need to encourage economic sustainability – the essential conduit for democracy's much-promised economic prosperity. Her study looks at past and possible trade avenues for Anglophone Africa by dissecting Britain's decision to leave the European Union and the likely effect this will have on the sample. BREXIT is a strategic issue that will affect – and perhaps define – democratic politics in each of these countries given their Commonwealth membership.

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Chapter 2
Elections in Anglophone African Countries

Yolanda Sadie

'Building democracy is a complex process. Elections are only a starting point but if their integrity is compromised, so is the legitimacy of the democracy' Kofi A. Anan

Elections, taking place in an environment of democratic election structures and competition, generally inaugurated the independence of African countries in the late 1950s and early 1960s. Towards the end of the 1960s, political leaders increasingly suppressed electoral competition. Several explanations are put forward for this move, such as a political competition being a threat to the power of the political elites, preserving ethnic harmony, as justified by President Nkrumah of Ghana, or solidifying cohesion for national development in the case of President Nyerere of Tanzania. Until the end of the Cold War unconstitutional and violent changes of government became the norm in many African countries. Regimes were characterised by authoritarian rule – oligarchies, military regimes and one-party states. Where elections were held, they were non-competitive, with a dominant party winning all available seats. Competitive elections were held in only two Anglophone African states, Botswana and Zimbabwe, before the early 1990s when the new wave of multi-party elections started taking root on the continent.

Elections are generally considered to be the foundation of democracy – a basic condition, a first step without which democracy cannot mature. Although other institutions, such as independent courts and legislatures, human freedoms and rights and viable opposition parties are essential requirements of a democracy, none of these 'precedes elections, either in timing or importance' (Bratton and Van de Walle 1997: 13). Nonetheless, Terry Lynn Karl cautions against committing the 'fallacy' of 'electoralism', which entails taking electoral contestation as a sufficient condition for the existence of democracy (Schmitter and Karl 1991: 78).

In democracies, elections serve both a practical and symbolic role – that is by providing citizens with the primary means to select their representatives and, among other things, shaping future policy, and in a symbolic sense by providing the primary mechanism by which the consent of the

people legitimises the government (Clark et al. 2018: 522). For Przeworksi (2018: 78), the value of elections is 'not that each voter has a real influence on the final result, but that the collective choice is made by summing the total of individual wills'. Furthermore, despite the fact that 'elections are not pretty nor are they ever 'quite fair', and therefore do not realise the lofty ideals that led to their materialisation, they are nonetheless the least bad mechanism of choosing leaders (Przeworski 2018: 4-5).

Elections are thus hardly ever flawless: as Norris (2014: 4-5) notes, flawed elections are found under many types of regimes across the world – even in established democracies with centuries of practice such as the United Kingdom, France, Germany, Canada and the US. Although fraudulent elections can occur anywhere, the consequences, she argues, are most serious in newly democratised states that lack deeply rooted, widespread support for democratic principles and, among other things, institutionalised legal channels to resolve disputes through the courts. In countries lacking these conditions, electoral irregularities have a greater chance of eroding regime legitimacy and potentially destabilise countries (Norris 2014: 32). Particularly citizens in deeply divided countries with recent experiences of conflict are expected to have the least trust and confidence in state authorities, legal institutions and electoral processes (Norris 2014: 33). Elections in an African context that are not flawed are commonly, and vaguely, described as 'free and fair', 'credible and transparent' or 'reflecting the will of the people'.

In this chapter the concept 'integrity' will be used. It refers to the 'extent to which the conduct of elections meets universal standards and global norms related to elections', which pertains to all stages of the electoral cycle – pre-electoral period, electoral period and post-electoral period (Norris 2014: 21). In a similar vein, the Global Commission on Elections, Democracy and Integrity (2012: 6) defines an election with integrity as 'any election that is based on the democratic principles of universal suffrage and political equality as reflected in international standards and agreements, and is professional, impartial, and transparent in its preparation and administration throughout the electoral cycle'.

The above-mentioned global norms for elections are based on, among other instruments, the Universal Declaration of Human Rights (article 21) and the United Nations Covenant for Civil and Political Rights of 1966 (article 25) and have been endorsed in a number of authoritative conventions, protocols and charters of the United Nations and regional bodies such as the African Union. In terms of the latter, the African Union's Declaration on the Principles Governing Democratic Elections in Africa (2002) and the African Charter on Democracy, Elections and Governance (2007) provide the foundation for elections on the continent. In addition to these pan-African standards,

sub-regional organisations, namely the South African Development Community (SADC), Economic Community of West African States (ECOWAS) and the East African Community (EAC), have also produced electoral guidelines.

For countries in the SADC region, the SADC Principles and Guidelines governing Democratic Elections (2004) is the key document. To address the vagueness of the concept of 'free and fair elections', the Principles for Election Management, Monitoring and Observation (PEMMO) in the SADC region[1] were accepted as guidelines for election management and observation. They set out the requirements to be met in three stages of the electoral process – the pre-election (preparatory phase), the election phase and the post-election phase. Based on the trends and challenges in the region, the following principles are recommended (EISA 2004).
- the need for a comprehensive constitutional and legal framework;
- the importance of transparent and accessible pre-election procedures (including the delimitation process, voter registration and candidate nomination);
- the equitable use of the media and public resources and issues of political party finance;
- the organisation and management of the election phase, including the location of polling stations, their layout, and access to them; the secrecy of the ballot, and the monitoring of the counting process;
- the post-election phase, including the settlement of election disputes and ways of ensuring that results are acceptable;
- the requirements for unhindered, credible, professional and impartial monitoring and observation of the electoral process.

In July 2015, SADC adopted a revised framework for election observation (2015 Revised SADC Principles and Guidelines Governing Democratic Elections) to fill the gaps in the 2003 version, which is mandatory for SADC to observe future elections in its member states. The revised version has a number of important additions, including the following (Chirambo and Motsamai 2016: 8-11): it is directly joined to the SADC Treaty and SADC Protocol on Politics, Defence and Security Cooperation, which means compliance enforcement through the Organ and the SADC Summit by use of sanctions on member states; the usage of four different objective measures in addition to the notion of 'free and fair', which include 'transparent' and 'credible' and which are all defined (including the notion of 'free and fair' – it was argued that the 2004 Guidelines lacked objective and

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1 Anglophone countries that are members of the SADC are: Botswana, Malawi, South Africa, Tanzania, Zambia, and Zimbabwe.

distinctive measurement; and, lastly, encouraging states to 'regularly review' diaspora participation 'based on their national experiences and national laws'.

In West Africa, member states of ECOWAS[2] adopted the Protocol on Democracy and Good Governance in 2001. Section 2 (articles 2-18) is devoted to elections and election monitoring. Although less elaborate than the SADC requirements set out above, the following requirements are highlighted: the independence and neutrality of electoral bodies (article 3); reliable voters' lists (article 5); the transparent preparation and conduct of elections (article 6); adequate arrangements for the hearing of petitions relating to the conduct of elections and announcement of results (article 9); and refraining from all acts of violence and intimidation against candidates and supporters (article 10).

In 2012, the EAC Partner States[3] adopted the EAC Principles for Election Observation and Evaluation, which, as acknowledged in the Principles, are guided by the above-mentioned Declarations and Principles (Electoral Institute for Sustainable Democracy in Africa 2012). In the Guiding Principles the EAC acknowledges that democratic elections that express the free will of the people 'serve as the basis for the legitimacy, and authority of government'. Basic minimum conditions for democratic elections include: a comprehensive constitutional and legal framework, universal adult suffrage, the existence of an independent Election Management Body (EMB), freedom of expression, movement and assembly, fair and equitable access to the state/public media by contesting parties and candidates and an independent mechanism to prevent and manage election-related conflicts (EISA 2012: 4).

The above principles are followed by a list of requirements set out for each of the three stages of the electoral cycle. In the pre-electoral period, requirements include the adoption of a legal framework to guarantee EMB independence, criteria for constituency boundary delimitations, continuous and accessible voter registration open for monitoring, the regulation of party funding by law, fair and equitable access to public/state media and efforts to ensure enfranchisement of the people in the diaspora. During the electoral period, the secrecy of the ballot must, for example, be assured, polling stations must be accessible, and procedures and conditions for the counting of the vote must be well established and known to election officials and other stakeholders. For the last stage of the electoral cycle, legal provisions should exist for the fair and impartial resolution of election-related disputes (EISA 2012: 4-8).

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2 Anglophone countries that are members of ECOWAS are Ghana and Nigeria.

3 Anglophone EAC partner states are Kenya, Tanzania and Uganda.

There are, therefore, African and sub-regional standards for electoral integrity that comply with global norms and requirements and that pertain to all stages of the electoral cycle. Elections, as Norris (2014: 32-33) argues, should be regarded as a sequential cycle and in this cycle she has identified 11 stages, which serve as a useful heuristic device in identifying where electoral irregularities exist, particularly beyond election day[4] (campaign finance; campaign media; party and candidate registration; voter registration; boundaries; electoral procedures; electoral laws; electoral authorities; voting process; vote count; and voting results). Electoral irregularities (fraud), which involves, in the words of Schedler (2002: 44), the 'introduction of bias into the administration of elections', effectively violating the principle of democratic equality, can occur at any stage and can challenge the legitimacy of the elections. Although incumbents do not have complete control over the outcomes of elections, they can and do minimise the probability of being defeated. The manipulation of rules, the abuse of the state apparatus, intimidation and fraud are common tactics (Przeworski 2018: 50).

This chapter aims to provide an overview of the integrity of elections in the ten Anglophone countries on the continent.[5] It begins by providing an overview of presidential and national elections since the founding of multi-party elections in the early 1990s. This includes voter turnouts and the nature of electoral systems. This is followed by the major achievements in terms of integrity since the first elections and the common thread of malpractices that have persisted over the years.

Multi-party elections, voter turnout and electoral systems

Multi-party elections

As shown in Table 1, elections at regular intervals have become a common feature in the ten Anglophone countries since the so-called third wave of democratisation that swept over the continent in the early 1990s. Botswana has been the only Anglophone country that has sustained its democratic elections since its independence in 1965, at a time when it was classified as one of the three poorest countries in the world, with no promising economic future and no democratic

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4 The Electoral Integrity Project run by Pippa Norris (based at the University of Sydney and Harvard's Kennedy School of Governments) uses the eleven stages cycle (comprising indicators for each stage) to analyse the integrity of elections across the world (website: www.electoralintegrityproject.com)

5 Botswana, Ghana, Kenya, Malawi, Namibia, Nigeria, South Africa, Tanzania, Zambia and Zimbabwe.

electoral culture to count on. Its second elections, which were due in 1970, were called earlier (in 1969) due to the heavy criticism that was launched against the government's policies under Seretse Khama by the chiefs and opposition parties. Although Khama's Botswana's Democratic Party (DP) won the elections his vice-president and minister of development (Quett Masire) lost his seat to a former chief who joined the newly formed Botswana National Front (BNF). Unlike many other African countries at the time (for example Tanzania, Zambia, Malawi, Ghana), Khama did not outlaw the opposition and declare a one-party state, and instead multi-party elections were held at regular intervals as stipulated in the Constitution (Maundeni 2005: 6-7). In 2019, the country held its twelfth election.

Zimbabwe is the other exception: it has held regular multi-party elections since its independence in 1980. However, as will be discussed in the next section, these have been characterised by increasing irregularities. Ghana, Kenya, Malawi, South Africa, Tanzania and Zambia all held their first multi-party elections between 1991 and 1995 and had thus held between five and seven elections by 2019. The first parliamentary elections in Nigeria since the 1993 military coup (and the first elections of the Fourth Republic, ending three decades of intermittent military rule) were held in 1998 but were repeated in 1999 (with the presidential elections) after the 1998 elections were annulled. Four elections followed: in 2007, 2011, 2015 and 2019, making it the longest period under civilian rule in the history of Nigeria. On the other hand, the Ugandans cast their ballots in the first multi-party elections in 26 years only in 2006.

In the 62 elections (from 1990-2017) that have taken place in the ten Anglophone countries under discussion, the incumbent presidents and ruling parties that lost the elections accepted their electoral defeat and peacefully ceded power to the opposition. This was the case in the founding elections in Zambia, when Chiluba defeated Kaunda in 1991, and again in 2011 when Michael Sata defeated Rupiah Banda; in Ghana where the elections of 2000, 2008 and 2016 resulted in an alternation of power; the 2002 elections in Kenya (defeat of KANU); the presidential turnover in 2014 in Malawi; and the 2015 elections in Nigeria (Buhari (APC) replaced Goodluck Jonathan (PDP)). Therefore, in six of the ten Anglophone countries there have been election turnovers. Turnovers are important since they symbolise the willingness of political parties to accept the rules of democracy. Furthermore, surveys have shown that transfers of power significantly increase support for democracy and trust in democracy (Bratton 2004: 147-158; Cheeseman 2015: 182).

Table 1 An overview of multi-party elections since 1990

	National Elections before 1990	1st	2nd	3d	4th	5th	6th	7th
Botswana	1965, 1969, 1974, 1979 1984, 1989	1994	1999	2004	2009	2014	2019	
Ghana		1992	1996	2000	2004	2008	2012	2016
Kenya		1992	1997	2002	2007	2013	2017	
Malawi		1994	1999	2004	2009	2014	2019	
Nigeria		1999	2007	2011	2015	2019		
South Africa		1994	1999	2004	2009	2014	2019	
Tanzania		1995	2000	2005	2010	2015		
Uganda		2006	2011	2016				
Zambia		1991	1996	2001	2006	2011	2016	
Zimbabwe	1980, 1985, 1990	1995	2000	2005	2008	2013	2018	

Presidential elections take place in all the countries except South Africa and Botswana (presidents elected by parliament). Elections for presidents are held simultaneously with the national elections. The only exception was Zimbabwe. Zimbabwe introduced presidential elections in 1990. Until 2008 the presidential term in Zimbabwe was set for six years, which then changed to five in 2008. This is one of the reasons why the national elections were brought forward to 2008 and not in 2010 so that they could coincide with the presidential election.

Moreover, although most elections in the Anglophone countries have been won by those already in power, a number of leaders have been forced to step down as a result of presidential term limits. The presidential terms set out in the constitutions of Anglophone African states are either four or five years – with a maximum of two terms. Jerry Rawlings from Ghana, Daniel arap Moi from Kenya and Tanzania's Mkapa all refrained from seeking a third term and stepped down after two terms. However, Chiluba from Zambia (1991–2001) (Kimenyi and Moyo 2011); Obasanjo

from Nigeria (1999-2007) (*Mail and Guardian* 2006); and Muluzi[6] from Malawi (1994-2004) (VOA News 2009) tried to change their Constitutions to allow three terms for a president, but they were not successful. However, Museveni of Uganda was able to change their constitution with legislators removing the presidential term limits in 2005 to allow him to stay in office. Furthermore, in December 2017 Uganda's parliament amended the constitution for a second time removing the presidential age limit and guaranteeing Museveni a lifetime rule over the country – a measure the constitutional court upheld in 2018 (*CNN* 2018). Zimbabwe is the only exception among Anglophone countries that did not employ restrictions on the length of time that the incumbent president could stay in office – that is until 2013, when the new constitution approved, in a referendum, the presidential term to two five-year terms. However, this did not take effect retrospectively and resulted in the 37-year rule of Robert Mugabe that only ended in November 2017, shortly after the Zimbabwean parliament began an impeachment process.[7]

Voter turnout trends

Voter turnout is one of the measures of citizen participation in politics. A high turnout is mostly a sign of democratic vitality, while lower turnouts are usually associated with voter apathy and mistrust of the political process (Solijonov 2016: 13). Both Norris, (2012: 221) and Przeworski (2008: 126) regard a low turnout as a 'common symptom of democratic ill health' and 'a crisis of democracy' respectively.

This section presents a brief overview of the voter turnout of the most recent national elections in the ten countries under review. Almost half of the countries in the world have voter turnouts of between 60-79 per cent, while in only 20 per cent of countries are the turnouts higher than 80 per cent (Solijonev 2016: 29).

As shown in Table 2 below, Botswana and Zimbabwe had voter turnouts (of registered voters)

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6 Muluzi was barred form running for president in 2009 after serving two consecutive terms in office from 1994 to 2004.

7 Although the seizure of the presidential palace and the state broadcaster by the army chiefs, as well as the arrest of some members of Mugabe's cabinet, were described in the news media as a 'military coup' it was denied by the military. Several SADC leaders called for a transition in accordance with the Constitution of Zimbabwe. Zanu-PF asked Mugabe to resign, but he refused to step down voluntarily until a process of impeachment was started in parliament.

higher than 80 per cent in their last elections in 2019 and 2018 respectively, while the turnouts in Kenya and Malawi are also high and fall into the 70-79 per cent bracket. For the first time since its first democratic elections in 1994, voter turnout in South Africa fell below 70 per cent. It declined considerably from 73 per cent in 2014 to 66 per cent in 2019. Only Nigeria (with 36.5 per cent) falls below the 50 per cent voter turnout mark in their most recent elections and are respectively the lowest of the Anglophone countries. The VAP (Voting Age Population) statistics in these two countries as well as in South Africa are also below 50 per cent, which suggests a significant degree of voter apathy in these countries. In Nigeria, the 2019 elections recorded the lowest turnout of voters in the history of the country, and this is attributed to a combination of reasons. These are mainly: the difficulties associated with voting which many people cannot afford (first registering, then collecting the Permanent Voter's Card and finally voting), long queues at registration points, poor organisation, electoral fraud, postponing elections at the last minute, creating suspicion that 'politicians were delaying the elections to perfect their rigging strategies', and high levels of violence and intimidation (Aziken and Ndujihe 2019; Adekoya 2019).

Two factors that were likely causes of depressed electoral participation in South Africa are the so-called 'youth bulge' and voter dealignment. The disproportionately large size of young people in the electorate along with their lower registration and turnout rates effectively reduced the aggregate turnout in South Africa. Furthermore, party loyalties have significantly weakened in South Africa resulting in a decline in voter turnout. Afrobarometer, for example, found that partisanship declined from 73 per cent in 2015 to 45 per cent in 2018 while ANC partisan affiliations have declined since 2009 from 51 per cent to 29 per cent in 2019. It is argued that party loyalty binds people to a preferred party and mobilises them to turn out and vote while non-partisans tend to have less motivation to cast their vote (Schulz-Herzenberg 2019: 58-64).

Table 2 Turnout legislative elections and electoral system

	Election	Voter turnout %	VAP turnout %	Electoral system
Botswana	2019	83,51	53,47	FPTP
Ghana	2016	67,55	70,88	FPTP
Kenya	2017	77,37	59,77	FPTP
Malawi	2014	70,07	64,04	FPTP
Nigeria	2015 2019	43,65 36,50	32,11 Not available	FPTP
South Africa	2019	66,05	47,28	List PR
Tanzania	2015	62,68	58,31	FPTP
Uganda	2016	67,61	60,37	FPTP
Zambia	2016	56,03	51,19	FPTP
Zimbabwe	2018	83,10	61,86	Parallel since 2013

VAP per cent = Voting Age Population figure based on voting population over 18;[8] FPTP = first-past-the-post system; MMP = multi-member proportional system. Voter turnout = based on registered voters

Source: International IDEA 2019. Voter turnout database and International IDEA: Electoral Systems Design Database

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[8] Both voter registration and VAP statistics are used, since the latter can provide a clearer picture of participation in some countries if there are problems with the voters' list or registration system. Ideally, voter registration and the VAP statistics should be close to each other. In most established democracies, such as Sweden, they are close to each other. However, the VAP figure also has limitations when the census of countries is not up to date. Also, the VAP is not able to exclude non-citizens (Solijonov 2016:19-22). South Africa has a large number of foreign migrants, and this might explain the large discrepancy between the voter turnout and the VAP turnout.

Electoral systems

Electoral systems are distributive mechanisms that reward one set of actors at the expense of another. The design of an electoral system can assist in managing or accommodating minority groups. Despite numerous variations in electoral systems, three main types (based on the manner in which votes are translated into seats) are generally distinguished – i.e. majoritarian, proportional and mixed – with each consisting of different types.

The single-member district system (SMD), more commonly known as the first-past-the-post system (FPTP), is the most commonly used majoritarian system, and is primarily in the United Kingdom and its former colonies (also those in Africa). As shown in Table 2 above, with the exception of South Africa with its list PR system and Zimbabwe with its mixed-member parallel system (also known as the independent mixed electoral system[9]), all the other Anglophone states use the FPTP system.

Under a FPTP system, the candidate that wins the most votes in the constituency is elected to the legislature. Therefore, if a party's support base is dispersed and it wins a number of votes in each constituency (but fails to come first in the constituencies), it may end up in having no representatives in the legislature, while winning a significant support of the vote at a national level. One of the main criticisms of the FPTP system is that it can produce a highly disproportionate translation of votes into seats that usually favours the larger parties at the expense of the smaller ones – it therefore produces unrepresentative outcomes. This was, for example, the case in the 2004 elections in Botswana where the Botswana Democratic Party (BDP) won 53 per cent of the vote, but 77 per cent of the seats in parliament, while the Botswana National Front (BNF) with 23 per cent of the vote ended up with 21 per cent of the seats and the BCP with 18 per cent of the vote with only 1 percent of the seats (Osei-Hwedie and Sebudubudu 2005: 30). Despite the fact that the 2014 election was the most competitive – the average margin of victory for the dominant party (the BDP) plummeted from 31,4 per cent to 15 per cent since the 2009 election – the disparity between voter support and seats remained: with 46,45 per cent support the BDP still received 64,9 per cent of the elected seats, followed by the UDC (Umbrella for Democratic Change) with 30,1 per cent of the vote and 29,8 per cent of the elected seats, and the BCP in third position with 20 per cent of the

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9 The majority of seats in the National Assembly are still elected through a FPTP system, while each of the constituency candidates also counts as a party-list vote for the election of 60 of Zimbabwe's 80 senators, the ten-member Provincial Councils in each of Zimbabwe's provinces and for the 60 seats in the House of Assembly that are reserved for women.

vote obtaining a mere 5.3 per cent of the elected seats (Potete 2014: 446). In the 2019 elections, the BDP received 52.7 per cent support while receiving 67 per cent of the elected seats (38 of 57 seats).

This type of disproportionality between voter support and seats in parliament is a trend reflected in all the countries discussed in this chapter that follow the FPTP system.

Another strong feature of the SMD electoral system, particularly in Anglophone African countries, is the rural bias favouring the majority party due to malapportionment (the unequal assignment of seats, which in this case, gives more weight to voters in rural areas). In a study of Anglophone countries in sub-Saharan Africa (Botswana, Ghana, Tanzania, Kenya, Malawi, Zimbabwe and Zambia), Boone and Wahman (2013) found high levels of malapportionment (by international standards) in these countries. The mean malapportionment of these countries is twice as high as the worldwide figure, with only Botswana close to the international mean. The levels of malapportionment have not decreased despite electoral turnovers in four of these countries (see above) and despite the fact that at least one demarcation exercise has been undertaken in most of the countries.

Urban areas in Anglophone countries have been particularly disadvantaged in the SMD electoral system. The disproportionate electoral weight to rural constituencies that prevailed since the 1960s created a systemic rural bias. Numerous reports on elections in these countries over the years have argued that unequal representation due to malapportionment violates the principle of the equality of the vote (Boone and Wahman 2013: 2-4). In Tanzania, for example, the National Electoral Commission (NEC) conducted a delimitation of constituency boundaries ahead of the 2015 elections. Again, the new boundaries do not take into consideration the principle of equal distribution of the electorate among the constituencies: some highly populated areas are under-represented in terms of seats compared to less populated constituencies (EU 2015: 17).

The unrepresentative outcome of the FPTP system is addressed under a system of proportional representation where the allocation of seats in the legislature is adjusted to the total number of votes the party gets. Proportional systems are therefore more likely to increase the legislative representation of small parties and reduce the majority of the government – in other words, they provide a far more accurate translation of votes into seats.

Most FPTP systems also have fewer parties represented in parliament than with PR systems – generally around four or five in the case of, for example, Botswana, Malawi, Tanzania, and two in the case of Ghana, while fourteen parties are represented in South Africa. However, this is not always the case, especially when ethnic groups are geographically concentrated. Smaller parties that rely on ethnic regional support are then well placed to win seats in those areas – no votes are then 'wasted'. Kenya is

an example here: the National Assembly is drawn from as many as twenty parties. Therefore, though the design of electoral systems can help in promoting political inclusion, it ultimately depends on local circumstances.

While proportional electoral systems produce more proportional outcomes in elections, a shortcoming currently experienced in, for example, South Africa is the limited ability of voters to hold representatives accountable. A strength of the FPTP system is that because there is only one representative per constituency it is easier for voters to hold that person accountable in the next election. In doing so, the system creates incentives for representatives to perform well.

Electoral systems, as shown in the chapter on the role of women, have an influence on women's representation in parliament.

Electoral integrity in Anglophone states — some common trends

As already mentioned, Pan-African and regional norms and standards for the appropriate conduct for elections exist which deviate little from the global normative framework for elections. The question is to what extent do elections in African Anglophone countries comply with these norms and standards? What are the major accomplishments and challenges with the standard of elections that have been held since the early 1990s? The Perceptions of Electoral Integrity Index (PEI) 2012-2018 (Electoral Integrity Worldwide 2019) is used as a point of departure in highlighting the levels of electoral integrity in these countries.[10]

Of the seven countries in Africa that score very high (70+) or high (60-69) on the PEI Index, two are Anglophone countries – i.e. Ghana (65) and South Africa (63). At a moderate PEI score (50-59) are Botswana (58) and Nigeria (53), while the low/'flawed' category (40-49 PEI score) consists of Malawi (48), Zambia (45), Tanzania (44) and Kenya (43). At the lower end of the spectrum of electoral integrity (the very low/'failed', less than 40, category), are Uganda (38) and Zimbabwe (38).[11] As emphasised by the Electoral Integrity Project, the data is based on a Perception Index. In their report on elections in Africa held between 2012 and 2014, Grömping and Martinez I Coma (2015: 9) note that although Africa in general exhibits lower levels of election integrity, problems in elections are similar to those elsewhere in the world and the difference is therefore 'in degree and

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10 As explained by the Electoral Integrity Project, the categories in the 100-point Perceptions of Electoral Integrity Index are constructed from the average score for each country in presidential and parliamentary elections held from 2012-2018. Also see note 4 above.

11 The performance indicators are: electoral laws; electoral procedures; boundaries; voter registration; party registration; campaign media; campaign finance; voting process; vote count; post-election; electoral authorities (each consisting of 3-5 measures).

not kind'. So, in which dimensions of elections do the ten Anglophone countries perform well and in which do they not meet the required standard?[12]

Though the intensity and scale of each of these elements differ by country, the patterns are strong enough to justify a conclusion that these are the common realities in the Anglophone countries.

Despite the fact that the PEI Index of three of the Anglophone countries is above 60 (high), and two fall into the moderate bracket, with scores below 40, all of the ten countries fail in terms of the campaign finance indicator. These range from 39 for Ghana to a perception indicator of 36 for South Africa, to very lows of 14 (Uganda), 16 (Zimbabwe) 17 (Kenya), 17 (Botswana) 18 (Malawi) and 20 (Nigeria). As shown in the table below, the integrity of elections in the majority of countries is also compromised in terms of voter registration, media coverage, the voting process and the results. Although electoral management bodies are independent by constitutional prescription in all the countries, they have not been so in practice in Kenya, Tanzania, Uganda and Zimbabwe. An elaboration of the nature of these problems is presented below.

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12 In their 2019 report, Norris and Grömping (2019: 36-22) (Electoral Integrity Project) provide a summary table on the breakdown of the PEI Index for each country in terms of the indicators (mentioned in note 10 above) for legislative and presidential elections in the period 2012-2018. Since elections are held every four or five years, this table, in most cases, reflects the evaluation of only one (the most recent) election. Nevertheless, this assisted in providing some indication of which aspects of the elections are regarded as problematic in each country.

Table 3: PEI Index, and lowest scores of indicators in each country (below 50)

Country	PEI index	Campaign Finance	Electoral Laws	Media coverage	Voter Registration	Voting process	Results	Electoral Bodies
Botswana	58	17	38	36				
Ghana	65	39						
Kenya	43	17			40	26	26	36
Malawi	48	18			30	42	45	
Nigeria	53	20		49	42	31		
South Africa	63	36						
Tanzania	44	23	33	43	32	43	39	46
Uganda	37	14	33	42	33	33	41	41
Zambia	44	27		30	32	33		
Zimbabwe	38	16	33	43	32	44	34	43

Source: Norris and Grömping (2019: 16-22). Scores cover national elections held during the last seven years (1 July 2012 to 31 December 2018). The scores for South Africa, Botswana and Malawi are for the elections held in 2014 in these countries.

Political Party Funding

For parties to fulfil their democratic role they need access to funds. However, money in politics is regarded as one of the biggest threats to democracy, since it can unduly influence the political process. Buying access to or bribing those in power, foreign interests using money to manipulate politics in their favour, the illicit funding of candidates and parties by, for example, drug cartels and the use of state resources by incumbent leaders/parties during elections are some of the numerous problems related to political finance[13] (Ohman 2014: 1-2). Furthermore, it is argued that certain party

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[13] Although political finance is a broad term referring to all money in the political process, in this chapter it refers to money related to electoral politics. Therefore, it refers to 'the (legal and illegal) financing of ongoing party activities and electoral campaigns (in particular, campaigns by candidates and political parties, but also by third parties)' (Ohman 2014: 2).

finance practices also have the potential to obscure the voice of the poor, undermining one of the central concepts of democracy: the principle of one person one vote (February 2003). If money plays a determining factor in politics, public confidence in the political process can be eroded.

In its 2012 report the Global Commission on Elections, Democracy and Security (2012: 5-6) argued that one of the five major challenges that must be overcome in order to conduct elections with integrity is to regulate 'uncontrolled, undisclosed, and opaque political finance'. Furthermore, poor or unregulated political finance 'threatens to hollow out democracy'. Funding is essential to all political parties to play their part in the political process. However, if unregulated, it can result in a political playing field that is not level. Therefore, as Ohman (2014: 39) remarks, 'how political parties and candidates raise and spend money can have a more significant impact on the fairness of an electoral process than anything that happens on Election Day'.

Two aspects are important in terms of party finance: the availability of funds to parties to enable them to fulfil their democratic role and the regulation of party funding.

Although no consensus exists on what constitutes best practice, a number of international, regional and sub-regional requirements and guidelines exist. The United Nations Convention Against Corruption (UNCAC) (2005: 11), which has been accepted or ratified by all ten Anglophone states, for example, notes in article 7(3) that countries should 'consider taking appropriate legislative and administrative measures . . . to enhance transparency in the funding of candidates for elected public office and, where applicable, the funding of political parties'. Similarly, the AU Convention on Preventing and Combatting Corruption (2003) requires that states adopt legislative and other measures to prohibit the use of funds 'acquired through illegal means and corrupt practices to finance political parties' and that the principle of transparency should be incorporated into the funding of political parties (Article 10 a-b). The Principles for Election Management, Monitoring and Observation in the SADC Region (2003) also recommend that public funding should be extended to all parties contesting elections that can 'demonstrate a track record of support', but that these funds should be regulated by the EMB and that verifiable accounts of the spending of this money should be provided to the EMB. Furthermore, regulations should be considered for the disclosure of all sources of funding of political parties (Article 4.10). Over the years, scholars have also argued for public funding to support parties in meeting the cost of democratic politics, particularly in developing countries, in order to promote equal opportunities and fairness, thus creating a more level playing field.

All the Anglophone countries under discussion have some regulations that govern their political finances, although there is considerable variation in the level of political finance regulation among

these countries. It also does not mean that with a higher level of regulation the money is more transparent. In the end the problem lies in the enforcement of the regulations – particularly the lack of political will to control the income on the one hand, and on the other, the lack of resources to enforce the regulations or the biased enforcement of these regulations.

Despite these continental and regional recommendations that political parties should be publicly funded, Botswana, Ghana and Zambia have so far resisted the idea of public funding,[14] whereas Nigeria discontinued funding parties in 2010 (Sule et al. 2018: 4). Despite a strong call for public funding in Botswana by political parties (including the governing party), this has not materialised. It is argued that individual candidates and political parties struggle to reach out to voters because they lack the resources to do so (*Sunday Standard* 2017; *Daily News* 2017). In Ghana, as a result of financial challenges, a number of political parties are inactive between elections and are unable to establish and maintain offices in many parts of the country (Gyampo 2015: 4). Furthermore, during election campaign periods, as Gyampo (2015: 5) notes, the party in power exploits its access to state resources 'while those in opposition suffocate'. In his view, the pillars of multi-party democracy in Ghana cannot be strengthened without dealing with the financial problems of political parties. Although a Political Parties Fund Bill was introduced in the National Assembly in 2003 in Zambia, President Mwanawasa rejected the measure, arguing that Zambia did not have the finances (Kabemba and Eiseman 2004: 15-16). At the end of 2017 the Political Parties Bill which, among other things, makes provision for the public funding of political parties, was introduced in the National Assembly. However, by February 2019 this Bill had still not been enacted. As in the case of Ghana, incumbent parties have over the years used state resources freely for political campaigning (Momba and Madimutsa 2009: 6-7; Kyambalesa 2015).

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In the seven remaining Anglophone countries which receive direct public funding, legal provisions exist in terms of the eligibility criteria generally based on the outcome of the previous elections. However, these criteria vary substantially across the countries. In Kenya, for example, parties are not entitled to funding if they did not secure three percent of the vote in the previous election or if they do not have twenty elected members of the National Assembly, and three elected members of the Senate and three elected members who are governors, and 40 members

14 International IDEA has a regularly updated Political Finance Database that contains data on political finance regulations in force in 180 countries. It provides the basis for the discussion on political financing in this chapter. Four aspects are covered in terms of each country: bans and limits on private income; public funding; regulation of spending and reporting; oversight; and sanctions.

of County Assemblies (Republic of Kenya 2011: section 25 1a-b). In Malawi, a party receives public funding when it has secured 10 per cent of the vote in the previous election (IDEA database), while parties in Zimbabwe receive funding if they get 5 per cent of the vote in a general election and then in proportion to votes cast for the party (Zimbabwe Situation 2018). In South Africa, public funds are distributed in proportion to the representation that parties secured in the previous elections. Parties not represented in parliament or in a provincial legislature do not qualify for such funding. Therefore, a newly established party such as the Economic Freedom Fighters (EFF) did not qualify for state funding for the 2014 elections. In Tanzania, according to the Political Parties Act, 50 per cent of funds are disbursed based on the number of constituencies won and the other 50 per cent goes to parties that received at least five per cent of the total number of valid votes cast (Mwamunange 2016), while in Uganda eligibility criteria are also linked to the numerical strength of parties in parliament.

Problems with public funding in the Anglophone countries mainly revolves around the funding criteria i.e. that the threshold for funding is too high. This inevitably reinforces the dominance of the larger parties and does little to help the development of multi-party democracy. For example, in Malawi, only four parties qualified for funding in the 2019 elections (based on the 2014 election results), while only two qualified in Zimbabwe for the 2018 elections (based on the 2013 results). Since 2013, only three parties in Kenya have qualified for funding from the government – the National Alliance (NA), the Orange Democratic Movement (ODM) and the United Republican Party (URP) (Oluoch 2016). On the other hand, opposition parties in Uganda do not agree with the numerical strength in parliament formula because it does not tally with party votes received in the previous election due to the FPTP electoral system. Some parties won no seats, but their candidates received more votes than other parties that won seats (Ruzindana 2015).

A further problem is that government funding is not adequate to cover the cost of election campaigns or the annual operational costs of political parties. One way of trying to regulate the cost of campaigns and to ensure that candidates and parties with less access to resources are not disadvantaged, is to limit the amount candidates and parties can spend on elections. Of the countries under discussion only Nigeria limits the amount that candidates can spend on their campaigning. For example, the maximum expenses to be incurred by a candidate for election to the National Assembly is NGN 40 000 000, while the amount is NGN 10 000 000 for a State Assembly election and 1 000 000 000 for a presidential election (Nigeria – Electoral Act 2010, section 91). Although the law limits the spending of candidates it does not require the submission of any financial reports, and, as Ohman (2014: 56) observes, no one will know whether these requirements are followed.

Parties participating in elections in Anglophone African countries mainly rely on private sources of funding, which include small and large donations (local and foreign), funding from candidates, own business initiatives of parties and membership fees. The last are proportionately the least important of a party's source of income for two reasons. The first of these is the low percentage of card-carrying members of parties. It is estimated that in South Africa, for example, from two to six percent of party supporters are card-carrying members. Secondly, given the high poverty rate in countries and in order to attract the largest number of members possible, membership fees for parties are generally very low (Sadie 2017). In its financial report presented to its national conference in December 2017, the ANC in South Africa, for example, stated that membership fees constitute a mere five percent of its annual revenue (*Mail and Guardian* 2017).

Whereas the public funding of parties is regulated by specific legislation, a major controversy surrounds private funding, which in most countries is not regulated. As is the case elsewhere in the world, there are concerns about the link between party financing practices and corruption.

Kenya and Nigeria have banned foreign donations to parties (nothing is said about candidates), while in Kenya, Tanzania and Nigeria (FPTP systems) there is also a limit on financial donations to candidates. In Nigeria no individual or other entity is allowed to donate more than NGN 1 000 000 to a candidate, while in Tanzania, an individual donor may not donate more than one million shillings to a candidate, and the amount from an organisation may not exceed two million shillings (International IDEA, Political Party Funding Data Base – separate country statistics).

Donation limits to parties, which are quite high, also exist in Kenya, Tanzania and Uganda. In Kenya, donations may not exceed 20 per cent from a single source of the total contribution received by the party, while in Tanzania a single contribution cannot exceed 30 per cent of the total expenditure of the party (including the election year) and in Uganda the limit is 400 million shillings (US$ 104 000) (International IDEA, Political Party Funding Data Base). The contribution limits are of importance only if these are monitored and violations are penalised, which does not seem to be the case. As Ohman (2014: 44) remarks, 'contribution limits play a negligible role in the de facto regulation of political finance in Africa'.

With regard to Kenya, Oluoch (2016) stated that 'the art of political funding remains a mystery in Kenya'. Furthermore, the Registrar of Political Parties has indicated that Kenya's main political parties are underrepresenting their incomes and that they have not revealed billions of shillings.

In South Africa, one of the major issues since democratisation in 1994 has been the fact that private funding to political parties was not regulated. The practice of private funding was challenged in the High Court in Cape Town in 2004 by Idasa – the case was then dismissed after the major

political parties agreed to legislate on the matter. At the time, the then secretary-general of the ANC (Kgalema Motlanthe) in a sworn affidavit said that a parliamentary process was under way to pass appropriate legislation (Sadie 2017: 221). However, it was some fifteen years after making that public commitment that President Ramaphosa finally signed into law (in February 2019) a new bill aimed at regulating the funding of political parties, which was approved by parliament in June 2018. The new Political Party Funding Act, 2018 requires parties to disclose all donations over R100 000 from any one donor within a financial year. It also prohibits donations from foreign governments or organs of state. Non-compliance with the law can lead to a fine or a jail sentence of up to five years (Articles 8 and 19 and Schedule 2 article 9) (Political Party Funding Act 2018).

Numerous examples of how money contributes to unequal playing fields in elections exist. In Nigeria, as Onah and Nwali (2018: 318-320) argue, money has become the deciding factor in terms of consolidating elite rule and politically excluding the non-elite. The role of money starts at party level during the candidate nomination phase and continues throughout the campaign and voting period. It even extends to the pursuit of electoral victory at the courts. For example, the nomination fees for candidates of the major political parties are 'astronomically high' and doubled with every election, resulting in party-nomination that is only for the 'super rich'. The 2015 general election was the most expensive in the history of Nigeria and in Africa and has also been regarded as one of the most expensive in the world (Sule et al. 2018: 169).

Elections have therefore been described as a 'game for those with money' (Onah and Nwali, 2018: 327). Despite the fact that Nigeria has a comprehensive set of laws to limit campaign spending, which could mitigate the undue influence of money on elections, these laws are rarely enforced due to the weak capacity of enforcement institutions such as the police and the Independent Electoral Commission (INEC) (Oji et al. 2014: 2; Onah and Nwali 2018: 328). Consequently, as Oji et al. (2018: 2) point out, the unchecked influx of money into politics produces governance that has been captured by a very small minority.

An important point raised by Onah and Nwali (2018: 332) is the fact that Nigerian politicians are willing to spend so much on elections because of the lucrative returns of politics such as wealth, influence and security, which guarantees a 100 per cent return within a year. This 'turning of politics into business' constrains the vote of Nigerians. The right to vote and to be voted for in elections is a fundamental Constitutional right in Nigeria (1999 Constitution). However, although Nigerians of voting age can technically vote, their choice of candidates are limited to those chosen by the elite through monetised party primaries while those with less money would have fallen by the wayside. Furthermore, the right to be voted for has become exclusive to the rich who can afford to participate

in the process (Onah and Nwali 2018: 332).

Corrupt practices, which over the years have emerged in the process of party funding and the campaign expenditure of candidates, include a wide occurrence of vote-buying by both the governing and opposition parties (see Sule et al. 2018: 198-199; Onah and Nwali 2018: 13); bribery, particularly of INEC officials (Sule et al. 2018: 200; Onah and Nwali 2018: 331); public funds diverted to campaign funding of the presidential candidate of the ruling party;[15] and, lastly, the godfather phenomenon, where a wealthy individual or group bankrolls the party. Godfathers not only decide party nominations, but also supply campaign monies. In most cases they also guarantee the victory of such candidates. The guarantee will come in the form of financing campaigns, the purchase of votes or outright intimidation of voters (Babalola 2018). Godfathers will adopt every means and avenue to ensure success. They may also 'employ thugs to rig and or cause chaos before, during and after the elections' to ensure the success of their favorite candidates. Godfatherism has accounted for some of the worst violence experienced in Nigeria (Majekodunmi and Olanrewaju 2013: 73). Party candidates are used as an 'investment outlet to be recovered through frivolous and bloated government contracts, appointments of cronies into chosen public offices and other prebendal returns by the beneficiaries' (Ibeanu 2008 as cited in Oji et al. 2014: 11-12).

The foundation of money politics in Nigeria dates back to British colonialism and in particular the 1922 Clifford Constitution, which introduced the Elective Principle that created four elective seats and was an income-based franchise. It allowed only those with an annual income of 100 pounds or more to participate in elections, an amount that most Nigerians could not meet and that, therefore, prevented them from contesting elections[16] (Onah and Nwali 2018: 3). Money was therefore used as an indicator for meaningful political participation. As Onah and Nwali (2018: 4) show, although the Nigerian nationalists succeeded in repealing income-based suffrage, and money played a small role during the elections of the First Republic, money again became central to Nigerian politics in the run-up to the Second Republic (1979-1983) and has since continued, as Onah and Nwali (2018: 4) put it, 'to define the careers and fortunes of politicians in the country'.

In Ghana, the absence of any regulation on campaign spending or limitation of private donations

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15 President Jonathan of the PDP, for example, diverted several billion of government funds to his campaign in 2015 (Onah and Nwali 2018: 11).

16 Between 1923 and 1946, only four Nigerians were elected as members of the Legislative Council by the wealthier members of the communities (Onah and Nwali 2018: 3).

to candidates has been described by a former Minister of Youth and Sport, Afriyie Ankrah, as institutionalising corruption in the country. A recurring debate in Ghana has been the issue of the linkages between the way parties finance campaigns and operations in Ghana and the inability of governing parties to tackle corruption. Large amounts of money are required for internal party elections, as well as national elections. In 2016, for example, a parliamentary candidate spent as much as $85 000 on average to contest his/her party's primaries and parliamentary elections. The campaigns of individuals/parties are sponsored by individuals who then have a strong influence on politicians once they are in office. In the words of Ankrah, it is 'almost unconscionable' to overlook persons who contribute to the political campaigns when the political party they funded comes to power (Mordy 2018; CDD Ghana 2018).

Media coverage

During electoral periods the media's role is particularly vital. Since they are the main sources of information, they play an important role in facilitating a transparent process while providing an outlet for political parties and candidates, and, in doing so, ensure a level playing field. However, media coverage of elections is an issue in the majority of the Anglophone countries – except for Ghana, Kenya, Malawi and South Africa. In Ghana, media coverage scores high (60-69), while in South Africa and Kenya the score is moderate (50-59). The scores for the remaining countries (see Table 3 above) are 'low' (40-49) in the case of Nigeria, Tanzania, Uganda and Zimbabwe and 'very low' (less than 40) for Zambia and Botswana (2014 elections). A variety of problems characterise media coverage in different degrees in the various countries of which biased coverage, most often in favour of incumbent presidents, is the most common. In Zambia, for example, a report by MISA Zambia (Media Institute of Southern Africa) in 2016 showed that the ruling PF party received significantly more media coverage across all four public media outlets ahead of the 2016 elections. Also, state interference and outright violations of the media's independence and freedom featured. The heavy-handedness by the state was reflected in the suspension of the licences of three independent broadcast stations that carried dissenting views and also offered a platform to the opposition, a move that was regarded as an attempt to silence the media. Newspaper journalists have also been insulted and physically attacked in their line of duty. The police have also either been physically aggressive against journalists or have been passive when it comes to the defence of journalists (MISA Zambia 2016: 8-13).

In Malawi the most important negative aspect of the media in the 2014 election period was

the one-sided coverage provided by the two state radio channels, the state television station and its online news service that focused its coverage on the presidential race rather than the local government and parliamentary elections (Gaber and Lora-Kayambazinthu 2014; MISA Malawi 2014). The 2019 elections were likewise characterised by bias in state media in favour of the ruling party, which contributed to the absence of a level playing field (EU Observation Mission 2019: 1) The state media in Tanzania also failed to provide equitable and fair coverage of the election campaigns by predominantly covering the ruling party (EU 2015: 29-30). Similar problems, such as biased reportage in favour of the ruling party, were experienced in Botswana. The arrest of one of the editors of a private newspaper under the sedition law also raised serious concerns about the freedom of the media.

The July 2018 elections in Zimbabwe were significant in many ways. Besides the fact that Mugabe was no longer a factor, Emmerson Mnangagwa who stood as the ZANU-PF presidential candidate, promised to break with Mugabe's authoritarian politics. Although Mnangagwa promised to review the repressive media legislation when he took office in November 2017, by mid-2019 no concrete progress had been made. Nevertheless, journalists have reportedly been able to cover the elections more freely and access areas that they would normally have avoided for fear of harassment. However, the violent aftermath of the elections resulted in, among other things, journalists being assaulted by the police, police barring journalists from accessing a press conference held by the opposition MDC Alliance, and threatening calls from unregistered numbers being made to the NewsDay editor, Wisdom Mdzungairi. NewsDay reported that there had been more casualties in the Harare protests than officials had mentioned (Pekkonen 2018). In addition, according to the EU Election Observer Mission's media monitoring findings, the state-owned media provided heavily biased coverage of the electoral process in favour of the ruling party. It also registered a total of eight cases of journalists injured, attacked and harassed during the entire observation period (EU 2018: 28-29).

Voter registration

The integrity and credibility of elections depend largely on the quality of the voters' registers. However, as indicated above, voter registration and the creation of a voters' register is not without controversy and has over the years been an issue in Kenya, Tanzania, Uganda, Malawi (2014 elections), Zambia and Zimbabwe, with PEI scores below 50. Each country has its own method of creating the voters' roll and none is generally without controversy.

Biometric voter registration (BVR) has been introduced in all of the Anglophone countries, with South Africa standing out as the only country where it is not high on the agenda. Nigeria, Zambia Ghana and Kenya are the frontrunners. BVR was already used in 2011 in Nigeria and Zambia and was introduced in Ghana before the 2012 elections and in Kenya before the 2013 elections. They were followed by the rest of the Anglophone countries, with the most recent being Zimbabwe and Malawi, which introduced BVR for their 2018 and 2019 elections respectively. In Malawi's 2019 elections the integrity of the voter register was significantly enhanced by the new biometric National Identity card, which was accepted as the only proof of eligibility (EU Observer Mission Malawi 2019). Although Botswana planned to use the BVR system for the 2019 elections, it did not materialise.

In general, BVR has contributed to more valid voter registers, has been successful in eliminating multiple registrants from the register, and on the day of the election in preventing multiple voting, thus reducing rigging.

However, with the use of technology it is assumed that a sound ethical framework is in place, that election officers are competent in its use and that voters are properly informed about the use and advantages of the system. This was not the case in Kenya, Tanzania and Uganda, especially when the system was used for the first time. Significant registration glitches occurred, since electoral management bodies were not prepared for the technology. For instance, there was inadequate electric power and battery backups, registration officials not knowing how to use the machines, an inadequate number of BVR kits, the malfunctioning of kits (East Africa Law Society 2017: 8) and the misconception by some that the BVR kits are harmful to the body. With the 2017 registration process in Kenya there was improved use of this technology, but, again, problems were experienced with insufficient capacity or security testing. Allegations of computer hacking in the 2017 elections also reignited a debate around the use of digital technology in national votes. Similar to the 2013 elections, election monitors pointed to the fact that technology cannot replace trust. Recurring problems such as intermittent electrical power and malfunctioning of voter smart cards were also

evident in the most recent elections in Nigeria.

The BVR was also introduced in Zimbabwe for the first time for the 2018 harmonised elections, following concerns about the past inadequacies of the voters' roll, which has always been a major point of contention. However, numerous concerns were raised about the accuracy, completeness and inclusivity of the register. These were compounded by the late release of the final voters' roll by the ZEC and its failure to carry out a proper and independent auditing exercise, which affected stakeholder confidence in the register and of the ZEC (AU 2018: 4; EU 2018: 14-17).

BVR does not solve all the problems that are associated with voter registration such as: the low turnout of voters to register (e.g. Kenya); insecurity in some parts of the country and the lack of national identity cards for many (Kenya and Nigeria) (ELOG Report 2013: 43); the presence of a high number of deceased voters on the register (Zambia); in Tanzania, cases of 'fraudulent registration', where illegal immigrants and non-citizens along the border regions were registered as voters; and in Uganda disenfranchisement of many voters by the Electoral Commission by arbitrarily making the cut-off date for registration on 11 May 2015 for an election taking place in February 2016 – effectively preventing anyone turning 18 years old after 11 May 2015 from voting (East Africa Law Society 2017: 15).

Voting process

As shown in Table 3 above, the voting process in the period 2012-2018 scored low in Malawi (2014 elections), Tanzania and Zimbabwe (40-49), while Nigeria (2015 elections), Kenya, Uganda and Zambia received 'failed' scores (less than 40). The shortcomings in the voting process in Uganda and the elections in Nigeria, outlined below, provide some indication of the type of issues that characterise a 'failed' voting process. In Uganda, for example, markedly delayed delivery of voting material in several areas coupled with a lack of communication by the Electoral Commission led to growing frustration and tension among voters, with crowds protesting and the police using teargas to disperse crowds. In addition, the Ugandan Communication Commission blocked access to social media, which further contributed to the tense situation. A number of other problems at polling stations included unsealed ballot boxes, ballot boxes and ballot papers missing in significant numbers, the unavailability of the voters roll at some polling stations, the inconsistent use of the voters roll as a primary means of voter identification and attempts at vote-buying (EU 2016: 28-29).

In Nigeria's 2019 elections (like the 2015 elections), serious operational shortcomings were also reported. The elections, originally scheduled for 16 February 2019, were postponed by the

INEC hours before they were meant to begin due to problems of timeously delivering materials such as ballot papers and voter card readers to polling stations. When the vote was finally held on 23 February, most polling stations (for the same reasons) opened hours late and many election officials seemed confused about voting-day procedure. According to INEC, voting had also not been possible in 8 500 of the 120 000 polling stations around the country. Although voting was generally peaceful, violence broke out at some stages, with over 39 people killed over the weekend – mostly by thugs who attacked polling stations, stealing ballot boxes and intimidating voters. Vote buying (despite being prohibited by law) was also widespread by means of, for example, the handing out of cash and spices in some neighbourhoods/villages. This has led to the description of Nigeria's electoral politics as 'cash-and-carry democracy' (Onuoha and Ojo 2018; *BBC News* 2019; *The Economist* 2019).

Results (challenges, violent protests and resolving disputes)

The election results of recent presidential elections in, for example, Kenya, Uganda, Malawi and Zimbabwe have been challenged in the courts. In Uganda's 2016 elections nearly 60 polling stations had a 100 per cent voter turnout. In 47 of these Museveni received 100 per cent of the votes cast and there were no invalid votes, while in eight he got 98.5 per cent. Such high percentages for a winning candidate with a very high turnout rate were regarded as 'a sign of systematic fraud'. Besigye, the opposition candidate, led in all polling stations with less than 60 per cent turnout rate. The court resorted to formalities to reject the evidence of malpractice by arguing that although Besigye had proved that irregularities had occurred he had failed to prove that Museveni 'did not obtain more than 50 per cent of valid votes of those entitled to vote' and that Besigye's statistical analysis was academic, theoretical, speculative and lacked expertise and credibility (East Africa Law Society 2017: 13). In Kenya, however, the Supreme Court's annulment on 1 September of the presidential component of the election held on 8 August 2017, due to large-scale irregularities, has been described as a historic and landmark ruling, specifically since it went against the incumbent president (European Union 2018: 16). However, the rerun of the presidential elections on 26 October 2017 was equally contested. The runner-up of the August presidential election—Raila Odinga, who secured 44,9 per cent of the vote – withdrew from the presidential election re-run, arguing that there was no prospect of a credible election since the IEBC failed to make the necessary reforms (*Aljazeera* 2017). This culminated in an opposition boycott and a political environment characterised by an increase in violence, with 92 people killed. The voter turnout also dropped

from 79.5 per cent to a mere 38.8 per cent (*Al Jazeera* 2017). In Tanzania, the Ukawa coalition also rejected the Union[17] presidential and parliamentary results. However, the results of the presidential election cannot be challenged in court.[18]

In Zimbabwe, the outcome of the presidential election was contested by the MDC Alliance after the marginal victory of the ZANU-PF candidate Emmerson Mnangagwa was announced. The MDC Alliance chairperson refused to sign the results form (arguing that he was not given access to the verification process) and later lodged an unsuccessful legal challenge to the presidential result. In their observer mission report the EU highlighted the fact that the 'figures presented by the Zimbabwean Electoral Commission (ZEC) contain many anomalies and inaccuracies', though they did not bring into question the results per se (EU 2018: 37). These errors were presented to the court by the MDC, but the court found that they did not affect the overall outcome. The MDC Alliance leaders intensified their claim that the elections were rigged. The news that the ruling ZANU-PF had won a parliamentary majority sparked violent protests in Harare between MDC supporters and the military. In the end, the military opened fire on opposition supporters, leaving six people dead and dozens injured.

In February 2020 the Constitutional Court in Malawi annulled the May 2019 vote that returned President Peter Mutharika to power. The court cited 'widespread, systematic and grave' irregularities and ordered a rerun within 150 days. Similar to the Supreme Court's annulment of the 2017 presidential election in Kenya, observers also regarded the court's decision as a democratic milestone for a continent where judges often play it safe by ruling in favour of the winning incumbent in a disputed poll (*Daily Maverick* 2020).

A trend of violence has not only characterised the outcome of the elections in the above-mentioned countries but has, since 1990, also been frequent in, for example, Ghana and Nigeria. In general, there have not been large-scale killings such as the post-election violence in Kenya in 2007 (with 1 500 deaths and more than a half a million displaced people) and in Zimbabwe in 2008 (with 107 deaths, over 600 displaced people and 1 913 cases of assault).

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17 In the observer mission reports they refer to the Union and Zanzibar

18 This is contrary to the international principles for democratic elections entrenched in the International Covenant on Civil and Political Rights. Only the validity of the elections of the National Assembly may be challenged by way of petition to the High Court (European Union 2015:34).

Electoral violence in Sub-Saharan Africa is a multi-faceted phenomenon and is also present in the Anglophone countries. In Kenya, for example, violence is explained by the development of exclusive ethnic identities, resulting in violent electoral mobilisation, including promises of patronage (Fjelde and Höglund 2018: 41-42). In Nigeria on the other hand, state control of productive resources and domination of economic life, creating the perspective that state office is an easy avenue for accumulating wealth, is regarded as an important driver of electoral conflict. The state owns and controls the oil and gas sectors, which accounts for more than 50 per cent of government revenue, placing considerable resources at the state's disposal. In addition, many in the private sector depend on political patronage. Politics has become the only way for politicians to improve their lot (Kwarkye 2019). As shown above, candidates and their financial supporters invest heavily in elections in order to gather returns when they win. The situation is further compounded by religious and ethno-regional tensions whereby elections become the battleground for political supremacy and resource control (Kwarkye 2019).

The causes of electoral violence in Ghana, which is considered small-scale or less severe than that in other countries in the region, play out differently from the above two examples. The underlying causes of the violence vary in terms of geography. Electoral violence in the north, for example, is related to interethnic conflicts, chieftaincy rights and big man politics. In order to gain political support these factors are manipulated by political leaders from the two main parties, the National Democratic Congress (NDC) and New Patriotic Party (NPP) (Schmitz 2018: 244).

Electoral Management Bodies

It has been widely asserted that the quality and credibility of elections depend greatly on the competency, viability and impartiality of the electoral management bodies. It is therefore not surprising that the countries with low and very low PEI Index scores (below 50) also have similar low scores for their electoral authorities. As shown in Table 3 above, these are: Kenya, Tanzania, Uganda and Zimbabwe. In many instances, as also shown in the examples below, the major problems with electoral bodies are generally inefficiency and the lack of effective communication, as was also the case in the 2019 elections in Nigeria.

According to observers, during the 2018 elections the ZEC lacked inclusivity, transparency and effective external communication, which was regarded as problematic given the low base of trust in the electoral process by stakeholders (EU 2018: 10). Also, in Tanzania the National Electoral Commission (NEC) did not provide full transparency of its decision-making processes, which

affected the confidence of political parties (EU 2015: 16-17), while the lack of structural capacity in Malawi in conducting some key operations compromised the credibility of the Electoral Commission (EC) during the 2014 elections (EU 2014: 15). However, the appointment of a new EC for the 2019 elections which instituted a number of positive operational reforms to address past shortcomings, resulted in increased public confidence in the body (EU 2019: 6).

On the other hand, the Electoral Commission in Uganda has been described by observers as neither independent nor transparent, and consequently lacked the trust of stakeholders. As a result, the elections fell short of international standards for the conduct of elections at key stages (EU 2016: 1). Also, in Kenya during the 2017 elections, the IEBC (Independent Electoral and Boundaries Commission) was not trusted as a result of extensive political controversy about the neutrality of its predecessors. Despite the replacement of all commissioners, the IEBC continued to lack stakeholder trust and was subject to on-going public criticism and legal challenge. The issue of the credibility of the IEBC was heightened when a commissioner (Roselyn Akombe) resigned before the rerun of the second presidential election, saying that the body was 'partisan'. She also said: 'The commission in its current state can surely not guarantee a credible election on 26 October 2017. I do not want to be party to such a mockery to electoral integrity.' (Al Jazeera 2017).

Conclusion

Having each held between five and seven elections since the early 1990s, elections in these Anglophone African countries have become the most important institutional mechanism for the distribution of political power. In addition, turnovers in power, which symbolise the willingness of political parties to accept the rules of democracy, occurred in six of these countries, the efforts of presidents in three countries (Zambia, Nigeria and Malawi) to constitutionally extend their term limits were unsuccessful, in Uganda, Museveni was guaranteed lifetime rule in 2017 after parliament amended the constitution, and in Zimbabwe no term limit existed until 2013. Voter turnout in the majority of countries is fairly high (between 60 per cent and 80 per cent) in eight of the ten countries, confirming the importance of elections. The exception is Nigeria, where voter turnout in the 2019 elections reached an all-time low of 36.5 per cent, which has been attributed to a number of factors, including violence, poor organisation and the postponement of the elections.

Influenced by former British rule, the FPTP electoral system is still used in most of the countries with the exception of South Africa, which uses a proportional list system, and Zimbabwe, which has in recent years changed to a mixed system. In all the countries this system has produced

unrepresentative outcomes due to the disproportionate translation of votes into seats, which favours the larger parties at the expense of the smaller ones. Another consequence of the system is the disproportionate weight accorded to rural constituencies, which violates the principle of the equality of the vote, despite the demarcation exercises that have been undertaken. The mean malapportionment in countries such as Ghana, Tanzania, Kenya, Malawi and Zambia is twice as high as the worldwide figure.

Although the Pan-African and regional norms and standards for the appropriate conduct for elections are generally reflected in the constitutions and electoral laws of the Anglophone countries, electoral malpractices are persistent across most of the countries. In terms of the Perceptions of Electoral Index scores, which were used as a point of departure for the evaluation of elections in this chapter, the levels of election integrity vary considerably among the ten countries. On the one hand, Ghana and South Africa (2014 elections) were the best performers across most dimensions of the electoral cycle in their last general elections, while at the lower end of the spectrum, flawed contests were held in Malawi (2014 elections), Zambia, Tanzania and Kenya. Uganda and Zimbabwe are the worst performers, falling into the 'very low' or even failed category, where the integrity of the elections across most of the dimensions was compromised.

Party financing is the weakest stage of the electoral cycle in all the Anglophone countries (including Ghana and South Africa). The PEI ratings are all below 40, which is regarded as very low. Many of the challenges of corruption and coercion in the elections are related to money issues. Although donation limits to candidates exist in countries such as Kenya, Tanzania, Uganda and Nigeria, these limits are not monitored, and violations are not penalised. Abuse of political finance includes multiple practices such as clientelism and vote buying, which is particularly pervasive in Nigeria. The absence of control over the campaign spending of candidates has resulted in large amounts of money being required to contest elections, which are often sponsored by individuals who then have a strong influence over elected politicians.

The integrity of the elections in terms of voter registration, the voting process and the results (comprising challenges, the triggering of violent protests and dispute resolution through legal channels) have also been very low in Kenya, Malawi (2014 elections), Nigeria, Tanzania, Uganda, Zambia and Zimbabwe, and can be linked to the limitations of the electoral management bodies in these countries. Furthermore, in eight of the countries (the exception being South Africa, Ghana and Kenya) media coverage during the elections, particularly the state media, has been characterised by biased coverage in favour of the governing party or the incumbent president.

Finally, it is not possible to identify which stage of the electoral cycle is the most important in

determining the integrity of elections. What is evident, though, is that a number of shortcomings characterise elections, and Anglophone countries need to improve on a multitude of aspects along the whole electoral cycle.

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Chapter 3
Youth Participation in Anglophone Africa

Victoria Graham

'Only by tapping into the biggest asset we have – our youth can we create a much better world for everyone' Jayathma Wickramanayake,
United Nations Secretary-General's Envoy on Youth, 2017-2022

Africa is the continent of the young. According to the African Union (2017: iii), about 65 per cent of the total population of Africa is currently between the ages of 18 and 35 years. Moreover, Africa is the only continent globally where the youth population is growing significantly. By 2050, the number of Africans under 24 years old will have increased by nearly 50 per cent. The continent will have the largest number of young people, making up nearly twice the young population of the whole of South Asia and Southeast Asia, East Asia, and Oceania (Sow 2018).

In real terms, these huge numbers, coupled with the dynamism, innovation and energy that tend to characterise young people, make the African youth not only a potential force to be reckoned with in wider politics, but it also makes their policy contribution absolutely crucial. Paalo (2017: 2) argues that it is therefore essential that a variety of political stakeholders internationally, regionally and nationally, recognise the indispensable role of the youth as agents of change and partners in development by providing the necessary access and support.

The above sentiment is increasingly being recognised, but many scholarly accounts on youth participation in Africa have tended to be either extreme or pessimistic in their account (Resnick and Casale 2011: 1). For example, Kaplan (1996: 16) refers to Africa's youth as 'out-of-school, unemployed, loose molecules in an unstable social fluid that threatened to ignite'. Youth have also frequently been described as 'lacking in political awareness, show(ing) political apathy, and (being) disinterested in politics and lacking in political participation' (Ntsabane and Tau 2016: 60). Ngcongco (1989) notes that in traditional African society, groups such as women and young people were not expected to be leaders. Political power was based on age and was centred on a person's social standing.

The youth may not have been considered mature enough to contest for political leadership, however, this has not precluded their involvement in public affairs, albeit often to their disadvantage. History is peppered with examples of youth being exploited and manipulated by leaders. In the colonial era, for example, nationalist leaders in Ghana's independence movement mobilised disaffected youth to support their cause, notably, the 'verandah boys'[1] who rallied to Kwame Nkrumah's Convention People's Party in the 1950s (Austin 1964: 77). Following this tradition, African leaders have since continued to foster attachments with the youth for their own purposes and have often encouraged them to engage in violent behaviour in the name of furthering their political causes. Collier (2007) argues that young African males in particular may potentially be mobilised as soldiers in civil conflict.

In Anglophone Africa, the above argument seems to be evident. In 1960s Malawi, President Hastings Banda established the Young Pioneers from the youth wing of the Malawi Congress Party who then became enforcers of Banda's regime, effectively terrorising pro-democracy activists (Roessler 2005: 220). In another example, former Kenyan President Daniel arap Moi used the social movement-come-criminal gang, the Mungiki, in Kenya's 2002 general elections to garner support. Composed predominantly of urban youth from Nairobi's slums, the Mungiki exploited a cocktail of violence, extortion, and generational conflict to encourage voter support of Moi's successor, Uhuru Kenyatta (Kagwanja 2005). A commission of enquiry into Kenya's highly contested 2007 elections, in which over a thousand people were killed, found evidence that political parties and business leaders had co-opted young people to orchestrate parts of the post-election violence (Centre for Strategic and International Studies 2009). In Ghana, while youth wings are meant to 'contribute positively to democratic consolidation through peaceful and democratic activities with their mother parties, they mostly rather engage in aggressive, violent politics (including, vandalising public property, rioting/violent protests, seize and control over facilities of public good, militias/vigilantism and electoral violence), annulling the expectation of constructive contribution from the demographic majority in the continent' (Paalo 2017: 1). In Nigeria, youth have often been excluded or side-lined from politics, or, if they have been involved, they are 'mainly misused and abused to achieve the inordinate and perverse political ambition of the norm less, lawless and selfish section of the Nigerian political class' (Inokoba and Maliki 2011: 2017).

While youth exploitation has been and continues to be a characteristic of political affairs in Anglophone Africa, concomitantly, robust youth activism has also been a persistent feature.

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1 So called because these youth slept outside on verandas, rather than having homes of their own.

Student activists played a role in anti-colonial nationalism in the mid-twentieth century and after independence generations of university goers mobilised for change, demanding that politics and education be decolonised, transformed and africanised. Anti-structural adjustment and democratisation protests followed in the 1980s and more recently in the 'Fallist' movement in South Africa (See Bohler-Muller and van der Merwe 2011; Nyamnjoh 2016; Booysen 2016; Heffernan et al. 2016). A 2016 Afrobarometer report found that youth continue to be at the forefront of political change across Africa, driven by frustration over high levels of unemployment, marginalisation and a feeling of 'voicelessness' and underrepresentation by their governments (Moyo 2016: 5).

This chapter aims to provide an overview of the legislation in place across the Anglophone African states that promotes youth participation as well as the de facto conventional and non-conventional avenues the youth increasingly use to participate. Before this can unfold, it is necessary to define what we mean by 'youth' in Africa.

Who are the 'youth' in Anglophone Africa?

There is no single definition of 'youth'. Some scholars argue that this demographic is fairly difficult to define given that 'young people are not a fixed category, neither historically, politically, culturally, socially nor personally' and that not only are young people in transition, but youth itself is a transitional construct (Richter and Panday 2007: 294; Jones 2009; Utas 2012). For the purposes of this chapter, an age-based definition is used. The AU's official definition of 'youth' is individuals between 15-35 years of age (African Union 2006).

Table 1: Definitions of 'youth' across Anglophone Africa

	Age group
Botswana	15-35
Ghana	15-35
Kenya	15-30
Malawi	10-35
Nigeria	18-35
South Africa	14-35
Tanzania	15-35
Uganda	18-30
Zambia	15-35
Zimbabwe	15-35

From the table above, of the ten Anglophone countries, Botswana, Ghana, Tanzania, Zambia and Zimbabwe prescribe to the AU definition. In Kenya, the youth are defined as between 15 and 30 years. Malawi's parameters are much broader than the rest of the Anglophone states, with their youth policy defining youth as 'all persons from age 10 to 35 years regardless of their sex, race, education, culture, religion, economic, marital and physical status'. Nigeria classifies youth as 18-35 years old, South Africa, 14-35, and Uganda 18-30.

Table 2: National youth population by age and per cent, 2019

	Population size	15-24 years In numbers (percentage of population)	15-29 years
Botswana	2 283 255	422 311 (18.5)	622 440 (27.3)
Ghana	28 715 894	5 347 565 (18.6)	7 566 077 (26.3)
Kenya	49 142 516	9 898 568 (20.1)	13 886 600 (28.3)
Malawi	20 509 317	4 217 763 (20.6)	5 758 647 (28.1)
Nigeria	208 679 114	41 867 094 (20.1)	56 923 684 (27.3)
South Africa	55 918 443	9 494 404 (17)	14 751 993 (26.4)
Tanzania	56 985 045	11 517 008 (20.2)	15 839 174 (27.8)
Uganda	42 169 690	8 849 580 (21)	12 210 126 (29)
Zambia	16 929 953	3 387 922 (20)	4 677 804 (27.6)
Zimbabwe	14 277 281	2 896 764 (20.3)	4 161 814 (29.1)

Source: United States Census Bureau 2019

Anglophone Africa is young. Based on US Census Bureau statistics for 2019[2] across Anglophone Africa (see Table 2), 20 per cent of the population is aged 15 to 24 years. This increases to over a quarter (28 per cent) of the population if one takes the age group up to 29 years. The number increases still further when taking into consideration the 35-year age limit for 'youth'. For example, Kenya's National Bureau of Statistics (2018), estimates that in 2015/2016, the youth aged '18 to 34' years constituted 35 per cent of the total population. Zambia's youth constitute 36.7 per cent of the total national population (Zambia National Youth Policy 2015: 2), and young people between the ages of 15 to 34 years make up 35.7 per cent of South Africa's population (StatsSA 2019a). Malawi's 2018 census reveals a mostly youthful population with a median age of 17 years (Malawi Population and Housing Census Report 2018: 16). Tanzania too is mostly youthful, also with a median age of 17.7 years (World Population Review 2019).

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2 The US Census Bureau does not provide data on the specific youth category: 15-35 years.

Youth participation in Africa: declarations, instruments and policy frameworks

In most definitions of democracy, political participation is identified as a core principle (see, for example, Dahl 1971; 1989: 88; Rueschemeyer, Stephens and Stephens 1992: 43; Diamond and Plattner 2001: xi; and Makinda 1996: 557). Political participation refers to 'the entire set of behaviours, be they conventional or unconventional, legal or borderline vis-à-vis legality, that allows . . . individuals or groups to . . . strengthen group identification or try to influence the recruitment of, and decisions by, political authorities . . . in order to maintain or change the allocation of existing values' (Morlino 2011: 202). Whether conventional (formal) or non-conventional (informal), public participation is seen as, inter alia, a means to enhance development and service delivery, improve governance and deepen democracy (Buccus, Hemson, Hicks and Piper 2007: 6). Conventional opportunities for participation include electoral participation, contacting a local official, membership inside political parties and interest associations, and attendance of public forums. Examples of non-conventional forms include legal and illegal protests, striking, demonstrations, riots and boycotts (Ekman and Amnå 2012; Weitz-shapiro and Winters 2008). Youth participation, specifically, refers to the process of involving young people in the decisions and institutions that affect their environment and their lives within it (Checkoway 2011).

It is generally agreed that opportunities to participate in the political process are essential for the health of a democracy and that democracies flourish when citizens are willing to vote, take part in public debate, elect representatives, join political parties and attempt to influence political leaders (Adetula 2011; Schmitter 2004). The more citizens participate actively in the political process – that is attend public hearings, participate in demonstrations, and offer input in the policymaking process – the more attention they will pay to the outputs of these political activities and the more they will feel obligated to abide by whatever decision is made (Schmitter 2004).

Citizen participation is highly valued in Africa, borne out by the many declarations and charters signed. Article 13 of the 1981 African Charter on Human and People's Rights mandates that 'Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.' In 1990, the African Charter for Popular Participation in Development adopted in Addis Ababa emphasized the need to 'involve the people of Africa in the spheres of economic and political governance'. Article 3(g) of the Constitutive Act of the AU states that, among its many objectives, the AU shall 'promote democratic principles and institutions, popular participation and good governance'. The 2006

African Youth Charter (discussed further below) is of supreme importance in promoting the rights of youth to participate in all spheres of life (with additional goals and aims later provided through the African Youth Decade 2009-2018 Plan of Action framework (African Union 2011)).

Another charter of significance to youth participation is the 2005 Commonwealth Youth Charter, of which all of the Anglophone states are a part, except Zimbabwe. The Charter highlights the importance of full participation of young women and men at every level of decision-making and development. The African Charter on Democracy, Elections and Governance adopted on 30 January 2007 in Addis Ababa, also acknowledges the importance of popular participation in African society. Article 31 of the Charter specifically provides for the promotion of 'participation of social groups with special needs, including the Youth (*sic*) and people with disabilities, in the governance process'. Various consecutive AU Strategic Plans have consistently emphasised youth development and empowerment over the years. The AU's Agenda 2063 framework for inclusive growth and sustainable development for Africa also recognises the essential role of the youth as drivers of change on the continent.

At the regional level, the SADC Principles and Guidelines Governing Democratic Elections encourage the participation of women, disabled and youth in all aspects of the electoral process in accordance with the national laws. The Anglophone countries that would need to abide by the above are: Botswana, Malawi, South Africa, Tanzania, Zambia, and Zimbabwe. In West Africa, the Anglophone states of Ghana and Nigeria are bound by Article 1(a) of the ECOWAS 2001 Protocol on Democracy and Good Governance, which declares 'popular participation in decision-making' as a constitutional principle of all member states. Although there is no explicit mention of the political empowerment of young people, Article 42 does refer, albeit vaguely, to 'rules to be adopted on the training and development of the youth'. The East African community, of which Uganda, Kenya and Tanzania are member states, adopted the EAC Principles for Election Observation and Evaluation in 2012 that governs rules and responsibilities pertaining to electoral participation. Although these Principles make no specific mention of youth, they are guided by several regional and international instruments such as the aforementioned African Charter on Human and People's Rights.

The African Youth Charter: policy versus practice

The African Youth Charter (AYC) is arguably *the* most important political and legal document for youth rights on the continent. Adopted by the African Union (AU) in Banjul, Gambia, in July 2006 and entering into force in August 2009, the AYC is essentially a legal framework to guide and support policies, programmes and actions for meaningful youth participation, youth development and empowerment across Africa at continental, regional and national levels. The Charter addresses the rights and freedoms, as well as the welfare, development and responsibilities of the youth (defined by the Charter as 15-35 years). Article 11(1) speaks specifically to youth participation, providing that, 'every young person shall have the right to participate in all spheres of society'. Moreover, Article 11(2) specifically mandates all state parties to take measures to promote active youth participation in society, by undertaking to, inter alia, guarantee the equal access of young women and men to participate in parliament and other decision-making bodies.

Further to the above, Article 12 requires all African members states to generate a comprehensive and coherent national youth policy, the development of which must be 'informed by extensive consultation with young people and (must) cater for their active participation in decision-making at all levels of governance in issues concerning youth and society as a whole'. As of mid-2017, nine of the ten Anglophone states have ratified the Charter; Botswana being the sole Anglophone not to sign or ratify (AU 2017). In line with Article 12, all of the Anglophone countries have adopted National Youth Policies (NYP), with many revising those policies over time (see Table 3).

Table 3 Anglophone signatories to the AYC, National Youth Policies in place

	Signed AYC	Ratified/Accessed AYC	National Youth Policy in place
Botswana	------	------	YES (2010)
Ghana	15/01/2008	28/10/2013	YES (2010)
Kenya	28/06/2008	23/01/2014	YES (2006; 2018)
Malawi	------	13/08/2010	YES (2013)
Nigeria	02/07/2007	21/04/2009	YES (2009)
South Africa	07/05/2009	28/05/2009	YES (2009-2014; 2015-2020)

	Signed AYC	Ratified/Accessed AYC	National Youth Policy in place
Tanzania	13/11/2008	20/12/2012	YES (2007)
Uganda	------	06/08/2008	YES (2001-suspended 2017)
Zambia	10/04/2008	16/09/2009	YES (2006; 2015)
Zimbabwe	------	16/03/2009	YES (2000; 2013)

All of the Anglophone NYPs are based on or take guidance from significant legislation that promotes youth participation. The South African National Youth Policy (SANYP), which is underpinned by the principles of participation and inclusion, is informed and influenced by, inter alia, the Constitution and the National Development Plan (NDP).[3] Malawi too has enacted a number of laws on youth. Malawi's NYP identifies seven policy priority areas for action of which youth participation is first. There are a few challenges to implementing these Youth Policy strategies, not the least of which include poor monitoring and evaluation measures, inefficient management of funds and significant capacity gaps (OECD Development Centre 2018: 77). Ghana's NYP (2010: 6) has also identified inadequate opportunities for youth to participate in decision making. In Section 5.1.2 of the policy, Ghana recognises the need to 'institutionalize youth participation at all levels of the decision-making process to ensure the nurturing of democratic culture'. Kenya's Youth Development Policy (2018: 2) is informed by its Constitution which makes various provisions for the youth in Article 55, including requirements for the state to 'take measures . . . to ensure that the youth . . . be represented and participate in political, social, economic and other spheres of life'. Zambia's National Youth Policy (2015: 11) promotes public and private sector participation in youth development programmes; and also advocates for mainstreaming of youth issues in all government and private sector programmes. While Tanzania's 2007 NYP recognises that there is inadequate involvement of youth in various decision-making structures at national and international levels, and is therefore motivated to correct this, it is also criticised for being gender insensitive and lacking in innovation (AfriNYPE 2018).

All of the Anglophone states have established National Youth Councils (NYCs). In Ghana, a National Youth Council (now referred to as the National Youth Authority) was established

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3 The NDP recognises the government's responsibility to strengthen youth service programmes and introduce new, community-based programmes to offer young people life skills training, entrepreneurship training and opportunities to participate in community development programmes (National Development Plan - 2030 2012: 30).

through the NYP. Its core functions include providing a platform for youth development activities and mobilising and organising the youth for participation in governance, economic, social and cultural activities. The South African Youth Council and National Youth Development Agency were established to mobilise youth organisations to ensure their participation in the country's broader societal affairs (SANYP 2015:9). Malawi's National Youth Council Act of 1996 provides for the 'promotion, coordination and implementation of youth development programmes in Malawi' as well as the establishment of the National Youth Council of Malawi (OECD Development Centre 2018:68). Kenya's National Youth Council Act, No. 10 of 2009 established the National Youth Council to facilitate, coordinate, promote, monitor and advocate for youth issues and youth-led initiatives.

However, these NYCs are confronted by serious problems that have negative implications for their effective functioning. In South Africa, for example, there is a general perception that the youth development institutions in place have failed young people, mainly as a result of a lack of clear mandates and fragmentation, resulting in duplicated responsibilities, a lack of coherent coordination of existing programmes, and a general lack of capacity (SANYP 2015:9). In Kenya's NYC, challenges lie in the weak coordination of youth initiatives, the lack of a youth mainstreaming strategy and an inadequate communication strategy on youth matters. In 2015, the Zambian National Youth Development Council (ZNYDC) board was dissolved following allegations of misappropriation of public funds (*Zambia Daily Mail Limited* 2015).

Clearly, there is an overwhelming abundance of procedural elements in place across the Anglophone states to empower youth participation. However, these do not appear to be translating into practice in a meaningful way. The AU's African Governance Architecture's 2016-2020 Youth Engagement Strategy document reports that despite the existence of the above-mentioned frameworks and policies, the meaningful engagement of youth in the processes of sustainable democratic governance and development in Africa 'has remained insufficient with limited concrete reforms or sustained practices' (African Governance Architecture 2018: 2). The AGA cites 'institutional capacity gaps, entrenched inhibitive socio-cultural attitudes, and inadequate budgetary allocations to support and scale up effective and evidence-based youth programmes' as key problems (AGA 2018: 2). One of the consequences resulting from these gaps between policy and practice is the possibility that youth will become increasingly disillusioned and disengaged from politics. Findings from a 2016 Afrobarometer survey indicate that youth engagement levels have declined over time (Lekalake and Gyimah-Boadi 2016: 2). The next section will examine actual youth participation in formal processes in Anglophone Africa.

Conventional avenues of participation: Youth voters and political life

One of the primary expressions of political participation in democracies is through electoral participation (Booysen 2009: 10), and as noted above, the youth make up the majority of the voting population across Anglophone Africa. For example, in South Africa, people under the age of 29 years make up 21.4 per cent of the electorate or around nine million people. In Kenya, 78.3 per cent of the population is aged 35 and below, and about half of the 19-million registered voters (51 per cent) are in the same age bracket (Jideonwo 2017).[4] The youth make up 60 per cent of the voting public in Uganda (Mugisha et al. 2016: 55), over 65 per cent of the 2016 voting population in Ghana and accounted for 57 per cent in Tanzania's 2015 elections (Tracey 2015). In the May 2019 elections in Malawi, the Electoral Commission registered 3.7 million youth voters out of 6 826 295 million (54 per cent) (Faiti 2018). Similarly, young people between the ages of 18 and 35 comprised 54 per cent of registered voters in Zambia's 2016 elections (Commonwealth Observer Group 2016: 16). In Nigeria too, the youth made up 51 per cent of the 84 million registered voters in the 2019 elections (Akwagyiram 2019). In Zimbabwe's 2018 national elections, youths between the ages of 18 to 34 constituted 43.5 per cent of registered voters (Tshili 2018) and in Tanzania's 2015 elections, 57 per cent of registered voters were aged 18-35 (*The Citizen* Tanzania 2015).

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Given these numbers, it is reasonable to argue that the collective 'youth vote' in each of these countries could sway elections results should they have a mind to turn out and vote. However, Norris (2002) argues that the youngest eligible voters usually demonstrate the lowest inclination to vote. In Botswana, for example, youth are known historically to be 'less likely to be involved in decision-making activities than adults and are less likely than adults to register and vote in elections' (Ntsabane and Tau 2016: 60). Africa is not unique in this regard; globally, there have been declining proportions of young people partaking in democratic elections, and this has often been tied to a supposition of youth apathy (see, for example, Mac-Ikemenjima 2017: 215; McCormack and Doran 2014; Wattenberg 2002). A 2014/2015 Afrobarometer survey found that African youth are less likely to engage in formal political structures than their elders, particularly in terms of voting. Two-thirds (65 per cent) of 18-to-35-year-old respondents who were old enough to vote in the last national

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4 This is a positive, albeit minor, increase from the 46 per cent registered for the 2013 election. Registered 26-35-year olds increased from 15 per cent in 2013 to 33.41 per cent in 2017. Registered 18-25 years olds increased very marginally from 17 per cent to 17.14 per cent in 2017 (DataScience LTD 2017).
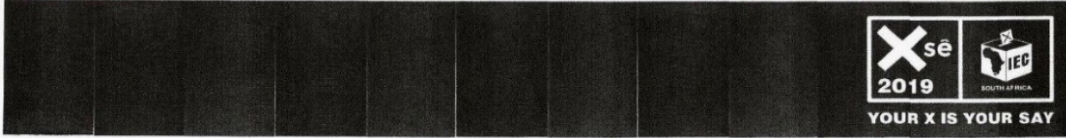
election say they did so, compared to 79 per cent of citizens above age 35 (Lekalake and Gyimah-Boadi 2016:3).

As shown in Figure 1 below, in the 2019 South African national elections, only 341 186 of the 1.8 million young people between the ages of 18 and 19 who were eligible to vote registered (18.5 per cent of eligible first-time voters). Moreover, just over one in two of those aged 20 to 29 years old registered. This is in stark contrast to those 30 years and older whose registrations shot up to over 70 percent (Haffajee 2019).

Figure 1 South African voter registration by age group 2019 national elections

NPE 2019 Certified Voters' Roll: 18 March 2019 - Age and gender breakdown

Age Band	Female	Male	Total	%
>=18 <=19	189,466	151,720	341,186	1.28%
>=20 <=29	2,873,689	2,425,455	5,299,144	19.80%
>=30 <=39	3,536,314	3,149,125	6,685,439	24.99%
>=40 <=49	2,879,042	2,601,294	5,480,336	20.48%
>=50 <=59	2,357,546	1,871,012	4,228,558	15.80%
>=60 <=69	1,579,496	1,158,057	2,737,553	10.23%
>=70 <=79	834,311	502,635	1,336,946	5.00%
>=80	466,875	180,612	647,487	2.42%
Total	14,716,739	12,039,910	26,756,649	

Source: Haffajee 2019

Since ballots are anonymous, disaggregated data for youth voter turnout across the Anglophone countries is not readily available. Reports of youth voter turnout therefore tend to be either generally anecdotal and based on the observations of election and polling station monitors (Moyo 2016: 11) or self-reported (See Seabo and Isbell 2018: 3). For example, according to an Afrobarometer survey, a relatively low 51 per cent of 18-35-year-olds reported turning out to vote in Botswana's most recent election, in 2017, compared to the 79 per cent of 36 to 55-year-olds, and 94 per cent over 55 years of age (Seabo and Isbell 2018).

Importantly, poor voter turnout is not necessarily an indication of a disinterested youth. A 2014/2015 Afrobarometer survey found that the majority of Anglophone youth say they are 'very' or 'somewhat' interested in public affairs. Malawian youth appear to be the most interested (71 per cent) followed by Uganda (68 per cent) and Botswana (65 per cent) while Tanzanian youth are the least interested (46 per cent). In response to the question: 'When you get together with your friends or family, would you say you discuss political matters frequently, occasionally, or never?', two-thirds of young Anglophone Africans say they discuss political matters 'occasionally' (48 per cent) or 'frequently' (22 per cent) with friends and family, while 30 percent say they 'never' do so. Frequent discussions of political matters are highest again among Malawian youth (38 per cent), followed by Ghana (26 per cent) and Botswana (23 per cent) and lowest in Tanzania (10 per cent). However, Kenya and Zambia share the highest proportion of youth who 'never' discuss politics in their intimate circles (35 per cent) followed closely by Ghana and Uganda (both with 34 per cent) (See Table 4).

Table 4 Youth participation in political life (18-35-year-olds)

	Interest in public affairs %	Discussion of politics %		
		Frequently	Occasionally	Never
Botswana	65	23	47	29
Ghana	55	26	40	34
Kenya	48	17	48	35
Malawi	71	38	38	24
Nigeria	58	21	62	16
South Africa	55	18	54	27
Tanzania	46	10	48	42
Uganda	68	16	49	34
Zambia	57	16	48	35
Zimbabwe	49	15	54	30

Source: Afrobarometer survey results 2014/2015

Despite apparent cognitive engagement in political affairs, the survey found that levels of de facto political engagement by youth, such as turning out at the polls; attending a campaign rally or community meeting; or contacting a community leader, is generally lower among African youth than among their elders (Lekalake and Gyimah-Boadi 2016: 2). This would seem to suggest that the introduction of regional and national youth empowerment policies to engage the youth has not been sufficient.

Moreover, young women's political engagement also tends to lag behind that of young men. Article 23 (a)(b)(c) of the AYC, which focuses exclusively on girls and young women, requires signatory states not only to eliminate discriminatory legislation but also to institute programmes to make girls and young women aware of their rights and of opportunities to participate as equal members of society, including in the political sphere (African Union 2006). Although widespread

support for gender equality across Africa is increasing (see, for example, Chingwete, Richmond, Alpin 2014), 2014/2015 Afrobarometer results reveal that African women are still generally less likely than men to participate in political processes (Lekalake and Gyimah-Boadi 2016: 2). Table 5 reveals the gender gap that persists between young women and men across Anglophone Africa.

Table 5 Gender gap in political life (18-35-year-olds)

	Attendance at a campaign rally	Civic participation (community meetings/joined others to raise an issue)	Contact with leaders	Participation in a demonstration or protest march
Botswana	10% gap	2% gap	1% gap	-3% gap
Ghana	12% gap	12% gap	14% gap	5% gap
Kenya	23% gap	12% gap	9% gap	6% gap
Malawi	12% gap	2% gap	12% gap	5% gap
Nigeria	15% gap	17% gap	14% gap	6% gap
South Africa	4% gap	7% gap	2% gap	6% gap
Tanzania	14% gap	9% gap	7% gap	1% gap
Uganda	8% gap	5% gap	7% gap	0% gap
Zambia	11% gap	7% gap	8% gap	1% gap
Zimbabwe	11% gap	5% gap	1% gap	1% gap

Source: Afrobarometer survey results 2014/2015

Table 5 denotes the gender gap (expressed in percentage point difference) that exists in actual political participation in Anglophone Africa. Evidently, young women are not engaging in political activities as much as their male peers, although Lekalake and Gyimah-Boadi (2016: 19) acknowledge

that it is 'not immediately clear whether young women are choosing not to engage or are being actively prevented from doing so due to social or political pressures'. The biggest gender gap exists in Kenya where 23 per cent more young men attend campaign rallies than women. In Nigeria, 17 per cent more men than women reported attending community meetings or joining with others to raise an issue. Gender parity between Anglophone men and women is the closest to being achieved in terms of participating in a demonstration or protest march where there is a less than seven per cent gap across nine of the countries; in Uganda the same percentage of men and women reported turning out to protest (0 per cent gap).

If, as noted above, the youth make up a large population of Anglophone Africa and therefore have enormous potential to use their voting power to shift the electoral balance and political agendas towards their own issues, then why do they not turn out in greater numbers at the polls? Is 'youth apathy' really the reason behind youth disengagement from conventional avenues of participation? The next section examines possible reasons why.

Reasons for decline in formal youth participation

There are several potential explanations as to why the youth are participating less through the formal channels. As already mentioned, 'youth apathy' is often identified as the chief culprit. The suggestion is that young people, by virtue of their age, are naturally uninterested in politics, finding it boring and irrelevant to their lives (March et al. 2007). It is argued that through maturation, young people will naturally show more willingness to become involved (Cammaerts et al. 2016). While this may be true in some instances, it is unfair to paint all youth with the same brush. In South Africa, for example, research conducted in 2016 by the Institute for Security Studies (ISS), found that university students, in particular, are fully cognisant of the plethora of socioeconomic and political challenges plaguing society and believe strongly in their ability to bring about 'positive change' and 'improvement' in areas such as 'education', 'bad leadership' and the current 'political landscape'. They see politics as a way of being 'heard' and a means by which the youth can make South Africa better because it 'depends on them' (Tracey 2016: 20) – a belief that was reinforced given the political response to the 2016 so-called #FeesmustFall rally. Moreover, given the vast evidence of youth activism in numerous examples across Africa, this claim seems, at best, unsupported and, at worst, erroneous.

A more compelling reason for low voter turnouts may well be that it is an indicator of declining levels of trust in political leaders who are seen to be out of touch with the concerns of the youth

(Newham and Roberts 2019). Evidence would seem to suggest that young people do want to participate in politics, but that they find the existing political culture, institutions and mechanisms of their immediate environments ineffective or unwelcoming (Commonwealth 2016 Global Youth Index and Report 2016: 30). Research conducted in 2019 in South Africa by the ISS supports this view, finding that young South Africans remain at the margins of politics and, despite rhetoric to the contrary, are largely ignored by most political parties. The result is that youth feel alienated from formal politics, have little trust in politicians, are increasingly frustrated that their grievances go unheard, and are highly critical of political leaders and parties who fail to engage with them in a meaningful manner (Newham and Roberts 2019).

Therefore, young people are increasingly disillusioned with formal politics because they perceived to be unresponsive to their needs and interests, and so refrain from participating (See Resnick and Casale 2011; Resnick and Casale 2014; and Scott, Vawda, Swartz, and Bhana 2012). In Zimbabwe, for example, youth equate African politicians with corruption, dishonesty and false promises. As such, they avoid formal politics and turn to civil society instead. In Ghana, Hounkpe and Bucyana (2019) argue that a large proportion of young people are unaware of their rights and of the electoral process, which helps politicians manipulate them, resulting, inevitably, in their deep distrust of the political process. This is confirmed by the 2016 ISS study that found South African young people generally (not at tertiary level) feel that they 'gain nothing from politics', that politics is 'full of corruption', a 'dirty game', 'a waste of time', 'a joke', 'disappointing', and generally something they do not want to get involved in. They argue that politics is all about 'self-enrichment', a quick way 'to get rich' and see no reason why they should be interested in it. Politicians lack respect and are commonly referred to as 'corrupt' people who are 'chasing after the money'; 'liars' who are 'abusing the power' they have; and as 'people who make empty promises' (Tracey 2016: 19). Youth distrust of electoral processes and institutions is a common theme across Anglophone Africa. Kenya, Tanzania, Malawi, Zimbabwe, Zambia, amongst others, have all experienced disputed elections results and/or discrepancies in vote-tallying systems and this has led to youth scepticism about electoral processes, and raised questions of transparency and the independence of institutions, and subsequent disengagement (Anti-Corruption International 2019).

Youth also feel undervalued and exploited. While they are often courted openly by political parties campaigning in election periods, many young people in Uganda, Zambia, Kenya and South Africa, for example, feel that these election promises are disingenuous (See, for example: Serumaga-Musisi et al. 2019). In South Africa's 2019 elections, one disaffected student who did not register to vote, argued that parties tailor their manifestos to entice voters, but do not deliver on them

when in office. She argued, 'Politics doesn't directly affect me and I can't directly affect it because it's a game,' (quoted in BusinessTech 2019). Similar findings in other studies in Sub-Saharan Africa suggest that young people perceive themselves powerless to influence the outcome of elections and this, in turn, affects their voting behaviour (Resnick and Casale 2014).

Following the elections, youth also feel that they are not adequately represented in political parties or in government and on the relatively rare occasion that they are elected, young candidates often feel that they have no political power or are excluded from the decision-making processes. Many Africans feel their peers would not be more likely to turn out at the polls if more young candidates were appointed to meaningful, influential and prominent positions (Anti-Corruption International 2019). In Tanzania, a study found that young people's willingness to participate in formal political processes was linked directly to the extent to which they believed their vote would make a difference (Alm 2015). One can appreciate that many young people looking for ways to create opportunities for political participation, only to find their ideas resisted or rejected, are more likely to seek out other avenues of expressing their frustration and a sense of belonging.

Another explanation lies in inter-generational differences. Across Africa, a tradition of gerontocracy prevails. The relative old age of African leadership has resulted in the world's largest age gap between the governors and the governed, with the average age of a president at 62, while the median age of Africa's population is 19.5. In 2019, the average age of the ten Anglophone African heads of state was 69 years. In South Africa, for example, the average age of a senior politician is upwards of 55-years old, while the president is traditionally usually somewhere between 70 and 75 years old.[5] Hastings Banda, Malawi's self-proclaimed president for life, was in his late 90s when he was removed from office in 1994. In 2017, before he too was ousted, Zimbabwe's Robert Mugabe was 93, making him the oldest leader in the world at that time. In 2017, Uganda's President Yoweri Museveni (73 at the time) signed into law a bill that removed a presidential age limit of 75 from the country's constitution to allow him to continue serving as president. At that point, he had been in power for 31 years.

In exploring possible reasons for their prolonged leadership tenures, apart from coerced legislative changes, Kiwuwa (2015) maintains that, as fathers of the nation who led independence and liberation struggles, aging African leaders still attract reverence and loyalty from their supporters. This has inevitably made them largely irreproachable, irrespective of any shortcomings, and has resulted in the people returning them to office. In this context, young people have been

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5 Democratic South Africa's sixth President, Cyril Ramaphosa, is 66 years old.

discouraged from running for elected office because of perceptions that leadership should be reserved for older people. In Ghana, for example, youth have been perceived traditionally as immature and lacking the capacity and requisite technical skills and competence to perform at the highest political level (Hounkpe and Bucyana 2019). Regional Programme Coordinator with UNDP Africa, Mohamed Yahya, laments the restrictions that African gerontocracy places on young people's political participation on what is, essentially, cultural grounds (Yahya 2017).

Electoral legislation also presents another factor hindering young candidates running for elected office in that the age limits set in law effectively curtail youth participation. Some scholars argue that 'governments should treat generational inequality with the same sense of urgency as other forms of inequality, accelerating efforts to introduce youth quotas for political parties, parliaments, and other decision-making institutions' (Yahya 2017). All of the Anglophone African states have age limits in their electoral laws that prevent candidates under a certain age from contesting national elections and/or running for the highest office. In Malawi, Uganda and Zambia, one has to be 35 years or older to run for president. In Tanzania, Zimbabwe and Ghana, the minimum age limit is 40. More opportunity for youth access is provided at parliamentary level. The minimum age to be elected to parliament in South Africa, Botswana and Kenya is 18, and in Ghana, one has to be 21 to run for senate or parliament respectively. Although open to youth participation, Ghana's electoral policy does not provide for any specific positive discrimination (for example, quota) favourable towards the youth (Hounkpe and Bucyana 2019). Following the 2012 parliamentary elections in Ghana, youth groups and civil society expressed keen optimism when 44 young people were elected, an unprecedented outcome especially given the negligible numbers of youth elected previously. However, Van Gyampo (2015: 69) cautions against this type of bean-counting, arguing that 'the number of young people in Ghana's parliament does not necessarily guarantee youth representation in national decision making; rather, it promotes tokenism, exclusivity and co-optation of the youth into decision-making structures.' Signs of progress in Nigeria occurred in May 2018 when the Nigerian parliament which has been traditionally dominated by an ageing elite, voted to reduce the age limits for political office. President Muhammadu Buhari, 75 at the time, signed the 'Not Too Young To Run' bill into law reducing the minimum age for presidential candidates from 40 to 35 and national and state assembly members to 25 years. Intended to increase the participation of young people in Nigerian politics, Buhari acknowledged of the youth: 'You are undoubtedly Nigeria's most important resource - not oil, not agriculture, not solid minerals - but you and all of us . . . Your energy, intelligence and talent are what will drive and develop Nigeria, long after we are all gone (*News24* 2018).'

Importantly, while the leadership is decidedly grey, substantial portions of the populations of all of these countries are young. Given this age gap, Yahya (2017), questions how well decision makers in Africa can understand the needs and aspirations of young people. This appears to be a growing sentiment. In 2018, former South African first lady, Graça Machel, told a group of students that 'Africa does not need leaders who are 75 or 65 years old. We need leaders who are young, vibrant, innovative and who the continent's youth can relate to (Hosken 2018)'. Kiwuwa, (2015) suggests that while it is true that older politicians can provide experience, continuity, foresight and wisdom, it also cannot be ignored that the youth are 'formally educated, increasingly politically conscious, are risk takers, abound with creative ideas and are technologically savvy and entrepreneurially-minded'.

There are increasing examples of youth in Anglophone Africa no longer willing to take a back seat to their elders, regardless of their esteemed historical records. In the run up to the 2017 elections in Kenya, for example, one young man asserted that: 'The old political leaders who have been in power . . . they have been taking the youth for granted, we have been isolated and forgotten for so many times, it's high time to show these old men that we are actually the ones who employ them (Wasike 2017)'. He adds that they (young Kenyans) will vote for more young leaders because 'we have realised we are being represented by old people who are not conversant with our problems, we need more young leaders who understand our problems and can actually fight for us'. There has been some push back in this area, however. In 2018, Kenyan MPs rejected a proposal to set the age limit for presidential candidates at 70 as discriminatory, noting 'that there was a growing trend by the country to celebrate the youth but at the same time 'belittling, disparaging and demeaning the elderly' (Nyamori 2018).

Other reasons for youth disengagement lie in lived socio-economic realities such as poverty and unemployment. A recent report by the AU Commission's African Governance Architecture (2018: 2) noted that 'socio economic inequalities continue to have a negative structural impact on the abilities of young men and women to play active roles in democratic governance processes, limiting their ability to actively engage in political space'. The 2016 African Economic Outlook Report indicates that nine out of ten *working* African youths between ages of 15 and 24, including those in urban areas, are either poor or likely to be poor. Moreover, a significant number of young people, including those who have graduated from tertiary education, are without jobs. World Bank data estimates that in Ghana, about 48 per cent of young people are unemployed and 45.6 per cent of Nigerian youth are either unemployed or underemployed (Kweitsu 2017). In South Africa, the unemployment rate for the youth aged 15-24 in early 2019 stood at 55.2 per cent (StatsSA 2019b).

Youth unemployment has implications for intrinsic support for democracy as an end in and of itself, as opposed to an instrumental interpretation that carries with it conditions and potential withdrawal of support. Haffajee (2019) suggests that the level of perceived social injustice wrought by unemployment and poverty is impacting the youth buy-in to formal democracy as expressed in support for elections. The 2019 ISS study in South Africa found that young people still believe that voting is important because they live in a democracy and it represents freedom from oppression (Tonisi 2019). This support for democracy's intrinsic value is exemplified by research conducted by Engage SA in South Africa in 2019, where one first-time voter said: 'I vote because I have a voice to express' (Engage SA 2019). In another example, in an effort to tackle voter apathy among the youth of Botswana, a non-partisan youth driven movement called 'Young Voters Rock' produced a song in the run-up to the 2014 Botswana elections to appeal to the youth about the importance of voting in general elections (Botswana Guardian 2014). However, this intrinsic belief in democracy is increasingly being threatened by the harsh socio-economic realities and lived experience of the young. In South Africa there is a growing trend for young people to opt out of voting altogether when they see it as offering no benefit to them. In this increasingly transactional and reactional nature towards voting, the youth see their votes as a transaction in exchange for services that should be delivered to them by the elected government (Tonisi 2019). The feeling is that if government does not deliver on substantive socio-economic issues such as employment, then young people will not vote.

The following section discusses why African youth are tending to swop formal for informal participation practices.

Voter apathy, not political apathy? 'Informal' youth participation and hashtag politics

As noted above, many young people have become disillusioned with formal avenues of participation. The 2016 Commonwealth Global Youth Development Index and Report (2016: 71) noted that 'consciously or not, many young people are abstaining from voting and also opting out of other formal modes of political participation such as joining political parties or standing for public office'. However, this decline in formal, traditional participation does not mean that young people are disengaged from civic and political affairs. Rather, the reverse is true as evidenced by a rising tide of grassroots, youth-led protest movements and issue-based campaigns that are indicative of a youth becoming more, not less, politically conscious.

In recent years, waves of heightened political awareness have seen increasing numbers of youth engaging in protests to demand good governance and accountability from their leaders and some actively mobilising their peers to vote and contest elections (Chaturvedi 2016; Oyedemi and Mahlatji 2016). In Ghana's 2016 general elections, for example, growing youth unemployment and general resentment played a key role in the defeat of John Mahama, the first time a sitting president has lost an election in Ghana (Kweitsu 2017). In Zimbabwe in 2014-2016, the youth led 'Occupy Africa Unity Square' movement attracted international attention as disaffected youth protested against Mugabe's repressive regime (Chipato 2019). In another example, in South Africa in 2015/2016, youth demonstrations against an increase in university tuition fees in the #FeesMustFall campaign forced the government to promise free tertiary education for young people from poor families.

Evidently, young people increasingly prefer to use alternative, often creative methods to rally their peers and to share information. Some are doing it through art and music (as with the Botswana Young Voters Rock movement), and many are engaging in growing internet-based communication platforms, particularly social network sites such as Twitter and Facebook (for example, Zimbabwe's 2016/2017 #ThisFlag movement which had a huge social media reach). In the run-up to the 2015 elections in Tanzania, youth group Tanzania Bora Initiative launched a multimedia campaign called 'Uchaguzi2015TZ' to educate youth on the importance of their vote through television shows, videos on YouTube and integrated social media accounts on Twitter, Instagram, and Facebook (Govern 2015).

Twitter, especially, offers an attractive alternative to formal participation in several ways, not least of which is its ease of usage and ability to reach many people instantly. Twitter also supports multiple opportunities for a digitally savvy youth keen on participating on their own terms, including creating, tagging and sharing content, as well as reading, watching and following hashtags (Gleason 2013). Through Twitter, youth have an opportunity to participate online in political discussions, which they might otherwise not have chosen to engage with offline. Bosch (2017) refers to this engagement as a 'new biography of citizenship characterised by more individualised forms of sub activism' wherein young people act not towards the state but towards specific issues or causes that might be seen to be more personal but no less political (Farthing 2010: 188).

Research conducted by the Centre for Social Development in Africa in 2017, confirms that South African youth use social media widely both to voice protest as well as to share issue-based views. These range from issues affecting their own communities such as crime, substance abuse and teenage pregnancy to wider social concerns about xenophobia. Youth responses affirmed

that 'all these approaches were more appealing, meaningful and accessible than political party membership and voting' (Graham 2017). In Nigeria too, where many young people are active users of social media, hashtag campaigns and online engagement, social media is considered to be particularly powerful because it allows individual users to broadcast their personal experiences and link them with a wider effort and broader community, as was the case in 2017 when the Youth Initiative for Advocacy, Growth, and Advancement launched the #BounceCorruption initiative (Itodo and O'Regan 2018: 6).

It is a truism that social media sites and other online communication platforms are making it easier to access information and ideas, and therefore to mobilise and empower young people. However, critics warn that 'clicktivism', a term used to describe low-level, online engagement such as signing e-petitions, sharing posts or using hashtags may in fact stand in the way of committed participation. That is, while technology has made it fairly easy to support a cause, the engagement is often superficial and short-lived, with questionable tangible consequences for positive change (Shearlaw 2015). South African students in the 2015 #RhodesMustFall campaign might argue with this notion, however. The student-led protest which campaigned to remove the statue of British colonialist Cecil John Rhodes from the University of Cape Town on the grounds that it promoted institutionalised racism and a culture of exclusion particularly for black students, was successful. The statue was removed a month later. In this campaign, social media communication was used for self-representation, self-organisation and interaction with the media, university administration and opponents to the campaign (Bosch 2016: 22). This example, among others, represents the potential power of student activism among the African youth. It demonstrates a sense of student protestors' increasing belief in their own political agency, and also reveals the increasing power of youth groups to act as a catalyst for change (Hodgkinson and Melchiorre, 2019).

Of course, if the internet is going to continue to be the platform most utilised by the youth as an enabler for participation, then it follows that improved mobile internet connectivity is an imperative. Even though Africa lags behind the rest of the world in terms of mobile connectivity, mobile internet penetration is growing. The 2019 State of Mobile Internet Connectivity Report, which measures the performance of 163 countries in terms of mobile internet penetration, reveals an improvement across Sub-Saharan Africa from 13 per cent in 2014 to 24 per cent in 2018 (Bahia and Suardi 2019: 50). The higher the percentage, the better the mobile internet penetration. South Africa, Ghana and Kenya have improved in the last year improving their scores with 59 per cent, 51 per cent and 50 per cent respectively. Botswana, Nigeria, Tanzania, Uganda and Zimbabwe are considered 'emerging' with scores in the high 30 and 40 per cents, while Zambia and Malawi bring

up the rear with 33 per cent and 24 percent respectively.

Conclusion

Across the Anglophone states there are many policy frameworks in place to empower youth participation and it is apparent, on paper at least, that all states are aware of the importance and value of youth participation across all spheres in their societies. While these policies are bearing fruit in some instances, through the establishment of Youth Councils, for example, there are still many gaps in the facilitation of meaningful participation by the youth. A lack of capacity, ineffective communication and poor monitoring and evaluation practices are among many issues that are impeding youth engagement. Across the board there also seems to be a definite sense of generational difference that persists, where youth often do not feel understood or appreciated for their views and suggestions by the predominantly older political leadership. These bureaucratic, political, economic and socio-cultural problems must be overcome if youth are to feel that their involvement is bringing about significant social change. There is also a gender gap between participation by young men and young women, where young women do not always participate as much. The reasons for this need to be interrogated and resolved.

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Chapter 4
Women and Electoral Politics

Yolanda Sadie

Introduction

The under-representation of women in politics is widely regarded as an ongoing problem despite the fact that some political parties have adopted measures to increase the proportion of women elected. The case for gender parity, rather than a more modest claim for just increasing the number of women elected, has been promoted by feminist scholars such as Phillips (1998), who provides four main arguments that are generally put forward in justifying gender parity in political representation. The first argument dwells on the fact that successful politicians serve as role models: when more women candidates are elected it boosts women's self-esteem, it encourages other women to follow in their footsteps and disrupts deep-rooted conventions on the role of men and women (Phillips 1998). For Phillips this argument has no relevance to politics per se and she concentrates on the other three arguments. The first argument for gender parity is based on justice – the fact that it is 'grotesquely unfair for men to monopolise representation' (Phillips 1998: 229). The second relates to women's interests that would otherwise be overlooked. It is argued that women's needs and interests, and the concerns that arise from their specific experiences, will be inadequately addressed in a political sphere dominated by men (Phillips 1998). And lastly, gender parity (changing the composition of elected assemblies) would revitalise democracy by bridging the gap between representation and participation (Phillips 1998). Phillips argues that although there is a case to be made for both the first and second arguments (they provide a basis for substantial change), they fall short on some key concerns. For her, bridging the gap or changing the balance between representation and participation enhances democracy. Therefore, the case for gender parity, as Phillips (1998: 239) notes, is the 'strongest when it is associated with the larger dream'.

In chapter 2, the electoral malpractices that undermine the integrity of elections in Anglophone African countries were highlighted. However, the under-representation of women in political decision-making as a result of their lack of equal opportunities to run for office was deliberately excluded. 'The lack of equal opportunities for women to run for office' is listed as one of the

performance indicators or measures to establish the overall integrity of elections (see Grömping and F. Martinez i Coma 2015: 37)

In the last decade or so, it has become common practice for election observation mission groups, such as the European Union Election Observation Missions and the African Union Election Observer Missions, to also include a section on women's participation in their final reports on the elections they have observed in African countries. However, the discussions on women are limited to, for example, the existence of a legal framework that guarantees women's equality, the presence of women at campaign rallies, the female component of the polling staff, the fact that women are more subject to sexual violence than men during disturbances, the mentioning of legislated or reserved seats in cases where these exist, the low representation of female candidates and then, finally, the number of women elected to parliaments. No attention is paid though to the underlying causes of the low number of female candidates.

Studies done in different parts of the world have found that sexist views among the electorate are not holding women back from political participation, nor is there any clear correlation between hostility to women in leadership positions and the actual number of women in political decision-making positions (see, for example, NDI and FIDA 2018; Morgan and Buice 2013; Sabonmatsu 2002; and Norris and Inglehart 2001). Explanations for women's under-representation lie in a combination of institutional and social factors: on the one hand, political institutions such as the electoral system and political parties, and on the other, social obstacles such as financial, lifestyle and cultural constraints (Lovenduski 2005: 45-46).

Since the return to multi-party elections in most Anglophone countries in the early 1990s, there has been a steady increase in the representation of women in national parliaments. The importance of the full inclusion of women in political decision-making by the UN and international and regional women's organisations influenced women's rights norms throughout Africa, although African women's movements were themselves active in helping shape these global trends (Tripp and Badri 2017). The Beijing Declaration and Platform for Action (1995) was very influential in calling on governments to take measures to, among other things, ensure women's equal access to and full participation in power structures, integrate women into political parties and increase women's participation in the electoral process and political activities. In 1995, it set a target to have women occupy at least 30 per cent of political and decision-making structures by the year 2005.

The African women's rights movements also engaged the African Union (AU), the Southern African Development Community (SADC) and other sub-regional organisations to put pressure on member states to advance women's rights. The AU has adopted some of the most progressive

declarations and protocols on gender equality. Its Maputo Protocol, adopted in 2003 (officially registered as the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa), stresses the principle of gender equality, while in its Solemn Declaration on Gender Equality in Africa of July 2004, it confirmed the principle of 'gender parity' and re-affirmed its commitment to 'promote gender equality at all levels'. Furthermore, in 2009 the African women's decade (2010-2020) was also adopted and committed AU member states to universal ratification, full domestication and implementation of the Maputo Protocol by 2020 (AU 2018). Botswana is one of three African countries that had neither signed nor ratified the protocol by 2018.

At sub-regional level, the SADC Protocol on Gender and Development (signed by the SADC heads of state and government in August 2008) commits member states to endeavour to achieve a target of at least 50 per cent women in decision-making positions in the public and private sectors by 2015 (article 12 (1)).[1] This protocol is a legally binding agreement, compelling SADC members to hasten efforts towards gender equality in the region. All Anglophone SADC countries have signed the protocol and have undertaken constitutional reviews, with the exception of Botswana, which does not have specific references to gender equality in its constitution. As argued by Scribner and Lambert (2010: 58), constitutional gender equality provisions matter for political and judicial outcomes in that they affect legislation and judicial decisions. Gendered constitutional provisions, therefore, provide a legal tool for women's rights advocacy and social equality.

Despite the target set by the Beijing Platform of Action for at least 30 per cent women in political decision-making structures by 2005 and the commitments to gender parity, the majority of Anglophone African countries have, by 2019, not even reached this target. As shown in Table 1 below, only South Africa has passed the 45 per cent mark, while Tanzania, Uganda and Zimbabwe are between 31-39 per cent; Zambia and Ghana are below 20 per cent and Botswana and Nigeria trail with 9.5 per cent and 3.38 per cent respectively. South Africa is ninth on the world ranking of women in parliament, surpassed only by Rwanda (61.25 per cent) on the continent. Uganda, Tanzania and Zimbabwe rank within the top 46 countries in the world in terms of parliamentary representation, while Nigeria is close to the bottom of the 192 ranked countries. Nigeria's representation of women in the 2019 elections saw a decrease from the 2015 elections, from 5.6 per cent to a low of 3.63 per cent. This is not surprising given the fact that in the 2019 elections women made up only one

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1 Most (six) of the ten Anglophone countries in Africa are members of the SADC: they are Botswana, Malawi, Tanzania, South Africa, Zambia and Zimbabwe.

per cent of the 8 875 total number of candidates for the national and gubernatorial elections, 560 women were competing for the 360 seats in the House of Representatives compared with 4 139 men (11.9 per cent women), and of 73 candidates running for president only five were women (UN Women 2019).

Table 1 Women in parliament, electoral systems and gender quotas

Country	Women in parliament (National Assembly) 1 March 2020 %	World ranking 1 March 2020	Electoral system	Gender quota national type
South Africa	46,58	9	List PR	Voluntary – parties
Tanzania	36,9	33	FPTP	Reserved seats (Constitution)
Uganda	34,86	36	FPTP	Reserved seats (Constitution)
Zimbabwe	31,85	46	Parallel	Reserved seats (Constitution)
Malawi	22,92	85	FPTP	Voluntary – parties
Kenya	21,78	93	FPTP	Reserved seats (Constitution)
Zambia	16,77	127	FPTP	None
Ghana	13,09	149	FPTP	None
Botswana	10,77	163	FPTP	Voluntary – parties
Nigeria	3,63	185	FPTP	None

Source: Inter Parliamentary Union. Women in National Parliaments (1 March 2020)

While great emphasis is put on women's representation in parliaments, their appointment to cabinet positions is even more significant given their policymaking power. The number of women appointed in cabinets is generally low,[2] with Nigeria, Zimbabwe, Malawi and Botswana having the lowest percentage of female cabinet members of the Anglophone countries. During his first term of office, Buhari (2015-2019) was criticised for only appointing fifteen women ministers (of

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[2] The figures only reflect full ministers and not assistant or deputy ministers

a 36-member cabinet), though he promised to address this during his second term. However, the opposite has happened. In his second term, Buhari has appointed only seven women to an enlarged cabinet of 43 members, which not only suggests that the government is tone-deaf to gender equality but is also a violation of the national gender policy – it requires a minimum of 35 per cent female representation on the president's cabinet. In Mnangagwa's cabinet in Zimbabwe, women constitute a mere five out of 30 cabinet ministers (17 per cent), with no women deputy ministers. In Botswana, Masisi's cabinet consists of only 11 per cent (two of eighteen) women, and in Malawi President Mutharika also only appointed two women (11 per cent) to his 18-member cabinet after the country's 2019 elections.

The proportion of women in the cabinets of Tanzania, Kenya, Ghana and Zambia range between 20 per cent and 30 per cent: Tanzania 27 per cent (six of a 22-member cabinet), Kenya 27 per cent (six of 21), Zambia 28 per cent (eight of 29), and Ghana 27 per cent (ten of 37) . The list is topped by Uganda with just over 33 per cent (ten of 30) and South Africa, which has, for the first time, reached gender parity after the 2019 elections (fourteen of 28-member cabinet).

In addition, the representation of women in provincial legislatures in South Africa also parallels the national level, where the speakers in the national and provincial legislatures are all women. However, the African National Congress (ANC) appointed only two female premiers in the eight provinces it controls after the 2019 elections, while the Democratic Alliance (DA) also has a male premier in the Western Cape. The appointment of female speakers, as the South African Commission of Gender Equality pointed out, is hardly an equivalent substitution, since the office of speaker does not carry the same constitutional, legislative and political authority (cited in Rama and Lowe Morna 2019). To compensate for the absence of a parity in female premiers (after the 2019 elections), the ANC committed to appointing women to 60 per cent of the executive councils/provincial executive in the five provinces with male premiers. However, in three of these provinces the required 60 per cent falls substantially short (between 7 and 19 per cent) (Rama and Lowe Morna 2019).

This chapter will provide some explanations for why women are under-represented in parliaments and will focus on: political institutions such as the electoral system; the prevalence of quotas for women; and the barriers women face, such as a patriarchal culture, socio-economic disadvantages and violence.

Electoral systems and women's chances to be elected

Electoral systems influence the chances of women being elected. Countries with proportional representation (PR) tend to have more women elected than those with a winner-takes-all majoritarian or plurality single-member district system, that is, first-past-the-post (FPTP). In PR systems, where seats are allocated according to the percentage of votes received, parties try to balance the field of candidates to appeal to a variety of groups in society, such as women (who happen to comprise more than half of the population), without leaving men out, as would be the case in a majority system. In other words, as is often argued, parties in PR systems risk less when fielding equal numbers of female and male candidates in elections. In majority systems, the motivation is different: parties field candidates who, in their view, have a greater chance of winning the most votes. In most of these cases, the party leadership chooses male candidates.[3] In this regard, the deputy speaker of parliament in Malawi, Esther Mcheka-Chilena, emphasised that the first-past-the-post-voting system makes it hard for women to win seats as it pits them against male candidates who have more resources (Chakamba 2017).

Another important reason why PR systems can help women is that a process of 'contagion' (where parties adopt policies initiated by other parties, for example, nominating a percentage of women as candidates) is more likely to occur in a PR system than in a majority or plurality system. For parties competing in a PR system, the cost of adopting such a policy would be lower than the cost for parties competing in a majority/plurality system and the gains could be greater (Maitland 2014: 101-102).[4]

However, some PR systems are preferable to others. The most advantageous PR system for women is where the whole country is one electoral district, provided that women occupy a 'winnable' place on the party list (with a zebra-style 50 per cent representation on party lists being

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3 This was clearly evident in, for example, the gender outcome of the 2016 local elections in South Africa where the electoral system is a combination of proportional representation and the FPTP system - 50 per cent of representatives are elected in ward elections and 50 per cent are elected from a proportional closed list. The percentage of ANC women in proportional seats is 48 per cent, compared with only 33 per cent women in ward seats (Sadie 2017: 49-50).

4 This contagion effect has, for example, been evident in the party lists of opposition parties in South Africa since the 2004 elections. The ANC has been the only party with an informal 50 per cent quota, but it seemed the party's quota system has had a contagion effect on the party lists of opposition parties (see Sadie 2017: 49; Rama and Lowe Morna 2019).

the ideal) (Maitland 2014: 105-107).

Although a PR system seems to provide women with a better chance to be elected, this can only be achieved in combination with positive action measures such as quotas, whether formally legislated by government or informally applied by political parties. Therefore, a PR system should be considered a 'facilitator' rather than a 'guarantor' of better female representation (Evans and Harrison 2012: 243).

Although candidate quotas are more common in PR electoral systems, it does not mean that affirmative action measures cannot be instilled in majoritarian or single-member constituency systems. Reserved seats (which can take many forms) can be mandated in the constitution or law in order to fast-track equitable representation and remedy the significant under-representation of women.

Across the world there has been a rise in the number of countries that implement gender quota policies for parliamentary candidates to promote gender equality in parliaments. In 2019, 61.9 per cent (120) of the 194 countries in the world used gender quota policies for election to the national parliament (lower house). Of these, 91 countries implemented either legal gender quotas for parliamentary candidates or reserved seats for women, while in 29 countries at least one of the three largest parties have adopted voluntary party quotas which, to a greater or lesser extent, has contributed to the increase in the number of women in parliaments (Gender Quota Database 2019). Furthermore, as pointed out by Norris and Dahlerup, (2015), close to half of the 80 countries that had adopted gender quotas in 2014 have strengthened their quotas while only a few countries, such as Italy, Venezuela and later Egypt, have abandoned theirs.

As shown in Table 1, reserved seats for women have been legislated in Uganda, Tanzania and Zimbabwe, though they use different mechanisms to elect reserved-seat MPs, while South Africa is the only Anglophone African country with a PR (list) electoral system (for national and provincial elections) with a voluntary commitment to zebra-style 50 per cent representation by only the ANC and the EFF.

Given the ANC's overwhelming victories in elections over the years, South Africa has always been one of the top ten countries in the world in terms of female representation in parliament. However, in the past few years, the number of female representatives at national and local levels has decreased, along with the ANC's support, from 43.5 per cent in the 2009 national elections to 41.9 per cent in the 2014 elections (it also did not always meet the quota). Although support for the ANC in the 2019 national elections declined by a further 4.65 per cent (down to 57.50 per cent,

amounting to a loss of 19 seats in parliament), the EFF's support increased by 4.46 per cent (gaining 18 seats in parliament). Both the ANC and EFF have 52 per cent women of their total representation in parliament and gains by smaller parties also bolstered the increase in the number of women represented at this level (Rama and Lowe Morna 2019: 6).

Although the electoral system in Uganda, Tanzania and Kenya is a FPTP system, the Ugandan constitution mandates quotas to ensure a more balanced representation of women in its national legislature by creating a separate and parallel system of affirmative action. Affirmative action laws created 112 district seats reserved for 'Women Representatives', who contest exclusively against other women. This system is parallel to the Constituency Representative seats, which are open to both males and females. Women or District Representatives are responsible for a district, which is larger than a constituency and consists of multiple provinces. Each province, therefore, has a Constituency Representative and a Woman Representative (who is also responsible for other provinces). Women hold only nineteen of the 290 open seats (6.5 per cent) (Clayton et al. 2016: 9). Uganda is also one of the countries that has strengthened its quota policy over the years. Before 2006, women in reserved seats were elected indirectly as opposed to the above-described direct election.

In Tanzania, on the other hand, 113 seats of 393 (that is, nearly 30 per cent of all parliamentary seats)[5] are reserved for women (allocated to political parties in proportion to their share of the electoral vote), while five of the ten members appointed by the president should be women and two of the five members from Zanzibar should be women. Each party has its own internal mechanism to nominate special-seat candidates. Women also contest in the open seats and only 25 were elected from the 264 constituency seats in the 2015 election. Therefore, without special seats, women would occupy less than 10 per cent of parliamentary seats (Inter Parliamentary Union 2015: 4-5; Yoon 2016: 192). Zimbabwe's national quota of 30 per cent borrows from the Tanzanian model where women can compete freely at national level, but an additional 30 per cent of the seats in parliament (91 seats) are reserved for women and are distributed among parties on a proportional basis. This temporary special measure (introduced before the 2013 elections) is valid until 2023. In the 2018 elections, women constituted a mere 15 per cent of the parliamentary candidates, despite the fact that the ruling Zanu-PF has a 30 per cent quota for women and the MDC Alliance a 50 per cent quota. Therefore, without the legislated quota, the number of female parliamentarians would

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5 When the quota was introduced in 1995 only 15 per cent of the parliamentary seats were reserved for women. Over the years this percentage progressively increased.

be significantly lower. When the quota was introduced in 2013, the representation of women in parliament increased from 18 per cent to 35 per cent (Lowe Morna and Zvaraya 2018). However, this increase in representation due to gender quotas has come with a discernible decrease in female candidates running for reserved seats.

Women County Representative Seats (WCR) were introduced in Kenya in 2013 to increase women's representation. Candidates nominated by political parties contested for these seats in each of Kenya's 47 counties. This system also does not exclude women from contesting constituency seats. The constitution further provides for twelve nominated or appointed seats to the National Assembly to be selected from a zebra list. Although the WCR increased the number of women MPs, the share of women holding National Assembly constituency seats decreased to sixteen in the 2013 elections (Ohman and Lintari 2015: 7) but increased to 23 (of 290 General Assembly constituency seats in the 2017 elections – 8 per cent). Kenya's constitution requires that women occupy at least 30 per cent (117) of the total 349 seats in parliament. However, it falls short by 41 female MPs (Kachambwa 2018); seriously calling into question the government's commitment to bridging the gender gap.

It is therefore evident that without the affirmative action measures, the representation of women in the above three parliaments would have been substantially lower and would have resembled the low percentage of women in the legislatures of Ghana, Botswana, Malawi, Zambia and Nigeria.

However, in both Tanzania and Uganda, the special-seat system has created a stigma against special-seat MPs, and voters tend to look down on these MPs. Clayton et al. (2014) have, for example, also found that quota women in parliament in Uganda are not treated on par with other MPs, whereas winning a constituency in Tanzania seems to present additional rights: women are more easily appointed to higher-level political positions compared with those who entered parliament through the special seats (Meena et al. 2018: 44). Nonetheless, the number of switches to open seats over the years have been small in both countries due to common obstacles to women's political participation (discussed below). The quota design also makes it more difficult in Uganda than in Tanzania for special-seat MPs to contest in constituencies due to the fact that special-seat MPs in Uganda are not tied to one specific constituency, but have their work spread across multiple constituencies. Therefore, their achievements are not easily noticeable, and they do not build up a relationship with a constituency to be elected in an election (Yoon 2016: 200).

In Uganda (and to a lesser extent in Tanzania), the reserved-seat system has 'ghettoised' MPs. It has created a gendered perception that constituency seats are for men and quota seats are for women. The two separate avenues to parliament resulted in the reluctance of parties in both

Uganda and Tanzania to field female candidates for open seats (Wang and Yoon 2018: 301). In Kenya, the WCR seats are also perceived by some as 'men's seats' (Ohman and Lintari 2015:19). Sustainable representation can be seriously undermined by any quota design that creates a gendered perception of open seats as men's seats (Wang and Yoon 2018: 321). In Zimbabwe, the quota system is also stigmatised. Women's participation is viewed by many as 'a token or a privilege granted by men' (IFES 2018: 12).

The future of the special seat system in Tanzania appears to be in the balance. In the draft constitution of 2013, which was approved by the legislature in 2014, no provision is made for special seats for women. The final step will be a referendum on the draft constitution. This should have taken place in April 2015 but has been postponed, and no new date has been provided (Yoon 2016: 205). In the meanwhile, special seats remain.

Explanations for the initial adoption of quotas

The following question arises: what explains the fact that the above-mentioned countries have adopted some form of a gender quota system while other countries, such as Botswana (the oldest democracy in Africa) and Ghana (which receives a perfect score from Freedom House for political rights and the second-best possible score for civil liberties), have not? One would assume that the adoption of legal quotas would be affected by the level of democracy in a country.

In their multivariate analysis covering 196 independent states from 1990 to 2014, Norris and Dahlerup (2015: 4, 18-21) found that the initial adoption and subsequent strengthening of these measures can be attributed to the role of the international community. Multilateral international actors such as the UN (followed by regional organisations such as the AU) – by means of, for example, treaties, conventions and protocols – shaped the global (and regional) norms of gender equality and women's rights. This, coupled with domestic mobilisation by networks of women advocates in political parties and the women's movement, termed 'glocalisation' by Norris and Dahlerup (2015: 3), led to domestic policies designed to strengthen gender equality in elected office. In their study, Norris and Dahlerup (2015: 18-21) also controlled for socio-economic conditions and cultural values and found that the adoption of gender quotas was unaffected by these.

Studies on South Africa (see Geisler 2004 and Hassim 2006), Tanzania (Yoon 2013) and Uganda (Goetz 1998 and Goetz 2002) showed that networks of women advocates in political parties (in South Africa) and the women's movements in these countries indeed played a role in introducing quotas. However, Waylen (2006: 527) argues that women's mobilisation on its own is no guarantee

of success and emphasises the importance of a 'relatively favourable opportunity structure' within which a women's movement operates (as in the case of South Africa and Uganda).[6] Besides the existence of strong women's movements and the widespread mobilisation of women, Okeke-Ihejirika and Franceschet (2002: 442) also emphasise the meaningfulness of democratisation. Where the transition to democracy is a less decisive break from a past regime, women's gains are relatively weak. Women's ability to promote their interests effectively within the political system is, therefore, strongly impacted by the quality of democratisation. The lack of an 'opportunity structure' (such as a decisive break from the past), as well as the absence of a broad-based women's movement which actively organises around gender issues in the transition period (and linking them to the nations struggle for democracy), seems to explain the non-existence of quotas and, consequently, also the lowest representations of women in parliament in African countries such as Botswana, Ghana and Nigeria. However, as will be shown below, these factors play out differently in these countries.

Botswana, the oldest African democracy (Chapter 2) and often hailed as the region's model democracy, is an interesting case. Banda (2006) and Scribner and Lambert (2010) highlight the fact that other African countries have written new constitutions during their political transitions and included gender equality provisions (changed to more women-friendly). But, as Banda (2006: 17) notes, Botswana, among other southern African countries such as Zambia, have remained with their original British-drafted constitution, and in doing so 'have merely kept the gender provisions that they were given'. She further remarks that it 'speaks poorly of them that they have not moved beyond that discriminatory phase' (Banda 2006: 17). Therefore, the adoption of the Botswana constitution (1965) – which was well before the appearance of international women's organisations or broader norms about the promotion of women's rights – and the absence of a strong women's movement in Botswana help to explain the scarcity of gender-equality provisions in the constitution (Scribner and Lambert 2010: 43). The women's movements in Botswana arrived on the political scene not because of the opening up of the political system by democracy, but

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6 In South Africa the political opportunities provided by the struggle against apartheid, the nature of the transition period and the associated discourse of rights and citizenship framed the women's movement's demands (Waylen 2006: 527). In addition, the ANC committed itself to gender and racial equality. The 'opportunity structure' in Uganda was created by the suspension of multi-party politics, the personal support of President Museveni for women's rights and the simultaneous growth of a women's movement to become a strong mobilising force. The period of suppression of party activity opened some space for women to become political actors and for activists and legislators to build coalitions to promote an agenda for gender equity in public policies (Goet, 1998: 244-245).

in an attempt to challenge the further tightening of women's rights, instead of fighting for greater equality. Since the mid-1990s, women's organisations and women politicians have managed to influence the amendment of key pieces of legislation that affected women, such as the Citizen Act, the Employment Act and the Marital Power Bill, while influencing the adoption of new legislation regarding domestic violence (Scribner and Lambert 2010: 51). However, as Scribner and Lambert (2010: 46) argue, these 'generally focused on removing discriminatory legislation' rather than on 'proactive measures to increase women's economic or political power'.

Although women's organisations such as Emang Basadi were involved in mobilising around the adoption of gender quotas in the late 1990s, and the issue of quotas was explored at national conferences in 2002 and 2006, these initiatives have been unsuccessful (Bauer and Burnet 2013: 105).

In Ghana, the democratisation process was based on the legacy of repression under the military rule of Rawlings (1981-1992) and the presence of the 31st December Women's Movement, which was tied to the state. Rawlings's regime, the Provisional National Defence Council (PNDC), was characterised by people living 'under a culture of silence' and 'not speaking out against the government' (Fallon 2003: 529). This fear continued with the transition to democracy in 1992, when multi-party elections were held but were boycotted by opposition parties. Rawlings and his party, the National Democratic Party (NDP), maintained power. Of further importance was the establishment of the 31st December Women's Movement by Rawlings in 1982 (and since 1985 under the presidency of his wife) in order to mobilise women to become socially, economically and politically active (though it acted as an organisation to mobilise women under the PNDC). The movement not only co-opted women's organisations and dominated women's issues, but it also received financial support from the government to improve women's economic and social situations. Women who supported it received more funding. With the transition to multi-party elections in 1992, the movement continued its activities under the National Democratic Congress (NDC) (Fallon 2003: 530). Women's organisations were, therefore, only active at a local level and concerned with women's socio-economic issues.

Although women had the opportunity to address their concerns at a national level to improve their rights in the democratisation period, women had to overcome two challenges: the fear of addressing political issues instilled by the military regime and the existence of the 31st December Women's Movement, which could challenge their organisation if they were to address political issues, and the repercussions that could follow. Consequently, women's organisations either shied away from political issues or, at most, only became involved in non-partisan political issues at a

national level, such as motivating and educating women to vote in order to improve their economic and social positions (Fallon 2002: 149). Therefore, the fear that remained from the military rule and the existence of the state's 31st December Women's Movement not only hindered the development of a larger women's movement to pursue issues such as quotas for women's representation, but also prevented other organisations from creating opportunities to address issues of political representation (Fallon 2003: 531).

In Nigeria, a strong military presence over the years has also shaped its post-colonial history, political climate and gender relations. The post-independence period in Nigeria, characterised by instability and a continuous change of government (as a result of long periods of military rule mingled with civilian intervals), inhibited the emergence of a broad-based movement prompting the collapse of military rule. Consequently, women could not align with such a movement, which could have provided them the opportunity to re-negotiate unequal gender relations. The rise of an autonomous women's movement capable of making political demands did not mirror the process of political change (Okeke-Ihejirika and Franceschet 2002: 448).

Furthermore, political competition around ethnic divisions, rather than ideologies, also extended to women's organisations, affecting the type of women's movement that was emerging and the way in which political institutions could be accessed. The patterns of patronage resulting from the ethnic conflict that dominates politics in Nigeria have also shaped women's organisations and their limits. In addition, the deep divisions that existed between women with connections to the male ruling class and women's organisations that operate outside these networks of political power complicated the creation of cross-ethnic women's movements (Okeke-Ihejirika and Franceschet 2002: 450, 455).

On the other hand, the above-mentioned scholars argued that the continued ethnic tension, combined with the lack of economic recovery, has continued to undermine the goals of democratisation in general and women's participation in particular. The delay in satisfying 'women's interests' 'is justified in the face of the overarching need for stability' (Okeke-Ihejirika and Franceschet 2002: 458). Therefore, Nigeria's male-dominated and ethnically based political parties, and the ethnic rivalries in terms of party competition, have inhibited the insertion of gender in mainstream political discourse (Okeke-Ihejirika and Franceschet 2002: 454).

Although women's groups in Nigeria had, by 2018, started to campaign for gender quotas, this campaign is, according to Ako-Nai and Obamamoye (2018: 73), 'still at the elementary' stage. Not only are the number of women involved in the struggle for legislative change very limited compared to the number of women in Nigeria, but no specific bill regarding gender quotas has yet

been advanced to the National Assembly. Unlike the public protests by women in the colonial era against insensitive gender policies, the current approach by women's organisations is deliberately non-violent and non-confrontational. In addition, no coordinated movement exists, and women's organisations and individuals committed to quota campaigns vary, with some residing only within a specific state, while the campaigning of others covers a geo-political zone. Women's activism also focuses only on a 35 per cent representation for women, instead of gender parity (Ako-Nai and Obamamoye 2018: 71-74).

In Ghana, on the other hand, women's activism for gender quotas dates back to 2003/2004 with the publication of 'The Women's Manifesto for Ghana', which emanated from a politically conscious women's movement. The manifesto recommended affirmative action measures within political parties in order to achieve a 50 per cent women's representation by 2012. Since then, women's activism for gender quotas has led to the demand for national quota legislation (Ako-Nai and Obamamoye 2018: 74). An Affirmative Action Bill was introduced in Parliament in 2016. The Bill, which provides for a 40% representation and participation of women in governance, public positions of power and decision-making, has yet to be passed. Article 38 also proposes that those who insult or obstruct women who are vying for public office should be prosecuted. By March 2019, the Bill had still not been passed into law. Gender activists have been critical of the government for dragging its feet. This delay, they argue, results in the perpetuation of the gender inequality gap (GhanaWeb 2019).

Substantive and symbolic representation

A large body of literature has been generated by the spread of both nationally mandated and party-based electoral quotas. The 'first generation' mainly focused on issues such as increasing the number of women, the design of the quota and its impact on the number of women elected and the political will to introduce such quotas (Krook and Zetterberg 2014: 4) (that is, some of the types of issues addressed in the discussion above). The so-called 'second generation' of work, according to Krook and Zettenberg (2014: 5), considers the impact of quotas 'beyond numbers', focusing on women's substantive representation – in other words, women's impact on, for example, policymaking and legislative diversity.

Whether more women represent women's interests once elected and whether they indeed make an impact on the form and content of policymaking has been addressed by a number of scholars who have shown that the growth in women's representation has enhanced the influence of female

MPs in various ways. In Tanzania, South Africa and Uganda, for example, studies have found a change in the parliamentary culture following women's greater presence. The increase in numbers has not only created parliamentary environments where female MPs feel more comfortable to press for their agendas but has also increased the proportion of women's contribution to parliamentary debate, has broadened parliamentary discourse and has established cross-party women's parliamentary caucuses (Yoon 2013: 147). In Uganda, an increasing number of male MPs have also become associated members of Uganda's women's parliamentary caucus (Clayton et al. 2016: 23). The face of parliamentary structures such as parliamentary committees have also changed as a result of increased female numbers, especially in South Africa. More 'masculine' portfolio committees such as Safety and Security, and Justice and Constitutional Development were, for example, chaired by women after the second democratic elections in 2000 (Sadie 2005: 26).

Issues affecting women, children and families are better articulated and more frequently debated in Tanzania, and women MPs have played a significant role in mainstreaming women's and children's issues into the budget process (Yoon 2013: 147). A content analysis of legislative speeches in Uganda also showed that female MPs in the Ugandan parliament raised women's issues more actively and more frequently than male MPs. Furthermore, the increased presence of women acts as a catalyst for more general debate on women's interests in parliament. 'Male MPs are becoming more receptive to legislative issues that disproportionately affect women' (Clayton et al. 2016: 22). An analysis by Sadie (2005: 28) of the speeches outside parliament by female cabinet ministers in South Africa also showed the extent of their commitment to the advancement of women's/gender issues. In the period 2000-2005, more than half of the speeches made by, for example, the Minister of Public Works, referred to women. Also, ministers in ministries not traditionally associated with women, such as Justice and Communication, have specifically referred to women's issues in nearly a quarter of their speeches.

Scholars have also highlighted the advocacy and adoption of new laws and amendments with the increased presence of women in parliaments. In Tanzania, these include the Labour Act of 1997, the Sexual Offences Act of 1998, the Land Amendment Act of 2004 and the repeal, in 1996, of the law that expelled pregnant girls from school (Yoon 2013: 147). In Kenya they include the Sexual Offences Act of 2006 and Amendments to the Employment Act of 2007 to provide for paid maternity and paternity leave.

In Uganda, the enactment of important pieces of women's rights legislation in the areas of, for example, domestic violence, rape and female genital mutilation can be attributed to the women's parliamentary caucus and the enhanced collaboration with male MPs (Clayton et al. 2016: 23). In

South Africa, these include laws on gender-based violence, family law, land rights, the Domestic Violence Act (1998), the Choice on Termination of Pregnancy Act (1996), improvements to the Child Maintenance Act resulting in the Child Care Amendment Act (1996) and the Recognition of Customary Marriages Act (1998) (Govender 2005: 83-84).

Although Philips, as mentioned above, has not considered the symbolic role of women's representation (that is, public attitudes towards women in politics) as an argument for justifying women's political representation since it takes place outside of national legislatures, its importance in breaking down patriarchal attitudes has been highlighted by a number of scholars. For example, in both Uganda (Juma 2011) and Tanzania (Meena et al. 2017) it is acknowledged that the increased presence of women in parliament has slowly been changing people's attitudes to women in politics. The presence of women in politics is becoming more acceptable, creating a new political culture in which politics is no longer a 'man's world'.

Factors that complicate and prevent women's political participation

To a greater or lesser extent, persistent resistance to women candidates takes many forms across Anglophone Africa. As discussed below, several factors reinforcing each other and acting simultaneously with each other prevent or hamper women's political participation. These range from culturally engrained gender roles to unsupportive political parties and violence against women.

Culture, religion and traditional gender roles

In most Anglophone countries the constitutional and legal gains supporting gender equality have not affected entrenched gender roles and stereotyping effectively preventing women from participating in elections. Traditional beliefs and cultural attitudes – especially concerning women's roles and status in society – remain strong. Women's identity is still predominantly conceived as being domestic in nature and this continues to act as a barrier to their entry into formal politics. Culture, which defines and controls how people perceive women and their participation in politics, has been regarded by numerous scholars as the root of women's exclusion from playing a political leadership role in countries such as Zambia (Gudhlanga 2013) and Zimbabwe (Zulu 2011). These cultural beliefs based on the concept of male supremacy perpetuate the belief that politics is male territory. In Nigeria, patriarchal relations at the family level also reinforce the devaluation of

women in the public realm. Since politics is regarded as the domain of men, women participating in politics are stigmatised and are discouraged by their husbands to run for elections (Samuel and Segun 2012: 12).

The gendered nature of traditional roles and the division of labour also manifested in the 2017 elections in Kenya where elders, male rivals and family members told many women to pull out of the race since it was unbecoming for a woman to run in elections, that women cannot lead and that it is against religious principles (NDI and FIDA 2018: 41).

Political parties

Political parties, which are the key gateway for women's successful participation in elections, are the most serious obstructers. They replicate gender relations of male supremacy and female subordination. Party leadership is controlled by men and it is difficult for women to reach the top positions in party hierarchy where decisions are taken. The patriarchal nature of political parties often restricts women from competing in elections. In many cases women lack party backing and, in some instances, women experience active exclusion, discrimination and open hostility.

Despite the fact that women's representation in parliament in South Africa stands at 45.73 per cent, the deeply embedded culture of masculinity also pervades political parties in the country and is still the most difficult obstacle to increased female political representation in South Africa. Political party rhetoric on gender equality does not match the selection of women as party candidates or their election to party leadership structures. Furthermore, parties have not been forthcoming in terms of capacity-building interventions to, among other things, build women's skills and confidence, which would encourage them to make themselves available as candidates for political decision-making positions (Sadie 2017: 65). The absence of capacity-building initiatives by political parties is a common feature in all Anglophone countries (see for example, NDI and FDI 2018: 37 on Kenya).

Political parties control women's political participation in numerous ways. In the 2017 elections in Kenya, for example, only 11 per cent of all the contenders in the party primaries were women (excluding special seats). Parties pushed women to compete for the women's special seats in order to open up more opportunities for men to compete for the constituency seats. Some parties have also nominated non-members in the primaries over female members (NDI and FIDA 2018: 27, 36-37). They also intentionally tried to prevent women from running by deliberately misinforming them on the proper timelines and procedures to vie for office. Parties also discouraged women

from challenging election offences in exchange for a nominated seat (which was not always upheld) (NDI and FIDA 2018: 35-36). Another way that parties prevent women from being elected is by fielding women in constituencies in which the parties concerned have minimal support – as has been the case in, for example, elections in Zimbabwe (Gudhlanga 2013: 166).

Despite this, some female candidates have had positive experiences in their political parties, although these are the exceptions. Some of the women elected in Kenya in the 2017 elections reported to have been supported by their party in the form of discounted nomination fees, funding for campaigns and material support, including T-shirts and posters. A few party leaders are even cited as having accompanied women to constituencies to campaign for female candidates and using their clout to enhance women's chances to be elected. The latter, of course, underlines the gendered nature of politics and men's supremacy.

Lack of financial resources

One of the major problems in all these countries, with the exception of South Africa (mostly due to the closed list PR system), is the fact that women lack the necessary financial resources to effectively participate in electoral processes as candidates (see, for example, Sossou (2011) and Bauer (2017) on Ghana, Wang and Yoon (2018) on Tanzania and Uganda, and Nasong'o and Ayot (2007) on Kenya). The amount of money required to run for election is often large, and women generally do not have these resources. Money is required for campaign expenses (such as handouts to voters, contributions to formal and informal community projects, payments to campaign teams, transport and entertainment), and what is seldom considered is the amounts that have to be paid in the candidate nomination/selection process. In Ghana, for example, the cost for running for political office increased by 59 per cent between the 2012 and 2016 elections (WFD 2018: 5). The two rounds of primaries are prohibitively expensive – the first primary secures the party's approval to contest the election while the second secures the party's nomination as a parliamentary candidate. The average expenditure in 2016 for these was, respectively, GHC 156 000 and GHC 134 000,[7] while expenditure for the parliamentary election was significantly higher (GHC 235 669). The average cost for a successful election campaign is equal to almost two years' salary of an MP – illustrating how much of a barrier money can be. Furthermore, in 2016 for example, women were unable to match the spending of male competitors. Overall, on average, men outspent women by

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7 The exchange rate of the GHC to the USD was 4.51 GHC to 1 USD in December 2017, at the time of writing (WFD 2018).

more than GHC 50 000 (WFD 2018: 12-14,18). Although both the major parties offered discounted filing fees (women paid half the fees of men) to women aspirants during the primaries and women candidates in the 2016 general election, Bauer (2017a: 18) emphasises that this is 'a drop in the bucket' given the overall campaign costs. The reduced fees, unfortunately, hardly had a significant effect.

Since the introduction of special parliamentary seats for women in Kenya, women who wished to represent a party in a regular constituency seat had to spend (in some instances) more money in the nomination phase because the regular seats were now perceived as 'men's seats' (Ohman and Lintari 2015: 14).

Similar to Ghana, aspirants in Kenya and Nigeria also have to pay to be considered in the candidate nomination process. As highlighted in the previous chapter, the monetisation of party politics and elections in Nigeria, for example, has led to the exclusion of many people, particularly women, from political decision-making positions. Not only are the nomination fees that the major political parties charge astronomical (ranging from N1 million to N5 million, depending on the level of representation, for example in the Federal House of Representatives, governorship positions or as president), but candidates are then expected to run a monetised election campaign in which large amounts of money are required for, among other things, crowd-renting for party rallies, adverts (posters) and vote-buying (material gifts) (Onah and Nwali 2018: 13-16). Despite there being comprehensive laws limiting campaign spending in Nigeria, these laws are not enforced (see chapter 2).

Violence against women

The increasing violence against women in most Anglophone African countries restricts their political activities or deters them from standing for elections. Women encounter various forms of violence: physical violence (causing direct bodily harm), physical assault, verbal assault and psychological violence (psycho-intimidation, social sanctions and punishment, family pressure and character assassination) in public. Given the zero-sum nature of the political contest in countries with the plurality electoral system (FPTP), where competition is a do-or-die affair, violence against female candidates seems to be more prominent. In Kenya, for example, gender-based electoral-based violence experienced by women is regarded as one of the 'primary barriers' to their participation in elections. In the 2017 election, for example, women were subjected to various forms of violence, ranging from physical, psychological and economic violence to threats and coercion. Reports of

the Elections Observation Group in Kenya also emphasised the seriousness of the violence against women candidates during the campaign (NDI and FIDA 2018: 39; Kachmbwa 2018; Wang and Yoon 2018: 313). Violence and abuse against women also deterred women from standing as candidates in Zambia's 2016 elections.[8] Women who participated reported that they experienced 'immense' violence during the campaign period (Commonwealth Observer Group 2016: 21), while violence and intimidation, particularly sexual violence, during the election campaigning also exacerbate hurdles for women seeking to contest the open seats in Uganda (Wang and Yoon 2018: 313). Violence, and threats of violence are also regarded as one of the main reasons for the low number of women who stood as candidates for the 2019 elections in Nigeria (*IOL* 2019).

A norm in the political campaigns of women in Ghana, for example, is 'a politics of insult', consisting of, for example, character assassination. This is described as a favourite weapon in the arsenal against women candidates. Especially during the primaries, women candidates are particularly targeted in a number of unsavoury ways, resulting in not enough women wanting to stand for elections (Bauer 2017: 11). Although women in Tanzania do not encounter physical violence, they too experience verbal abuse and intimidation from their male competitors (Wang and Yoon 2018: 313).

Over the years there has also been an endless cycle of victimisation of women in Zimbabwe in terms of election to political office or within political parties. The run-up to the 2018 elections was no different and was also characterised by allegations of intimidation and hate speech towards women. The perception that participating in politics is dangerous is, therefore, also regarded as one of the predominant reasons why women do not participate in politics (see for example, IFES 2018: 14; News24 2018).

Media coverage

A practical manifestation of the patriarchal nature of most Anglophone African countries is that despite the fact that the voices of both men and women are significant in elections, women are far less visible in the media during the election campaign period. In the countries where statistics are available, media coverage of women candidates and women in election-related coverage has been far less than that of male candidates. In Zambia, for example, approximately 77 per cent of coverage

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8 Violence against women and the degrading treatment in public of women candidates have also been evident in previous elections (see Zulu 2011).

by the four public media outlets (ZNBC TV, ZNBC Radio 2, the Times of Zambia and Zambia Daily Mail) was devoted to male candidates (*Lusaka Times* 2016), while in Zimbabwe, surveys on election coverage in the 2018 elections showed that women candidates received minimal attention from the media – around 5 per cent (Zim Fact 2018).

In an election coverage study conducted by Media Monitoring Africa (MMA) of 61 South African news media outlets (including online, radio and TV) before the 8 May 2019 elections, it was found that in the period 1 to 30 April, men outweighed women in coverage fourfold (82 per cent versus 18 per cent) in election-related articles/programmes. In the words of the authors of the report: 'This is astonishing considering that women make up more than half of South Africa's population and that there are two million more registered female voters than their male counterparts' (MMA 2019: 9).

Another problem faced by women in, for example Kenya, is that when they attract the attention of the media, women are generally more linked to negative news than men. Gender stereotypes and stigma also characterise the coverage of female candidates (also evident in Tanzania and Uganda (Wang and Yoon 2018: 313)). Therefore, due to the double standards applied to men and women, it is argued that women are cautious about participating on radio and television if given the opportunity. Women, therefore, tend to capitalise on social media such as Facebook and WhatsApp to communicate with voters (NDI and FIDA 2018: 38).

Equally discouraging is 'sexist backlash and mudslinging' as experienced by the four women who stood as presidential candidates in the 2018 Zimbabwean elections, which Lowe Morna and Zwaraya (2018) described as 'a reminder of the underlying patriarchal norms that define Zimbabwe's ageing leadership'. In Botswana, the media has, over the years, failed to give special coverage to the campaigns of female candidates or to interview them, which further reinforces women's marginalised situation (see, for example, Sebududu and Osei-Hwedie 2005; Balozwi 2019).

Conclusion

Similar to international evidence, women in Anglophone African countries with FPTP constituency systems stand less of a chance of being elected to parliament than women in a closed-list PR system, as is evident in the low representation of women in Botswana, Ghana, Nigeria, Zambia and Malawi. To get around the rigidity of the FPTP (an inheritance of the British colonial system), Kenya, Zimbabwe, Tanzania and Uganda have adopted legislated measures to increase women's representation. With the exception of Kenya, these countries have a representation of women above 30 per cent. Kenya's failure to reach the 30 per cent representation mark, despite the quota of special candidates and the country's constitutional requirement that women occupy at least 30 per cent of the total number of seats in parliament, can be attributed to the small proportion of special candidates (around 15 per cent) relative to the total number of members of parliament.

South Africa's PR closed-list system combined with its voluntary gender parity party quota of two major parties (ANC and EFF), on the other hand, is testimony to the fact that PR systems (combined with quotas) result in a high representation of women. Quotas, despite their shortcomings, have contributed to increasing the number of women in parliaments. However, these numbers – except in the case of South Africa – are still well below the ideal of gender parity.

The will of governments to include women in political decision-making at the highest level is reflected in their inclusion of women in cabinet positions. This, however, paints a rather dismal picture. Although South Africa has achieved gender parity in terms of cabinet appointments and Uganda's cabinet consists of just over 33 per cent women, the remaining Anglophone countries trail far behind (below 30 per cent). At the lowest rank are Malawi, Nigeria, Zimbabwe and Botswana, where cabinets consist of less than 20 per cent women. The low number of women in cabinets across the Anglophone countries seems to suggest that government leaders do not take their constitutional and continental commitments to gender equality seriously, effectively perpetuating the deeply embedded culture of masculinity that pervades political parties and societies as a whole.

The increased presence of women in most of the legislatures in Anglophone countries has been effective in a range of institutional and legislative reforms, which has influenced the democratic process and is consistent with the ideas of democracy. The increase in female MPs has not only created more women-friendly parliamentary environments conducive to addressing women's interests and concerns and broadening parliamentary discourse but has also contributed to enacting or amending legislation on women's rights, for example, laws on gender-based violence, labour and land and the progressive legislation in South Africa on the choice women have to terminate

pregnancy. The symbolic value of women's representation should also not be underestimated. The large number of women in parliament in a number of countries has contributed to a change in political culture, in which the political arena is no longer the exclusive preserve of men.

However, a number of barriers, such as discriminatory cultural beliefs, lack of political party support, lack of financial means and violence, are still common threads which run through the explanations for women's political under-representation in most Anglophone countries. Cultural beliefs and practices based on the concept of male supremacy and female subordination, which exclude women from political leadership roles, are mirrored in political parties and the media, where the coverage of female candidates during the election campaign period is far less than those of male candidates.

Considering the patriarchal culture and socio-economic disadvantages hindering women's entry into politics, and that these take a long time to change, the only way to fast-track women's entry into politics is through quotas. Quotas are not a panacea but should be seen as a temporary measure (as is the case in Tanzania, Uganda and Zimbabwe) to set in motion a process of incorporating a larger number of women in legislatures and to achieve the continental minimum of 30 per cent and desired target of 50 per cent for women's representation.

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

Michael Bongani Reinders

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

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[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.

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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."

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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).

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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

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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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Chapter 6
Political Leadership and Democratic Governance in Anglophone Africa

Olugbemiga Samuel Afolabi & Michael Bongani Reinders

Introduction

Democracy in Africa is intrinsically linked to leadership and the way in which the leaders of the various countries on the continent lead. The political leaders of any country play a key role in shaping its politics, and in Africa, where many countries are led by the people who were part of their liberation struggles, this is particularly the case. All of the democracies in Africa are relatively new, which means that there has not been much time for democratic norms and institutions to become entrenched. This further emphasises the key role that African leaders play when it comes to promoting or threatening democracy in African countries. This chapter will explore the notions of democracy and leadership in Africa and how they relate to one another in the context of the ten Anglophone case studies.

A large portion of scholarship assumes that democracy and leadership are Western concepts (Swart, Van Wyk and Botha 2014; Igué 2010; Lyn de Ver 2008: 11). Additionally, there is very often a distinction between leadership and the idea of 'African leadership'. However, given the vastness of the continent and the diversity of countries, the concept of African leadership is a misnomer (Bolden and Kirk 2009: 76). The term has racist and discriminatory undertones and is evidence of a Westernised perception of Africa. Leadership means the same thing everywhere and there should not be a separate category for the African continent. While leadership issues are naturally complex, they are more so in Africa given the colonial past that so many countries have had to endure. Additionally, many African countries continue to suffer under neo-colonialism (a contemporary manifestation of colonialism). There is massive inequality perpetrated by the neo-colonial status quo, and many African countries, and their people, continue to be exploited by the West. This in

turn effects the leadership dynamic:

'Several contradictory influences on African political decision makers. Among these we could mention the persistent hegemony of the major powers and the economic stakes that Africa represents because of its main natural resources: oil, gold, diamonds, uranium, coltan, timber and so on. Serious socio-cultural factors must also be taken into consideration' (Igue 2010: 115).

This chapter will explore the complexities related to leadership in African countries which are still trying to recover from colonialism and continue to struggle with neo-colonialism. This is particularly pertinent as leadership can also serve as an indicator of the health of democracy in a country. Elected officials are the channels through which African citizens expect the dividends of democracy in form of service delivery. This can manifest in many ways — as an improved standard of living, development, choice, justice, inclusion, and freedom. These dividends are not merely theoretical but also practical, as democracy was initially seen as the panacea to problems of dictatorship, autocracy, underdevelopment, and poverty (Afolabi 2017a). This raises the question: to what extent have leaders in Anglophone Africa, responded to the needs of their people? This motivates the analysis in this chapter as it is important to determine the relationship that leadership has to democracy in Anglophone Africa.

To answer this question, this chapter discusses the conceptual clarifications of the two key concepts of leadership and democracy. After clarifying these concepts, the framework for analysis is illustrated through an exploration of democracy as a continuum, and political leadership. Thereafter, the chapter explores the relationship between leadership and democracy to understand how good leadership and good governance are correlated. There is an examination of leaders in Anglophone countries, with a distinction between democratic leaders and undemocratic leaders. Additionally, there is a discussion of the obstacles to leadership. The chapter concludes by briefly outlining what needs to happen to promote strong leadership and democracy in Anglophone Africa.

Conceptual Clarifications: Democracy and Leadership

Democracy

Democracy is not a simple term to define as there has been broad scholarship on the matter, with no clear overarching definition that scholars can agree upon. One of the first clear definitions of democracy came from Schumpeter. The Schumpeterian definition denotes that, 'the democratic method is that institutional arrangement for arriving at political decisions which realizes the

common good by making the people itself decide issues through the election of individuals who are to assemble in order to carry out its will' (Schumpeter 1942). Therefore, within the bounds of this description, the democratic method is the institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote. This is the working definition of democracy applied in this chapter.

Within this framework democracy can be seen as the system in which people determine who rules over them. In this sense, those who vote and those who abstain, even though they are eligible, determine who occupy governmental positions. It is logical, indeed crucial, that there exists a connection between the leaders and citizens in a democracy as this linkage satisfies the democratic aspirations and expectations of the people. It is also a framework that allows leaders to distribute public and private goods. While elections serve as the medium through which the leaders are chosen (Afolabi 2019), democracy encompasses other elements. Such elements include democratic institutions, democratic values, and rights. Some of these rights include the freedom of association, freedom of speech, freedom of movement, the right to vote, the right to equality before the law, and protection against discrimination based on gender, disability and race among others – all of these factors are critical indicators of democracy.[1]

When it comes to identifying democracy, further distinctions can be made between the types of democracies that exist. Once again, this is a particularly contended area of democratic scholarship with some scholars denoting subcategories of democracy and others arguing that a country is either a democracy or not. This chapter tends to agree with the former group of scholars and views democracy as a continuum. There is no binary of democracy, but instead there are nuanced differences that can distinguish subtypes of democracy.[2]

This chapter will also refer to Schedler's four categories namely, authoritarian regimes, electoral democracy, liberal democracy, and advanced democracy (Schedler 1998: 94) by categorising ten case studies in terms of these four concepts.

Within this understanding of democracy, the concept of leadership has become a key feature in both Western literature on democracy, and in studies of African democracies. Part of the problem with contemporary democracy is the disconnect between the political elite and the citizenry. This

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1 The existence of these rights in each of the ten countries are further explored in the chapter on Lawfare and Accountability.

2 It is notable that there is extensive literature on the differences between different subtypes such as Collier and Levitsky's work on Sartori's 'ladder of generality'. However, for the purposes of this chapter the discussion of types of democracy is not the focus and will not be explored beyond a passing mention.

aspect of democracy is practised in Africa where leaders can be selected through elections that might or might not be credible and from among a group of elites from several different political parties (Van de Walle 2007; World Bank 1991). These leaders are often out of touch with their voters and this can give rise to unrest and frustration from within the societies. The notions of leadership within countries in Africa needs to be further explored by determining where on the spectrum each of the case studies fall, which allows for the exploration of how well leaders in Africa have played the roles expected of them. But before doing so it is necessary to further clarify the notion of leadership.

Leadership

Leadership is another complex term to define and for the focus of this discussion, leadership is seen as the ability to obtain non-coerced, voluntary compliance to enable followers to attain goals which they share with the leader (Cartwright 1983: 19, 21). Cartwright expands this definition into the realm of governance by asserting that leadership, as in state governance, should be defined as government by persuasion rather than by force (Cartwright 1983: 285–97). In other words, leadership in State government should be democratic and not authoritarian.

The question of leadership as a driver of democracies in Anglophone Africa has raised several issues and have led people to question the competence of these leaders to rule effectively and to rule in response to the needs of the people through accountability, inclusion, and development. As already mentioned, terms such as 'African leadership' carry pejorative connotations (Swart, Van Wyk and Botha 2014). Within the context of this discussion, African leadership simply refers to the various manifestations of leadership on the African continent, and not to an erroneously generalised misconception of 'African leadership'.

Much of the literature has shown that traditionally leadership in Africa has been democratic and participatory. It was entrenched and practiced for many generations (Nkomo 2006; Sarbah 1968). But leadership in Africa has changed over the period of colonization, and since independence. The change can be traced to inherited corrupt practices from colonial authorities and weak economic structures that predispose the leaders to corrupt practices and dependency (Ogbeidi 2012; van de Walle 2007). Certain convoluted leadership has emerged in post-independence Anglophone Africa and was derived from the authoritarian nature of colonial rule and relies on the structure of international relations that privileges democratic rule in Africa irrespective of its imperfections (Moyo 2010). This issue needs to be addressed to better understand the impact that leadership has on democracy in Anglophone Africa.

Framework for Analysis: The Democratic Continuum and Political Leadership

In most nations democratic rule has become *the* acceptable way to govern. In this sense, democracy, whether imposed or home grown, has become the preferred platform. While some countries have embraced the 'Westminster model' typical of the United Kingdom, Canada, and Australia; the Nordic countries such as Denmark and Sweden typify a 'social democracy'. The corporatist version of democracy as practiced in Luxembourg, Netherlands and Germany is also worth mentioning. References to African democracy, however, assume a decidedly negative connotation, which has spurred the ongoing debate about the nature and character of democracy in Africa. For this chapter, the above conceptions are not used, instead Schedler's four categories on the continuum of democracy are applied. Before determining under which category each of the ten case studies fall, it is apt to further define the four categories.

Understanding Democracy on a Continuum

The first category that Schedler defines is liberal democracy and Robert Dahl proposes the following required characteristics for such a brand of democracy 'civil and political rights plus fair, competitive, and inclusive elections' (Schedler 1998: 92). Schedler, however, considers Dahl's characteristics to apply more accurately to a 'polyarchy', not to liberal democracies (Schedler 1998: 92).

The second category that Schedler defines is electoral democracy, which is often viewed as a borderline case for democracy. Without the essential features of a liberal democracy, electoral democracy can be placed somewhere in between authoritarianism and democracy. Schedler notes that, 'this term is now generally used to describe a specific type of semi democracy – one that manages to hold (more or less) inclusive, clean, and competitive elections, but fails to uphold the political and civil freedoms essential for liberal democracy' (Schedler 1998: 92-93).

The third category that Schedler refers to on his democratic continuum is advanced democracy. He explains that while electoral democracies are those which fall short of some of the criteria of a liberal democracy, advanced democracies are those who go beyond the bare minimum for a liberal democracy. He notes that advanced democracies, 'possess some positive traits over and above the minimal defining criteria of liberal democracy, and therefore rank higher in terms of democratic quality than many new democracies' (Schedler 1998: 93). This distinction is important

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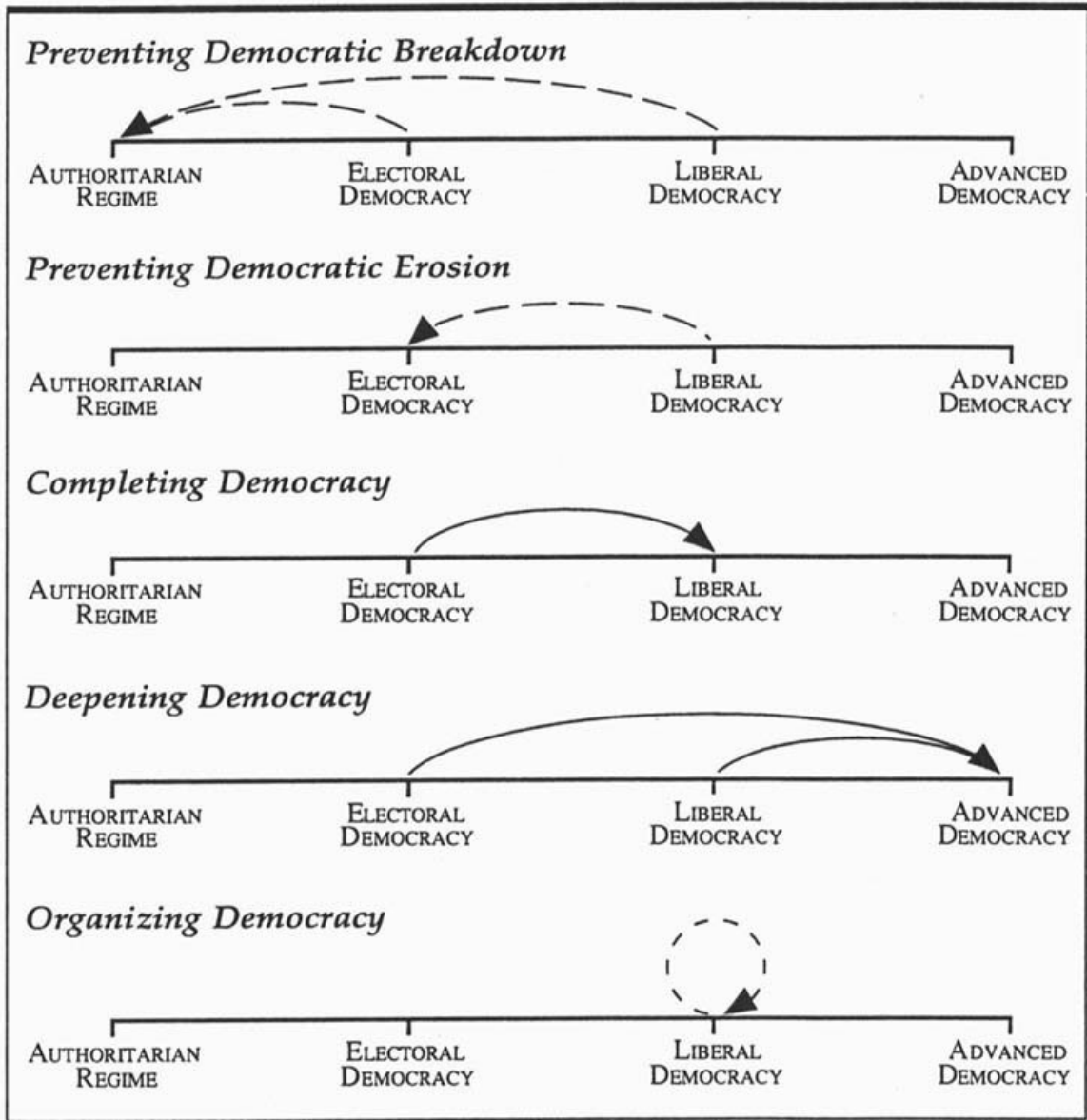
Figure 1.
Concepts of Democratic Consolidation

Source Schedler 1998: 93-94

Referring to this figure, Schedler explains that on this continuum, 'authoritarianism forms the outer negative horizon that democrats in both these [electoral and liberal] kinds of regimes try to avoid, and advanced democracy forms the outer positive horizon that they try to approach (Schedler 1998: 93-94). In addition to this, he explains the relationship between electoral democracy and liberal democracy as relating to one another in that, while a liberal democracy will strive to avoid electoral democracy, an electoral democracy will strive to attain liberal democracy. The same goes for the relationships between electoral democracy and authoritarianism, and liberal democracy and advanced democracy, respectively.

In addition to Schedler's continuum, V-Dem classifies countries on a similar four category continuum consisting of Liberal Democracy; Electoral Democracy; Electoral Autocracy; and Closed Autocracy. These four categories are similar to Schedler's but the difference is that there is no category for advanced democracy and there are two subcategories for autocracy. Despite this, there is still a relationship that can be drawn between these terms. By combining these two concepts the following continuum is possible:

Figure 2.
Combined Schedler and V-Dem Democracy Continuum.

Closed autocracy and electoral autocracy can be the same as Schedler's 'authoritarian regime', but as two subcategories. In terms of this, an electoral autocracy can be distinguished from an electoral democracy in that an electoral autocracy has all the trimmings of an autocracy, but for whatever reason holds elections (often as window-dressing for the international community). A prime example of this is Uganda:

'Uganda is ruled by a hegemonic party – one political party remaining continuously in power while holding regular multiparty elections – and is considered a "hybrid" or electoral authoritarian regime . . . The lines between party and government are blurred and people widely perceive the bureaucracy as being controlled by the ruling party' (Raffler 2019: 7).

According to the V-Dem classifications and the combined continuum, the ten case studies can be categorised as follows:

Table 1 V-Dem Democracy Classification

Country	V-Dem Classification	Corresponding Schedler Category
Botswana	Liberal Democracy	Liberal Democracy
Ghana	Liberal Democracy	Liberal Democracy
Kenya	Electoral Autocracy	Authoritarian Regime
Malawi	Electoral Autocracy/Electoral Democracy	Authoritarian Regime/Electoral Democracy
Nigeria	Electoral Autocracy/Electoral Democracy	Authoritarian Regime/Electoral Democracy
South Africa	Electoral Democracy	Electoral Democracy
Tanzania	Electoral Autocracy	Authoritarian Regime
Uganda	Electoral Autocracy	Authoritarian Regime
Zambia	Electoral Autocracy	Authoritarian Regime
Zimbabwe	Electoral Autocracy	Authoritarian Regime

Source: V-Dem, 2019

From the above it is evident that many of the case studies fall very much on the authoritarian side of the continuum. Only Botswana, Ghana, and South Africa fall within the democratic categories of the continuum. Both Malawi and Nigeria fall in between the electoral autocracy and electoral democracy categories, and Kenya, Tanzania, Uganda, Zambia, and Zimbabwe are all electoral autocracies. Two positives can be taken from these categorisations. With countries like Malawi and Nigeria being on the brink of two categories, it is possible for these countries to move towards democratisation more easily. And even though five of the countries are authoritarian, none of them are closed autocracies. It is particularly significant that none of these countries are advanced democracies.

This analysis makes one thing abundantly clear: these Anglophone African countries can all work toward moving further towards democracy on the spectrum. Botswana and Ghana can shift towards advanced democracy. South Africa can shift towards liberal or advanced democracy. Malawi and Nigeria can solidify themselves as electoral democracies and the remaining five countries can also shift towards electoral democracy. None of these shifts will come easily but as will be explained in the following section, leadership will play a crucial role in strengthening their democracies.

Political Leadership

Within our working conceptual clarification the role and place of leadership in democracy cannot be over-emphasised. Leaders provide the vision, the drive and the example required to embody the collective needs of their citizenry, and ethical leadership is central to stimulating and fostering the growth and development of a political system.

While entrenching strong democratic norms and values are easily achieved in advanced democracies, they are largely absent in democracies in Africa for a number of reasons, including a failure of leadership. Other reasons are the complexities of power relations inherited from colonialism, poor standards of living in the aftermath of colonialism, and the economic realities that exist in developing countries. These challenges to democratisation and development play out in dichotomies between the rich and the poor, and the public sector driven economy versus private sector driven economy. Equally important are questions of good governance, functional institutions of the state, and the space for credible electoral processes. These signify the important differences that exist among African countries striving to strengthen democracy.

Those post-independence African leaders who have attempted to create, manage, and sustain democracy, have had to contend with the complex political, social, and economic realities within their countries. While they pursue democracy, there exists a distinct possibility of a state sliding back into an authoritarian regime. Additionally, a cohort of other leaders have made no attempt to democratize and in fact often subvert any such attempts by the people or by their opposition, and only entrench their autocratic stances. As the categorisation on the democratic continuum indicates, these pose a risk to different manifestations in each of the countries and need to be further explored in relation to the political leadership in the country and what role it can play in either deepening or eroding democracy.

To proceed with this analysis, it is necessary to better understand what political leadership entails. When looking at the mechanics of political leadership it is possible to identify different leaders within a state. In discussing the relationship between leadership and government, Chiamogu explains that:

'[P]eople who hold decision-making positions in government whether by means of election, appointment, electoral fraud, conquest, right of inheritance or other means constitute political leadership. It thus presupposes that political leadership goes beyond the ruling elites that directly manage the affairs of a territory; it embraces the totality of the political class that has the capacity to manipulate the machineries of government even from behind the scene' (Chiamogu 2017: 4).

The description and classification of political leadership is important since leadership is not restricted to the office of the president alone but includes all those elected at various levels of the government. All elected officials determine the success and failure of their state and the welfare of their citizens. Rotberg speaks to this by explaining that 'political leadership is a 'social construction'' that acts within a particular historical and social context as a multidimensional activation that is a peculiar mixture of contingent situation and personal intervention, and as the impact of individual style and creativity on political challenges and opportunities' (Rotberg 2014: 242). This shows that political leadership is very often contingent on each country's specific context as well as the leaders who are in power, and the form of governance in the country.

The Relationship Between Good Leadership and Good Governance

Cartwright (1978) explains that the relationship between leadership and governance, more specifically political leadership, and good governance cannot be overemphasized. This nexus between democracy and leadership is quintessential for facilitating a just and progressive society. Following this line of reasoning, Chiamogu points to the clear intersection between good governance and political leadership and explains that strong political leadership can bring about good governance. But it is also true that entrenched good governance creates a system that gives rise to strong political leadership (Chiamogu 2017: 2). However, Chiamogu also notes that this relationship can also be correlated negatively where bad governance leads to bad political leadership and vice versa (Chiamogu 2017: 2).

Chiamogu gives an example of how governance, leadership, and democracy interact in Africa:

'If governance and leadership were to be improved in Africa, infant mortality and maternal morbidity rates would fall, the struggle to contain malaria, typhoid and other curable diseases would be more effective, civil strife would prove less damaging and democratic transitions would be much smoother' (Chiamogu 2017: 7).

He goes on to note that, regrettably, an assessment of leadership in the African context only leaves a sour taste in the mouth (Chiamogu 2017: 2). Although the complex and tumultuous history of colonialism in Africa does play a large role in this, it does not absolve African leaders of responsibility. Chiamogu holds that one should recognise, 'the responsibility of African leaders even if emphasis was still placed on the legacies of colonialism: "post-colonial Africa inherited weak

states and dysfunctional economies, which were further aggravated by poor leadership, corruption and bad governance in many countries"' (Chiamogu 2017: 3). Another analyst, Ake (2000) agrees and contends that despite Africa's difficult experience with colonialism, the performances of its post-colonial leaders have only made matters worse. For Ake (2000), and Yagboyaju (2011), the majority of African leaders have become corrupt, socially disorganised, politically disorientated, have overseen mass political apathy, and the demise of development projects. This has effectively led to a diminishing of democracy across the continent, but Africa should not be generalised, and each country has a different context.

In Anglophone Africa, the actions of many political leaders display a lack of respect for their people while accumulating considerable and questionable personal fortunes at the expense of good governance. Colonial structures such as neoliberal economies, discriminatory laws, and the exploitation of Africans bifurcated societies rife with poverty and inequality. Colonial structures were also the foundations for post-colonial institutions that have allowed leaders to be unresponsive to the needs and aspiration of their people. However, as discussed previously, Anglophone African leaders are themselves not without fault, and 'the greatest problem in Africa is the provision of effective, progressive leadership which seeks not to be served but to serve –– a leadership that goes beyond verbal declarations to action' (Chiamogu 2017: 4-5).

One of the major trends among African leaders is an unwillingness to give up power. Lodge writes of African leadership and democracy in the two-turnover test and the change of power in African countries. He describes a number of categories which are applied to the ten cases relevant to this discussion:

The first applicable category is, 'Orderly succession of presidents with different party affiliations and between political parties following founding election (the two-turnover test)' – Ghana falls into this category in 2000 and 2009 (Lodge 2013: 25).

The second applicable category is, 'One orderly succession since founding election' – Malawi in 2004 and Zambia in 2011 fall into this category (Lodge 2013: 25).

An 'Orderly succession between parties and presidents with different affiliations at time of founding election' and Nigeria and South Africa fall into this category (Lodge 2013: 25) constitutes the third category.

The fourth category is, 'No change: old sole party retains power in successive elections' – Tanzania and Uganda fall into this category (Lodge 2013: 25).

The fifth category is where, 'Incumbents successfully resist alternation despite losing election' – Kenya in 2007 and Zimbabwe in 2008 fall into this category (Lodge 2013: 25).

The final category is, 'Multi-party elections since independence' – Botswana falls into this

category having had no alternation (Lodge 2013: 25).

These categorisations of each country on the democratic continuum show that the manner in which a country has a power shift does correlate with the strength of its democracy. While it is definitely not the only determining factor, one can deduce a relationship from the two sets of data.

Botswana and Ghana, the only two liberal democracies, are also the two countries who are in their own categories, with Botswana's multi-party elections since independence and Ghana passing the two-turnover test. South Africa and Nigeria fall into the same orderly succession of parties and candidates at the founding elections. Despite them falling into different categories on the continuum, South Africa is considered an electoral democracy and Nigeria on the brink of electoral democracy. Malawi, which is also on the brink of electoral democracy is categorised as having had one orderly succession since its founding election.

On the other end of the spectrum are Tanzania and Uganda each having a sole party retaining power, and Kenya and Zimbabwe, having had incumbents successfully resist alternation despite losing an election. All four of these align with their continuum categorisations of being electoral autocracies. The only exception to these correlations is Zambia which had one orderly succession since its founding election yet is categorised as an electoral autocracy.

A preliminary conclusion that to be drawn from the correlation between the continuum data and the succession data is that democracy is more likely where there is the possibility of change of power. With the exception of Zambia, the countries that are the most authoritarian are also the ones which have not had successions of power, or whose incumbent has resisted alternation of power when they lost. This is further evidence of the positive and negative correlations between good governance and good leadership that Chiamogu conceptualised. Given this, it is clear that while many of the institutional arrangements and inherited colonial structures are difficult to change in these countries, good leadership good governance can be possible. The discussion now turns to the role of the leaders in these ten countries and how they promote good governance.

The Leaders of Anglophone Africa

According to Rotberg, 'Africa has long been saddled with poor, even malevolent, leadership; predatory kleptocrats, military-installed autocrats, economic illiterates, and puffed-up posturers' (Rotberg 2004: 14). However, one should not simply assume that there is poor leadership in Africa. There is an abundance of both good and bad leadership. The broad assumption of bad leadership across Africa must be qualified and it is instead imperative to explore the leadership

dynamics in the ten countries that are under discussion before judging. For the purposes of this chapter, two broad categories of leaders are discussed – the leaders who are described as 'bad leaders', and the leaders are described as 'good leaders'. Using these two terms could be viewed as an oversimplification and binary conception of leadership, but this is not the goal here. The labels of 'bad' and 'good' are too broad. Therefore, in this chapter these leaders are referred to as undemocratic and democratic leaders, respectively. The term 'undemocratic leaders'[3] refers to those leaders who actively undermine democracy, promote autocratic practices, and are focused on personal gain and power. The term 'democratic leaders' refers to those leaders who are democratic in nature, lead to serve their people, and promote democracy within their countries.

Undemocratic Leaders

Several leaders in Anglophone Africa see public office as a means to accumulate wealth and use their power for self-adulation rather than for public good. Rotberg was emphatic that 'one result, after almost five decades of African independence, is a paucity of good governance and an abundance of deficient leadership' (Rotberg 2006: 2). There are many examples of such leaders including Robert Mugabe, who was a dictator in Zimbabwe for almost 40 years, and Jacob Zuma, who while president of South Africa was involved in numerous corruption scandals and since stepping down has been charged by the state for corruption.

Another example of an undemocratic leader is Jomo Kenyatta of Kenya. He has been blamed for the impunity with which he led. He was embroiled in endemic corruption, tribal loyalty/animosity, and was desperate to cling to power. In referring to Jomo Kenyatta, Muigai notes that, 'to contain the sub-nationalism of the other communities and provide legitimacy for his regime, Kenyatta set up an elaborate patron-client system, with himself as the chief patron' (Muigai 2004: 12). Other leaders in Kenya have not fared much better. Daniel Moi emulated Kenyatta. Muigai explains that, 'Moi's avowed "philosophy" became one of *Nyayo* (torturing of detractors) . . . Moi had his own plans on how to put in place a new ethnic configuration' (Muigai 2004: 15).

Yoweri Museveni of Uganda is another example of an undemocratic leader. He used the country's democratic aspirations to gloss over the high levels of poverty, unemployment, corruption, and the

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3 The definition of leadership adopted in the first section contradicts this notion of undemocratic leaders. However, it is still applicable to refer to such rulers as leaders, noting that they do not conform to the above notion of leadership.

growing intolerance of dissenting voices. His involvement in other atrocities and undemocratic actions has placed Uganda at the lower end of the democratic continuum. Such actions range from participating in the Democratic Republic of Congo's civil war, contributing to the Great Lake Region conflicts, being involved in the controversial killings of the members of the Lord Resistance Army, and the ongoing brutal suppression of those opposed to him, especially those of political opposition. Museveni has also desecrated the country's constitution by enacting a series of constitutional amendments to scrap presidential term limits in 2015 and remove the presidential age limit in 2017 (Onyango 2004).

In Nigeria there have been a number of different political leaders who have been largely unable to foster the economic, political, and societal goals of the Nigerian polity. Despite the wealth of resources, the country's leaders have failed to use them to create employment and mitigate rising poverty. The Goodluck Jonathan administration was often criticised for this. Even the current president, Mohammad Buhari, is regarded as a problematic leader. He has, amongst other criticisms, been accused 'of using corruption investigations as a blunt instrument to neutralise his political opponents' (BBC 2019). These undemocratic leaders are only some who exhibit deficient leadership in Anglophone Africa — and their practices do not bode well for democracy in their respective countries.

Democratic Leaders

Still, not all political leaders in Anglophone Africa lack the capacity to deliver quality governance. As mentioned earlier, Anglophone Africa has been blessed with dynamic and authentic leaders like Julius Nyerere of Tanzania, Kwame Nkrumah of Ghana, and Nnamdi Azikiwe of Nigeria. Despite often being idolised beyond fault and himself having many shortcomings, Nelson Mandela can be seen as one of the most iconic 'good leaders' in recent African history. Despite his royal lineage he focused more on bettering his people's wellbeing. In spite of his imprisonment and subsequent election to President of post-apartheid South Africa, Mandela used his office and popularity to serve his people, both supporters and tormentors, with grace and magnanimity (Swart, Van Wyk and Botha 2014; Vries 2005). It is important that leadership, especially democratic leadership, is often brought up and shaped by presence of strong institutions, informed citizenry, societal acceptance of and adherence to legal norms, values and ethics and demand/expected accountability leadership post occupied. These listed factors conform to democratic notions and leadership practice most of which are evidently absent in many countries under consideration. The

absence of benevolent factors has engendered undemocratic leaders as there are no institutions, values and citizens to hold them responsive and accountable to their citizenry. The occasional appearance of democratic leaders in select Anglophone countries could be traced to subjective values of personality, religion and morality. Reliance on these subjective values, experience has shown, has produced more undemocratic leaders than democratic ones. The preponderance of undemocratic leaders is majorly responsible for the rampant incidences of corruption across the continent (Afolabi 2019).

Obstacles to Democratic Leadership

The success of a select group of post-independence democratic Anglophone African leaders prompts the question as to why so many are unable (or perhaps unwilling) to emulate and sustain the good leadership ethos of their counterparts? While there is no straightforward answer, a combination of factors might shed some light.

There are many different obstacles to democratic leadership, among them are: the absence of institutions of governance, a particularly weak structure of bureaucracy, the personification and commodification of the state and its resources, the limited autonomy of the post-colonial state, and the high level of state fragility of these countries. This creates countries where authority, legitimacy, and capacity are non-existent or have little import. A look at colonial legacies and corruption might provide some understanding.

Colonial Legacies

To some extent, leaders have failed because of the carry-over of colonial structures and orientations, especially in how its prescripts alienated the state and its leaders from the people (Afolabi 2018a). This disconnect was designed to keep the colonial leaders removed from the people's needs and expectations – a tradition that has been difficult to dislodge (Afolabi 2019). Anglophone countries have been incorporated, subserviently, into the structure of international political and economic systems. This has also contributed to the distinct leadership deficit. The nature of globalisation has eradicated traditional leadership qualities while the various international socio-cultural associations, like the Commonwealth of Nations, has cast these countries and their leaders as beggars dependent on aid (Moyo 2010). In many cases, this can hamper leaders in delivering democratic dividends to their citizens.

As has been evidenced throughout this chapter, the impact of colonialism and its legacies on Africa have been dire. There is no easy way to overcome these legacies and African leaders need to dismantle colonial institutions within their countries and resist the neocolonial powers of the world. But this is no small feat and may take many generations of leaders to overcome.

Corruption

Corruption is one of the most endemic challenges to democratic leadership. When assessing how often members of the executive (the head of state, the head of government, and cabinet ministers) or their agents steal, embezzle, or misappropriate public funds or other state resources for personal or family use, empirical survey data showed a high level of these ethically questionable traits (Coppedge et al. 2017).

Jurgens notes that:

'Post-colonial African governments' evident disdain for their constituencies, except at election time, expresses a fairly common pattern, too, across the Sub-Saharan region. Between elections, governments appear to govern mainly by various strategies of rent extraction, supported by tactics of containing their citizens and distracting critics' (Jurgens 2019).

The high level of disconnect between the leadership and the people in Anglophone African countries reflects the increasing level of public theft engaged in by the leaders (Coppedge et al. 2017). As the data shows, there is not much difference between non-democratic and democratic periods as the same mentality of stealing public funds remained at the same levels for virtually all ten countries. Illegal appropriation and embezzling of state resources betrays the trust of the people who voted and elected these leaders into office. It also shows that the leaders continue to engage in public looting, corruption, and state capture, passing off some as politics of democracy (Afolabi 2019; Afolabi and Agunyai 2018b; Bhorat 2017; Report of the Public Protector 2016; Wilson 2001). The cumulative effect of these acts of stealing, misuse of public funds and unresponsiveness to the people have gravely undermined citizens' trust in leaders and government (Orock 2012; Orock and Mbuagbo 2012).

There is nothing surprising or unique about having corrupt leaders in Anglophone Africa. However, if it is to be mitigated in these countries, citizens are going to have to hold leaders

accountable and leaders need to commit to eradicating corruption. If this is not done, then corruption will continue to erode democracy in these countries and result in more undemocratic leaders gaining power.

Conclusion: Looking to the Future of Democracy in Anglophone Africa

Swart et al. hold that Africa needs 'a new generation of democratic and corruption-free political leaders. Therefore, future studies on African political leadership should focus on democratising Africa's political institutions to sustain democracy and remain intolerant to corruption, nepotism, and minimizing the role of the military' (Swart, Van Wyk and Botha 2014: 667). From the analysis in this chapter it is clear that Africa needs strong democratic leaders to help promote and strengthen democracy in their respective countries.

The quality of leadership is a key measure of the development of any democracy. Having clarified the conceptions of democracy and leadership, this chapter analysed the relationship between the two concepts and it became evident that democracy is not simple to define and that it should be viewed on a continuum. The categorisation of the Anglophone countries on the combined continuum showed that most of the countries can be classified as authoritarian, or on the brink of authoritarianism. This was then linked to the discussion of political leadership which showed that this involves the elite political class and how they rule. Going forward, it is going to be necessary for leaders in Africa to consolidate political leadership in democratic practices if they want to better their country's position on the democratic continuum.

This study also revealed that there is a strong positive, and negative, correlation between leadership and governance. By looking at the succession categorisations of the ten case studies, with the exception of Zambia, a link could be drawn between the change of power and democracy in all of the countries. This means that if leaders in these countries are to hope for improved democratisation, there will have to be the succession of governments, or at least a willingness to succeed.

This brings the discussion to the leaders themselves. There is a clear distinction between undemocratic and democratic leaders. There have been many of both of these types of leaders in the ten case studies. The leadership examples, both good and bad, further confirm the strong correlation between good leadership and good governance. Moreover, while it is clear that good leaders bring about good governance and bad leaders bring about bad governance, it is important

to remember that governance and institutions also have an effect on leaders.

All ten countries have had to grapple with obstacles to democratic leadership. None of them can escape their colonial legacies –– something they will have to overcome in order to strengthen their democracies. Additionally, they will have to battle corruption as it can taint them, their administrations, and their successors. Except where there are structural, institutional, and attitudinal changes, these countries will witness leadership failures. Therefore, if these ten countries are to promote and strengthen democracy then the leaders, their institutions, and their citizens need to work to address these obstacles.

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Chapter 7
Civil Society's Roles and their Effects on Democracy in Post-Colonial Anglophone Africa

Andrea du Toit

Civil society has an important role to play in a democracy. This chapter looks at who or what civil society is, and how the varying roles of civil society develop democracy in these Anglophone African countries. To do this, we look at the various factors that define civil society and the roles that civil society is expected to fulfil. We then look at ten Anglophone countries namely: South Africa, Zimbabwe, Botswana, Zambia, Uganda, Tanzania, Kenya, Nigeria, Ghana, and Malawi. Given that the focus is post-colonial Anglophone countries, we touch on civil society during colonial times and then look at the civil society that has taken root since independence.

What is civil society?

To understand the roles and responsibilities that civil society carries, we must first understand what constitutes civil society and how this entity influences a particular democracy. There are many definitions of what civil society is, and this has caused some debate amongst scholars. Von Doepp (1996: 25) defines civil society very broadly as, 'arenas of associational life, which are external to the state'. Schmitter's (1997) definition of civil society can be seen as the most conventional, stating that civil society is a group that is self-organised around a common cause, is independent from government, and does not seek to replace the authority of government. This view forms the core of the western perspective that does not take into consideration the fact that civil society in the west has developed differently to civil society in Africa.

Across the African continent, civil society has had to fight for freedom from and within oppressive regimes. As such, a more inclusive definition is required. Lloyd M. Sachikonye articulates that civil society is a group of institutions and organisations that function outside of the state and pressure

the state to preserve or transform its identity (Makumbe 1998). In other words, civil society operates outside of state structures and is where citizens and communities can gather to participate in activities that relate to the socio-political system within a state (Orvis 2001).

Interestingly, Moyo (1993: 3) argues that civil society and the state should be considered as 'two intertwining parts of the same social reality, within the same public realm', rather than two distinct entities. This does not mean that the state and civil society play equal roles. In some countries, the state plays a much greater role, especially in countries where, for example, state benefits diminish the need for civil society to take care of people's needs or fight for basic human rights. In small or very poor countries, civil society may play a greater role in determining the social reality because people depend on these organisations for their survival. Both civil society and the state play a role in determining the future of individuals and often work together within the public realm. Civil society is generally, however, distinct from government although the lines do become blurred from time to time (World Economic Forum 2013).

Civil society is made up of wide range of public entities working alongside but separate from the state (Diamond 1994). Although most people think of non-government organisations (NGO) when they think of civil society, other groups such as trade unions and churches form an integral part of this collective. Both now and in the past, civil society organisations (CSO) have contributed to the democratisation process and encouraged the transition towards liberal democracies. In Africa, NGOs continue to play an important role in grassroot social development and in supporting communities. Over time, they have grown from providing basic social services to fostering rural development, advancing women and promoting ecological projects (Neubert 2014). Churches and trade unions also play an influential role in political processes as well as a society's overall development.

Churches have also helped civil society fight for independence. In some countries, the differences between churches caused conflict. In others, it advanced the democratisation process. Some academics, such as Zubaida (2001), point out that religious groups, together with tribes and families, should not be considered part of the broader civil society because they are not democratic by nature, nor is their membership voluntary. From an African perspective, however, the church, tribe or family, although patriarchal, can still contribute to the democratic processes of the state as each group can participate and/or motivate participation in political activities. Furthermore, their membership is voluntary as they persuade others to share their thinking, hold a common ideology, and have formed various political associations (Fokwa 2019, Zubaida 2001 and Cheeseman 2015). Diamond establishes the different groups that civil society can consist of namely: economic,

political, cultural, informational and educational, interest-based, developmental, issue-oriented and civic (Diamond 1994). They are all necessary to ensure that society continues to function, and responsibilities are upheld.

Atilbil (2012) argues that state-society relations depend on various factors, including the availability of resources, the historical development of civil-society and the blurred boundaries between the public and the private realms. State-society relations are also influenced by the understanding of the concept – 'civil society' (Atibil 2012).

It is important to note that the majority of NGOs, trade unions and other interest groups that constitute civil society generally only operate in urban business areas, which excludes large sections of the population, especially in Africa. The demands put on civil society are usually from the urban population, but this should not mean that the rural population should be excluded from civil society.

Civil society in context

There was very little development of civil society under colonial rule. This was because colonialism was based on the idea of limiting and then eliminating the political participation of Black citizens, effectively starving civil society (Moyo 1993). Only by the end of colonisation did civil society begin to play a proper role in the establishment of independence and the development of democracies. Early civil society organisations faced limitations and contradictions, specifically because, as noted by Obadare, 'The state's emergence is often seen as a prerequisite for the development of civil society, such that some experts believe that the persistent weakness of states in Africa contributes to the lack of space for civil society to thrive,' (Obadare 2014: 8). Given how many states in Africa had to fight for independence and then grapple with a generation of postcolonial dictators and military leaders, it explains why many states across the continent have a limited and underdeveloped civil society (Ibrahim 2015). Despite the gains made during the fight for independence, with civil society organisations such as churches and protest movements gaining ground, many were intimidated or even demobilised by the state (Fokwa 2019). In many instances, colonial leaders who had been overthrown by civil society were merely replaced with incumbent leaders who sought to protect their own power, using legal and financial means to ensure civil society was depoliticised. This is later shown to be true in the cases of Kenya and Uganda, who both suffered under incumbent leaders, post-independence.

By the 1970s, civil society started to regain its position as an active participant in the political

sphere, with many one-party states and authoritarian leaders being overthrown in favour of more democratically run regimes. In several countries armed struggles revolted against state governments with the educated elite leading the rural, the urban poor and the unemployed (Fokwa 2019). In other countries elites in the professional realm aired their grievances without promoting violence, leading to a proliferation of political opposition parties (Fokwa 2019). Bernhard, Reenock and Nordstroom (2004) found that British colonies making the transition to democracy are more likely to endure than their French or Dutch counterparts. In this study, we only look at previously British colonies, who all struggled with developing civil society under colonial rule.

Roles of civil society

Scholars argue that civil society's prime directive is to establish and maintain democracy. In some countries, civil society has played an instrumental role in overthrowing authoritarian government and democratising the state, as in the case of South Africa. As Orvis notes, civil society does not create democracy by itself, nor are the organisations that make up civil society necessarily democratic; rather, civil society allows citizens to air their grievances as a means to protect and grow a democracy (Orvis 2001). Furthermore, civil society can act as an advocate for regime change using its power to disrupt and challenge political norms (Mbuago and Fru 2003). A strong civil society acts as a stabiliser and in some cases, a trigger of democracy through an increased social trust (Grahn and Lührmann 2020).

As an interest group, civil society holds leaders accountable, incorporating minority groups into the political process by seeking to limit the powers of the state and by strengthening the rule of law. For Cooper (2018), civil society is the service provider for the community, advocating for the rights of citizens and supporting active civic participation. Furthermore, civil society is also responsible for participating in global governance processes (Cooper 2018).

Throughout the years, the roles and responsibilities of civil society have changed, become more complex and more involved in politics. One of the main reasons that CSOs form is to promote the interests of a community to achieve a common goal (Gill 2000). It is therefore important that the interests of the community are represented and protected, even if that means going against the government (Gill 2000).

No civil society can be successful if it is not legitimised and supported. Diamond (2000) points out that the roles of civil society can only be achieved if they have the opportunity and support to act both legally and economically to achieve their mandates. But Neubert (2014) warns that should

civil society take on more responsibility, it may delegitimise the government by usurping much of its functions. The importance of civil society is obvious when looking at its roles, but it faces many challenges, especially in Africa.

Civil society and liberal democracy

Article 21 of the Universal Declaration of Human Rights states that:

> 'The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures (UNESCO 2019).'

Article 19 covers the rights to freely express yourself, which affords citizens the opportunity to express their opinions by casting their vote with the knowledge that each vote counts equally and will be seen as such (UNESCO 2019).

After African countries gained independence, a wave of democracy spread across the continent as people hoped for a better future (Cheeseman 2015). True *liberal* democracy, however, was not achieved. According to the Democracy Index, there is currently no full democracy in Africa (Economist Intelligence Unit 2018). Countries that are considered democratic are flawed, meeting only some criteria of what is required from a full or, in the context of this text, liberal democracy. Those that can be considered democratic are fragile because they are barely legitimate and have weak state structures (Diamond 2000).

To be considered a legitimate democracy, Beetham suggests a state should have four key components which align with most definitions, including those given by Freedom House (Baker 1999: 277).

1. Democratic systems need to have 'free and fair' elections where all citizens have an opportunity to vote for their preferred official and there is equality between electors.
2. Government is open and can be held accountable for their actions through the rule of law.
3. Citizens have equal rights and freedoms that are protected by the democratic system, ensuring that all people have a basic livelihood, and can thus not be influenced when voting.
4. The society should have a shared culture of tolerance, trust and participation.

A country that does meet all the components to the fullest degree can still be considered a flawed democracy. In fact, according to the Democracy Index 2018 there are only twenty countries in the world that are considered 'full democracies' (Economist Intelligence Unit 2018). Many others

are flawed democracies, including the USA and South Africa. In any type of democracy, civil society has played and continues to play an important role in determining and bringing about political and societal change.

Given that the levels of democratisation that have occurred across countries in Africa vary substantially, it is important to look at countries individually to understand the role civil society has played in Anglophone Africa. Thinking about the roles of civil society that we established earlier, we can assess how successful civil society has been in the democratisation process within Anglophone African countries. We can also then establish what trends have emerged since the end of colonisation, and how that these affect the current levels of democracy across Anglophone Africa.

Anglophone African Countries

According to Kura (2008), most of the 48 countries in Africa had already had democratic elections by the early 1990s. In Zimbabwe, ZANU-PF became the first governing party, following colonisation, under the leadership of Robert Mugabe. ZANU-PF took advantage of an underdeveloped civil society and claimed to be the only representative of the people (Saunders 2011). Under this guise, Robert Mugabe and his elite group of partners became militarised and consolidated their power for more than 30 years, replacing the colonial government with an autocratic one. Since then, civil society in Zimbabwe has been characterised by elite groups and patriarchal associations kept in check by the government's organised violent interventions and leaving little space for political participation and democratic development (Saunders 2011). Indeed, Zimbabwe has notoriously denied privately owned newspapers advertisements, which has had an economic effect (Makumbe 1998). In 2017, Robert Mugabe resigned after 37 years in power, and his successor, also from ZANU-PF, won the 2018 election (*BBC News* 2019). Initially it was hoped that civil society would finally be able to develop under a new president, but very little has changed. The media remains under strict control, millions of people remain in poverty, and civic groups still depend on foreign funding. When citizens do voice their frustrations, the government responds with violence (*Mail & Guardian* 2019). There is, it seems, little hope for civil society to ever be more than service providers to citizens.

In Nigeria, the Nigerian Labour Congress was one of the main players in civil society during the democratisation process. They, together with trade unions such as the National Union of Petroleum and Natural Gas Workers, took on the government to hold them accountable and achieve economic emancipation (Fokwa 2019). Women empowerment groups and trade unions

were also at the forefront of the struggle for independence. Successive military regimes, however, saw a 'civil society that was bruised by the arrest and detention of its leaders, by the banning and repression of some of its organisations, by scant resources and low capacity, and by the creeping division in vision and strategy,' (M'boge and Doe 2004: 4). Despite having an active civil society, they are still relatively underdeveloped thanks to years of military rule.

Ghana is a country where democracy *is* being ensured by civil society. Here civil society, under the leadership of Kwame Nkrumah, fostered a strong sense of political participation and freedom (M'boge and Doe 2004). Although they were not always under democratic leadership, civil society remained active and has ensured that democracy has been restored (M'boge and Doe 2004). One of the biggest challenges that Ghana has faced, along with the democratic transition, was economic reform. Many international donors have had a say in this, including the United States Agency for International Development (USAID) (Hearn 2001). As a result, many of the CSOs in Ghana rely heavily on external funding which hampers their effectiveness to represent the people rather than their donors. Nevertheless, civil society remains active with elections improving every cycle and the ongoing development of the judiciary (Arthur 2010). The media has also played a major role in the democratisation process, having gained considerable freedom since the 1990s (Arthur 2010). They, together with NGOs such as the Ghana Bar Association, monitor and scrutinise government activities to ensure no constitutional violations are committed (M'boge and Doe 2004).

Both Kenya and Uganda have also civil societies that played an active role during and after the struggle for independence. One of the key CSOs in both countries is the church. In Uganda, tension between the Anglican and Catholic Churches played a major role in the power dynamics within the political arena (Okuku 2002). The Catholic Church, for instance, helped set up and control the Democratic Party Opposition. An increase in ethnic differences played out in the churches and this distraction allowed the government to limit human rights and curb civil liberties unimpeded. Idi Amin, who gained power after independence, limited civil society and curtailed effective political participation by using violence and intimidation. Throughout this period, the church remained silent because they wanted to protect their favourable position with the government. Once news spread about severe human rights atrocities, a massive movement within civil society gave rise to the NGOs that helped guarantee the democratisation of Uganda (Okuku 2002). During the 1980s and 1990s, other CSOs played a key role in providing services to the public. Their financial backing came mainly from international donors (Hearn 2001). As the international arena gained confidence in the new government, financial aid was redirected and it became the responsibility of CSOs to ensure that government was using the money to provide services for their people

(Hearn 2001). The government and the CSOs work together to help with poverty relief through programmes such as Uganda Participatory Poverty Assessment Project. CSOs are also responsible for holding government accountable and monitoring government policies. Organisations such as the Foundation for Human Rights Initiative and the Inspectorate of Government have since been put in place to oversee democratisation.

Civil society has also been at the centre of democratisation in Kenya. The church, also one of the more important CSOs in Kenya, remained free during the oppressive regime of Daniel arap Moi. It encouraged civil society to stand up against human rights violations (Okuku 2002). The church remained highly critical of Moi's autocratic governance and the Kenyan African National Union's leadership. Despite ethnic and political patronage, the church remained one of the only organisations that could take on the state and fight for human rights. NGOs and other parts of civil society remained unverified until constitutional reform in the 1990s (Okuku 2002). Democracy has since become much stronger but CSOs are finding it harder to operate as government weakens their legislative and political remit (Wood 2016).

In Malawi, civic groups rejected the one-party system and opted for a new multi-party constitution. This saw to a democratic election which ousted the president who had declared himself 'President for Life', Kamuzu Banda (Makumbe 1998). Under his reign, CSOs' activities were limited as Banda used force to control and censor the country (Makuwira 2011). Faith-based civil society groups were among the only organisations that managed to grow during this time, and they used this to voice their opinions and encourage civil action (Makuwira 2011). They staged mass protests to demand political freedoms and contributed to the end of 30-year reign in 1994 (Fokwa 2019). Civil society has also been successful in ensuring autocratic regimes have not changed the constitution to prolong presidential terms (Fokwa 2019). The transition to democracy was further encouraged by international observers and election monitoring (Diamond 2000). In more recent times however, a decline in CSOs' participation has been seen, as was evident in the May 2009 elections where there was a sharp decline in support for opposition parties (Hussein 2009). Hussein believes that fragmented CSOs are too disorganised to challenge the government. They also have a weak financial base and, as in many other African countries, rely heavily on the support of the donor community (Makuwira 2011). While the government views CSOs as partners, many CSOs remain critical of the Wa Mutharika government and continue to ensure democracy is upheld as much as possible.

Under Kenneth Kaunda's one-party rule, Zambia's civil society grew increasingly dissatisfied. By the 1980s, civil society, most prominently the labour force, started to challenge Kaunda's leadership

(Von Doepp 1996). Since then, civil society has also played an active role, ensuring that government moves towards complete liberal democracy. CSOs work alongside the private sector to assess the government's strategies and make recommendations that will strengthen the democratic processes (Kaliba 2014). CSOs are effective because they react quickly to government decisions, forming coalitions where necessary to ensure that they are heard. This is why they play a defining role in the political history of the country (Kaliba 2014). Zambia's media has also had problems with government's often violent interference (Kaliba 2014). Government agencies have blocked negative reviews in several instances and imprisoned journalists for what they have published. *The Rainbow Newspaper's* Editor-in-Chief, Derrick Sinjela, is one of the journalists who was jailed for publishing an opinion piece about corruption in the judiciary (Amnesty International 2019). Apparently, the relationship between the government and a CSO depends on the type of advocacy the organisation pursues and how this action will affect the government.

Botswana is also considered a shining star for liberal democracy given its sustained economic growth and active civil society. However, it is a state that has had the same ruling party, the Botswana Democratic Party (BDP), since independence in September 1965 (Warren 2019). As such, there has been no peaceful handover of power, much the same as in other African countries such as South Africa and Zimbabwe. According to Carroll and Carroll (2004), Botswana's civil society only started to grow during the 1990s having been almost non-existent before then. Government actively worked to exclude civil society before the 1980s. Under pressure from foreign aid agencies and large international organisations such as the World Bank, the government was forced to start including NGOs into its development projects. One of the main contributors to the growing civil society is the business sector, which has seen many indigenous business groups that have not been subordinated by the state (Carroll and Carroll 2004). They helped ensure that civil society contributed to the policy process. Tribal groups make up a minority of civil society and as such, they need to develop coalitions among CSOs to raise their issues (Carroll and Carroll 2004). Civil society in Botswana currently plays an active role in policy formation and the democratisation process. This has been seen in the increased support for the opposition parties as the BDP support wanes.

Tanzania's civil society started during colonial rule when laws restricted their influence to ensure that there was no uprising. In 1954, Julius Nyerere formed the Tanganyika African National Union (TANU) that led the country to independence in 1961 (Haapenen 2007). In 1965, Tanzania had its first multi-party elections, which Nyerere won to remain in power. Despite the multi-party nature of the elections, the laws in the country did not change much and the socialist party that had fought for independence ensured civil society remained inactive, only allowing non-political organisations

such as churches to operate (Haapenen 2007). During the 1990s, after Nyerere retired, civil society finally started to flourish. But with the increase of CSOs, competition for funding also increased (Haapenen 2007). More recently however, increased unhappiness among the Tanzanian people has been viewed as a call for government to address the 'rapidly deteriorating environment for media, human rights defenders and opposition party members' (Gaebee 2018). According to the 65 civil society groups, the government has been limiting the power of the media through the 2015 Cybercrimes Act and The Electronic and Postal Communications (Online Content) Regulations which criminalise some forms of free expression (Gaebee 2018). The government has also been accused of using violence against members of opposition parties such, as CHADEMA (Gaebee 2018). This is worrying as it seems as though democracy is in decline here.

South Africa's independence from colonialism did not mean independence for the majority of the population and the apartheid regime used all available avenues to repress civil society to limit dissent. These laws ensured that civil society could not function properly and led to the mass mobilisation which took place in the 1970s. Churches, trade unions and political parties led the struggle for freedom, mobilising their membership to support the liberation struggle along with illegal opposition organisations such as the ANC and PAC. The ANC, in power since the 1994 democratic elections, has had the country to develop an active civil society but has not successfully translated freedom into tangible economic improvements for much of South African society (M'boge and Doe 2004). The 1994 elections did not result in a total reform of the existing economic structures that had oppressed so many people. Rather, an attempt was made to simply deracialise capitalism (Hearn 2001). This has played a role in the need for CSOs that address gaps left by the lack of reform. South Africa, however, has one of the largest numbers of CSOs focusing on democracy, with organisations such as the Electoral Institute of South Africa and the Helen Suzman Foundation (Hearn 2001) ensuring that democratic values are upheld. The media remains free and human rights are still protected but, due to various factors such as widespread corruption and high levels of unemployment, political alienation remains a threat to democracy (M'boge and Doe 2004). Some such as Hearn argue that the current government has not introduced democratic reform, but rather ensured 'effective system maintenance' (Hearn 2001).

Trends

Although the previous section only touches on civil society and democracy in the sample countries, there are some important trends that are discussed. The trends focus on three areas namely: how active civil society is in the country, the type of democracy, and the link between civil society and the democratisation process.

Almost all Anglophone countries had an active civil society that helped ensure the end of colonisation. In many instances, liberation groups turned into political parties, succeeding the colonial governments through some sort of democratic election. On numerous occasions this was the closest the country would get to democracy. Bratton and Van de Walle (1994) note that of the transitions that occurred between November 1989 and May 1991, more than half were spearheaded by civil society with only five of the 21 being initiated by the leaders within the state. In countries such as Zimbabwe, Nigeria and Zambia, the succeeding governments kept the colonial systems in place so that they could hold onto power using nepotism, patriarchy and militaristic tactics. Basic human rights were denied as money that was supposed to be reinvested into infrastructure to benefit citizens was used to buy support or enrich those at the top.

A study done by Varieties of Democracy Institute shows that the presence of democratic CSOs before independence positively correlates with the level of democracy once independence has been achieved (Grahn and Lührmann 2020). This is then true for the opposite, and this shows the importance of having a strong and active civil society. In many African countries, civil society was underdeveloped and, in some instances, undemocratic, which begs to say that this may have contributed to low levels of democracy after independence.

In some countries, CSOs were fairly undemocratic themselves, holding undemocratic values or using violence as a means of gaining support (Grahn and Lührmann 2020). The problem with these undemocratic organisations is that not only can they not effectively call out the state for being undemocratic, but they risk legitimising the state's actions (Makumbe 1998). Under repressive regimes such as in Zimbabwe, civil society became more concerned with its own parochial goals than with hard issues that would draw attention from the government. It focused on issues such as promoting human rights and peace and holding government accountable to international treaties but did not go so far as to threaten the power of the government (Fokwa 2019). Civil society in authoritarian countries was severely limited by governmental policies that ensured organisations stayed out of politics, 'to prevent them from becoming a political springboard' (Neubert 2014: 8). In other words, the government ensured that NGOs remained outside the political sphere where they

could not interfere with political power or control. This was because NGOs have a unique position in society as they can educate and empower large groups of people, inspiring a fight for freedom (Okuku 2002). Civil society organisations, such as those involved in community development or providing aid, that did not challenge the government's authority, could continue with their work. Those that did question the authority of the government or challenged their power were either controlled by laws or were unsupported.

This has not been the rule for all the Anglophone African countries. The successes of civil society have been seen time and time again. In South Africa, a racist political party was removed from power in 1994 through a liberation struggle that involved countless CSOs. In Botswana, civil society thrived after independence because organisations had space to develop and grow.

Although the transition to democracy is far from complete on the African continent, one can discern a definite shift in political systems. Very few military states remain intact with international pressure ensuring some sort of democratic procedure, such as elections, take place (Bratton and Van der Walle 1994).

Elections can only be successful if a country has an active civil society. Lack of support for the political system and the government has and continues to be one of the central threats to democracy. Participation in elections legitimises the power of the government and provides support for its policy decisions. Only if there is enough participation in an election, and it meets the other conditions too, should it be considered democratic. It is thus important that civil society is not only active and informed, but also well-developed.

Media also has an important role in democracy. Freedom House asserts that, 'The erosion of press freedom is both a symptom of and a contributor to the breakdown of other democratic institutions and principles,' (Repucci 2019). In many of the case study countries where there is an autocratic government, such as in Zimbabwe, there was also a lack of unbiased, free media. The hold over media is an important one because it limits the amount of true information citizens receive. Government has used media to twist or omit information in their own favour – see the recent revelations about manipulation in the Kenyan elections. Cambridge Analytica was accused of mining voters' data to help influence the winning campaigns of President Uhuru Kenyatta (Madowo 2018). This then falsely informs the voter's opinions, resulting in ill-informed actions such as voting for a corrupt government.

Social media has however, become extremely popular in the last decade. It allows for more direct communication, provides a platform for the sharing of ideas, and ensures that news is spread rapidly. Social media platforms also mean that the distance between people is no longer a limitation

in the spreading of ideology or connecting groups of people with similar ideas. It has effectively created a viral civil society. Twitter, Facebook and Instagram are among the many platforms that provide new ways for civil society to voice opinions, spread news, and speak out about concerns with public officials or policymaking. Governments have also made the most of the opportunity to communicate more directly with communities. The downside to social media however is that fake news is being spread faster and more frequently. This hampers the work of civil society and affects democracy.

Conclusion

The concept of civil society is still developing as are the roles it is expected to fulfil. In some countries, civil society only works in the background, advocating for human rights and helping with developmental services while remaining out of government's way to ensure its own survival. In other countries, civil society is active in all spheres of the public realm, advocating and educating the masses, holding government accountable and limiting their powers while still providing aid to communities.

In the sample of Anglophone African countries that we have looked at, all started out under British colonial rule. In every single country, civil society played an active role in the fight for independence. Trade unions and churches where at the forefront of the struggle, providing a platform to voice opinions and air plans of action. NGO's carried forward the fight for fundamental human rights while providing communities with basic needs, such as housing, food and education, which were not adequately being supplied by the government. In some countries, such as South Africa, independence led to the disengagement of some CSOs, while others who had played an active role in the fight for freedom took power.

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Regrettably, democracy did not flourish. In many of the countries, including Zimbabwe, the new leaders may have held elections, but that was not democracy. Some governments used their position to loot money national coffers, buy support, or use force to remain in power. In others, where elections were successfully held, a considerable degree of democracy was achieved. Free and fair elections together with the freedoms associated with human rights, such as free speech, has been upheld in countries such as South Africa and Kenya. At the same time, power may be limited, but levels of corruption amongst those in government are indications that leaders are still not being held accountable. As such, the democratisation process is not yet over, and civil society

still has a lot to achieve.

For civil society, the democratisation process will never be over. Civil society plays an essential watchdog role — holding leaders accountable and limiting their power will always be something that they need to do to ensure the government does not resort to being undemocratic.

For civil society to be successful it needs to be allowed to work and strengthen. This can only happen with the support of the government. In a democracy civil society needs to work hand in hand with the government to ensure the needs of the people are met. Only in this way can countries such as those in Anglophone Africa become true liberal democracies.

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Chapter 8

Understanding Land Issues in Anglophone Africa

Francois Gilles de Pelichy & Olugbemiga Samuel Afolabi

Introduction

The nature of land as a finite and non-renewable resource central to both the material well-being of people and the politics of belonging makes land a 'special substance' (Lentz 2007). Shipton (1994: 347) notes that '[n]othing excites deeper passions or gives rise to more bloodshed than do disagreements about territory, boundaries, or access to land resources'. Under the capitalist paradigm land is solely understood to be a commodity. However, any discussion surrounding land in Africa must first recognise that in African epistemology, land is tremendously more than a market commodity. As Gutto (2014) succinctly puts it, '[l]and is not only the material and spiritual basis of life for individual human beings, but is also an essential component of the means of social production and reproduction, and statehood'. Issues, attachments and controversies over land permeate every society and have shaped war and peace, dictatorship and democracy. In Africa, particularly in Anglophone Africa, contentions over land have defined relationships, nationhood, and statehood. While it has strong physical geographical features, land covers the surface of the earth and within it are numerous resources that humans have exploited for profit and sustenance. There is a direct connection between land and humans. It defines our relationships, our nationality, and affects electoral/democratic processes; campaigns, votes and governance that are linked to the geographical areas of support. Land is interrelated with a country's economy and its politics. Its connection to identity, memory and culture shapes individuals and groups on social, political and customary issues (Cotula 2007). In Africa, land is intertwined with beliefs, customs, traditions and values.

Land remains a core factor when assessing the socio-economic development of African societies and the potential for democratic survival. Land reforms in Africa are often entangled in questions over women's rights, traditional leadership, and even citizenship rights (Boone 2007). From Nigeria, South Africa, Malawi, Zimbabwe, Zambia, Ghana to Botswana, not to mention several other African countries, access to and tenure of land shapes governance and internal strife. Lund et al. (2014)

illustrates this position by claiming that:

> 'Land is also a conflict-ridden resource, and, due to its many meanings, a sensitive issue in Africa. Disputes and conflicts about land occur at all levels: Conflicts between neighbours about field boundaries; between men, women, and generations about their respective land rights; between pastoralists and farmers; between states and indigenous peoples; between companies and local populations about rights to exploit mineral and other resources.' (p. 5).

To further extol its relevance, Jill (2017) maintains that land is a crucial tool to unlocking economic potential in Africa. However, attempts to unravel its economic potential, the contestations arising from its exploitation, distribution and management, have fuelled violent conflicts that have threatened democratic rule throughout the continent.

Properly managing land has come to be the *sine qua non* condition to development, peace and security. Yet, the contestations, controversies and the issues of land reflect the struggle for socio-economic development amid the realities of political and socio-cultural complexities. These complexities include the need to incorporate ideological perceptions (as in the case of Uganda and Kenya), to recognise inalienable land rights and appreciate the marked displacement of cultural values. As noted by Moyo (2003), the contradictions in both colonial and post-colonial land policies are coupled with a significant struggle for land accumulation under global capitalism, as well as struggles for democratisation reflecting the growth of resource conflict in Africa. Despite the preponderance of land endowment and its inherent natural resources, Africa still wallows in poverty and underdevelopment that negatively affects its democratic and governance prospects. This has led to communities confronting and using different strategies to resolve land and resource dilemmas through a variety of governance mechanisms (Ostrom 1990; Jack 2013).

Given how central land is in Africa's democratic and developmental discourse, this chapter seeks to examine the historical, political, economic and social issues related to land and how these have affected democratic rule and developmental efforts. Land as a natural resource endowment is pivotal to attaining economic development and alleviating poverty — all which are directly related to democratic sustenance in the continent.

This chapter is divided into several sections exploring different aspects of the land question. Section one introduces and gives the background to the study, while section two conceptualises land and the issues associated with it in Anglophone Africa. The third section traces the history of land issues and section four examines issues of land and colonialism while assessing its impact on

Anglophone Africa. The next section examines contemporary issues in land management, while the sixth section looks at the challenges of resolving land issues. This is followed by a section that addresses land management issues with projections for the future. The last section summarises the arguments and draws the conclusions that provide recommendations on how land management issues should be further addressed.

Conceptualising land issue in Anglophone Africa

Land constitutes the focal point of human activity, sustenance, agriculture and habitat. Within it are deposits of resources that humans have exploited for life and survival. However, issues surrounding its usage and management has spawned different actions and reactions in different parts of the world.

Not unexpectedly then, a myriad of issues has been associated with land in Anglophone Africa. Indeed, many contemporary socio-political issues were precipitated or underpinned by the idea that these countries were left underdeveloped when the colonial powers withdrew and that this was further affected by the systematic and gross mismanagement of land over time. These range from a geographical and ecological context of land-to-land concentration, from land grabbing to land accumulation issues, as well as important questions surrounding land tenure, land distribution and land reforms.

The African Union's Framework and Guidelines on Land Policy in Africa (2010) reveals that the issues are all encompassing:

> 'The land question facing Africa has its origins in geo-political, economic, social and demographic factors more recently compounded by emerging global and strategic imperatives. These include different forms and modes of colonisation experienced in various regions, the diversity and degree of persistence of indigenous cultural and normative systems and forms of economic organisations. These factors and imperatives have, in turn, given rise to a variety of legal regimes relating to land tenure, use, management and environmental governance (p. 5).'

And Moyo (2003: 1) paints a broader picture of the controversy by asserting that:

> 'The land problem in Africa has escalated in the wider context of struggles over the land rights "embedded" in extensive mineral and other natural resources of exchange value to global

tourism, forestry and bio-technology markets which are rapidly being concessioned into external control. Civil wars, inter-country conflicts in the region, migration and involuntary displacements are all symptomatic of increasing land conflicts involving direct confrontation over access to key natural resources by both domestic and external forces.'

Land issues in Anglophone Africa are multidimensional largely because their socio-cultural, historical and political forces have been influenced by their specific colonial experience. For example, in Nigeria, Zimbabwe, Kenya and South Africa, like other Anglophone African countries, land issues are woven around memory, identity and governance. Memory, for instance, in the sense that land issues are tied to individual and group ancestry and traditions, land is part of the folklore of many Africans signifying place of birth, ancestral home, and where economic activities take place (farming, trade, etc) and where income is generated. Identity, also referred to as ethnicity, relates to the shared social consciousness of particular groups of people based on land or geographical consanguinity. Ethnicity is socially far-reaching and has shaped politics and governance in Africa (Afolabi 2019). The governance of land and the issues related to it often result in contentions and contestations about who controls what, how and when — particularly so when the land is rich in

resources. This has deep implications for democracies where there are clashes over land, especially between 'natives' and 'settlers' (for example, in South Africa, Zimbabwe, Zambia, and Kenya) and between foreign investors and local communities (as is the case, for example, in the Niger Delta region) (Saliu, Luqman, and Abdullahi 2007; Rothstein 1986). As Moyo (2004) notes, 'conflict today results from past violence over access to land and natural resources during pre-colonial conquests that continued in the colonial period, during which there was polarization along racial lines due to the ill treatment of blacks by whites in farms, mines and towns'. The clashes around land issues have generated considerable insecurity and have compromised the democratic aspirations in most of Anglophone Africa to the extent that some scholars have talked about the feasibility of democracy in Africa (Afolabi and Idowu 2019; Ake 2000).

In Uganda, historical land issues have centred around questions of customary land tenure versus individual land ownership (Mugambwa 2007). In Zambia several dimensions to the issues of land are discernible — issues on foreign ownership, displacement and customary land — but recently, the issues revolved around how traditional authorities plan to change the rural setting and involve negotiating the politics of gender and balancing customary land rights with the government's right to own and distribute land. The Botswanan case, on the other hand, takes a contrary outlook. Despite the dual system of statutory and customary tenure inherited from its colonial past, the

country has been able to successfully develop a robust land administration which has facilitated its economic prosperity and improved its democratic dispensation. In Nigeria, Ghana, Kenya and a host of other Anglophone countries, land issues pose serious threats to democratic sustenance given the complex nexus of herders-farmers crisis, settlers-indigene controversy and government ownership of land. Land issues are extremely difficult to resolve. Mishandling them could either stunt or truncate democratic rule. Indeed, land questions are so complex and so central to Africa that the African Union developed land guidelines and frameworks to reduce the number of land-related crises, conflicts and violence while seeking to boost the land rights, productivity and livelihoods of people living on the continent (AUC-ECA-AfDB Consortium 2010).

Understanding Key Terminologies

To appreciate the land issue, one must first unpack a few key terms that surround the study of land in Anglophone Africa. The concepts include African customary law, legal pluralism, land concentration, land grab, land tenure, land accumulation, land rights, land distribution and land reform.

African Customary Law

Customary law can be defined as 'a set of rules, usually not codified, drawing on tradition yet continually evolving under the influence of contextual pressures' (Hull et al. 2019). Prior to the colonisation of Africa by European powers, customary laws governed all affairs of the people of the continent (Hooker 1976). Customary laws draw their legitimacy from long held customs and traditions. However, it is generally accepted that traditional practices are fluid and have been affected by modern forces such as colonialism and post-colonial influences. Diala (2017) further differentiates between 'official' customary law and 'living' customary law. Living customary laws are distinguished from official customary law in the sense the latter is usually codified and restrictive while the former is uncodified and flexible.

Legal pluralism

Legal pluralism can simply be described as a situation in which 'more than one source of law, more than one legal order, is observable' (Griffith 1986). Cotula (2007) asserts that people often observe

both statutory and customary law depending on their needs often resulting in legal pluralism. Indeed, most African states officially recognise the legitimacy of customary laws. For example, Hull et al. (2019) note that the Section 2.1 of the South African Constitution enshrines the customary law system as equal in status to formal law.

Land tenure

This can be conceptualised as the relationship, whether legally or customarily defined, among people either as individuals or as groups with respect to land (Faure et al. 2002). Land tenure is an institution, that is, it is a set of rules invented by societies to regulate behaviour – rules of tenure that defines how property rights to land are to be allocated within societies. It can simply be defined as 'the terms and conditions on which land is held, used and transacted' (Adams et al. 1999). Land tenure defines how access is granted to use, control, and transfer land, along with associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources for how long, and under what conditions (Faure et al. 2002). The land tenure system is, therefore, central to determining property rights.

Customary, traditional and communal tenure

Most scholars tend to use the terms 'customary', 'communal' and 'traditional' interchangeably (Cousins 2008). However, it is crucial to understand those terms as distinct concepts. As Bennett (2008) argues, to describe customary tenure as communal is to imply that all land managed under customary law belongs to the community rather than individuals and that the land is used collectively for a common purpose. Yet, in practice customary land rights can be individualised and/or communal (Hull et al. 2019). Under customary tenure, landholdings are 'regulated by local traditional institutions and also based on customary norms and practices' (Chitonge et al. 2017). As such access to land is regulated by 'social norms and networks . . . where local powers play an important role in land rights regulation and conflict resolution' (Lavigne Delville 2010). Adams et al. (1999) further distinguish between 'holdings' and the 'commons'. The former refers to land occupied and used by households or individuals; the latter refers to land that is shared among members of the community. A clear example of 'commons' is grazing land used by all members of a particular community. As noted by Okoth-Ogendo (2000), access to the commons is usually restricted, as the commons is 'available exclusively to specific communities, lineages or families operating as

corporate entities . . . characterised by . . . their permanent availability across generations past, present, and future.' As Okoth-Ogendo insists, customary land should be conceptualized as private property controlled by the community. Even though the system of customary tenure is essentially community-based, members of the community can have individual rights and responsibilities with respect to the use of land (Hull et al. 2019).

The communal aspect of customary tenure highlights the social value of land. Indeed, as Hull et al. (2019) note, land rights 'mirror the social and cultural values of the community and gain legitimacy from the trust a community places in the institutions governing the system'. Land rights are usually derived from the accepted membership of a community, whether on the basis of kinship ties or acquired allegiance.

Land concentration

This refers to the control of key areas of land by a few dominant actors. Here the argument centres around the fact that peasants would arguably be less productive than the big organisations/actors, and therefore their access to land should be considerably reduced with land concentrated in hands of elites or dominant societal actors (Minaud 2015).

Land grabbing

Land grabbing is a global phenomenon. In Africa, it refers to the purchase or acquisition of land use rights to produce food, biofuels, or animal feed (Batterbury and Ndi 2018). According to Borras and Franco (2012) a 'land grab' is the power to control large quantities of land and landed resources to ensure food security, plan for short- or long-term climate change impacts, and manage essential financial exigencies. In a clearer sense, it is the displacement of peasant farmers in favour of large-scale producers; acquisition of land meant to cultivate cash crops; and the privatisation of common resources (such as land and forests). In Africa it is most frequently used pejoratively as in the Kenyan experience where land grab meant the irregular and illegal allocation of a wide array of public land to foreign and local investors (Klopp and Lumumba 2007).

Land reform

This is a process which involves comprehensive restructuring or redesign of at least three components

of the land system, viz. its land structure (its property), land use and production structure, and also as land support services infrastructure.

These concepts give a window into the components of land, how it is conceived and explained, and what the land-related issues are in Anglophone Africa.

History of Land Issues in Anglophone Africa

The history of land issues in Anglophone Africa stems from the colonial period and continues in the post-colonial era. The pre-colonial land issues are not pronounced except in few places where boundaries between one ethnic group and another are not clearly defined. The conflicts and issues over land across these specific Anglophone African states have centred mostly on land tenure, land rights and land reforms. They have been shaped by socio-cultural, political and economic realities. These issues underscore several claims that land has been mismanaged and underutilised in Anglophone African states.

With the notable exception of Botswana, the trajectories of land reform in Anglophone Africa have been a source of contention and contestation. In most Anglophone African states, the issue of customary land tenure versus individual tenure or statutory tenure have been at the fore of land disputes. The South African, Zimbabwean, Ugandan, Kenyan, Zambian and other cases provide insights about land conflicts sparked by unfavourable reforms. In South Africa, for instance, land issues have revolved around major inequalities in access to, and rights over, land between the black majority and the white minority. The foundation of this inequality can be traced back to the Native Land Act (1913) which provided the legal bases for the subsequent division of the country into relatively prosperous white heartland and a cluster of increasingly impoverished black reserves on the periphery (Walker 2017). Since the democratic transition of 1994, the post-apartheid state has struggled to develop an effective land reform program that can address the crosscutting demands for land redistribution, local development, and representative government.

In the Kenyan case, the struggle over land became the instrument of resistance to colonial rule (Lumumba 2005). The Giriama, the Maasai, the Kikuyu, the Nandi and the Luhya and Pokot reacted violently to colonial land dispossessions – a struggle that continues to this day. The manner in which individuals or groups in Kenya hold, use, occupy, possess or have access to land since colonial rule shows how land lies at the heart of many potential and violent conflicts. This violence in Kenya will be further discussed below. In Nigeria, the case of the Ogoni people's land claims against the rights of Shell Petroleum and its oil exploration is an obvious example. While many of the land issues

are historical, the continuation of these disputes, crises and conflicts signpost the complexity of resolving land issues.

Colonialism and its Impact on Land in Anglophone Africa: An Assessment

The influence of colonialism on land issues in colonial and post-colonial Africa, and specifically, Anglophone Africa, cannot be overemphasised. At independence, most Anglophone countries had adopted the colonial pattern and practices with respect to land allocation and distribution. The recognition of the indigenes' right to land (customary land right) was only granted on exceptional cases rather than being the norm among the British colonies (Mugambwa 2007). Customary land rights and ownership was only given recognition with certain limits. In Uganda, for instance, Mugambwa (2007: 40) posits that the 'British protectorate administration declared most land in the territory Crown Land by virtue of the protectorate'. The Crown Lands Ordinance of 1903 only granted Ugandans the right to occupy land outside of the Buganda kingdom and urban areas and those not leased without corresponding license or consent as required by the customary law. Only the Governor General had the exclusive rights to sell or lease such lands with total disregard for the customary occupants (Mugambwa 2007). The Governor General also determined whether and to whom he paid compensation for displacing occupants. Later, the 1955 East African Royal Commission (EARC) Report further underscored the essentially Eurocentric approach to land ownership and land tenure, dismissing the communal African customary land tenure as insecure.

These policies helped colonial administrators to appropriate citizens' land and sell it to foreigners/foreign investors – a policy that triggered the 'Mau Mau uprising' in Kenya. But by the end of colonial rule, although post-colonial governments such as Uganda rejected the recommendations and provisions of the EARC, they never made alternative policies to promote customary land tenure and distribution systems. That in itself, fuelled more dissatisfaction post-independence.

The Ugandan Public Land Act of 1962 was also not much different from the colonial EARC. For instance, section 22 (1) of the Act stipulated that the government 'shall not be prevented from making a grant in freehold or leasehold of public land . . . merely by reason of the fact that such land or any part thereof is occupied by persons hiding under customary tenure' (Public Lands Act 1962). As the protectorates had right over lands rather than the customary land tenure system, so also did the post-colonial governments. The colonial policies on land in Uganda have, and continue, to

effect land ownership and distribution in the country. Even though this arrangement was altered by the Public Land Act (Cap 21), it never really gave full ownership of land to indigenous peoples as the communal customary land tenure system in pre-colonial Uganda (Mugambwa 2007). This colonial land policy in Uganda could also be held responsible for Idi Amin's post-colonial land Reform Decree of 1975 which declared all lands in the country as public property. Indeed, the 1975 Act stripped landowners of the protection they once enjoyed under the 1969 Public Lands Act. Even though the 1995 Ugandan Constitution vests land ownership on citizens, it however, has the exception of lands in the central region and urban areas (1995 Ugandan Constitution, Article 237 (1) & (3)).

In Kenya, at the arrival of European colonial masters, all vacant lands were declared 'Crown' lands and were sold to European settlers or foreigners at very favourable prices and conditions (Binswanger-Mkhize and Deininger 1995). Mosley (1983) records that Africans farmers on much of the lands then became known as 'squatters', indicating that they were not the original owners of those lands. As a result land became the rightful property of European settlers, rather than Kenyans. African land rights were limited to so-called reserves and Africans were prohibited from purchasing lands outside these reserves. The 1918 Resident Native Labourers Ordinance (RNLO), for instance, stipulated that tenants had to offer 180-days of labour service per year to their landlords at a very low rate (Kanogo 1987; Binswanger-Mkhize and Deininger 1995). A similar process occurred in Malawi, where over fifteen per cent of total arable lands (over 1.5 million hectares) was given to European colonial settlers.

Nowhere in Anglophone Africa was the land allocation disparity between Africans and Europeans more pronounced than in South Africa. Indeed, the 1870 Transvaal government allocated only a few parcels of land to African reserves – far less than a hundredth of the land allocated to the whites (Bundy 1979). And as Hendricks (1990) observed, the Glen Grey Act (1894) restricted African ownership of land in the reserves to no more than three hectares and placed a ban on the sale, rental and sub-division of land to ensure that a class of independent African small holders would not surface.

In colonial Zimbabwe, Palmer (1977) posits that only lands in remote areas and with low fertility were reserved for Africans. This meant that the urban and more developed parts, including those highly fertile lands, were reserved for the colonial masters. In Northern Nigeria, as was the case in most other parts of the country, lands were allocated to European settlers by the caliphate government. The amount of land allocated to each settler, Binswanger-Mkhize and Deininger (1995) claim, depended on the number of slaves each settler owned — the more slaves a settler

had, the more land was allocated to him.

Colonial penetration in Anglophone Africa has led to a high degree of land concentration literally falling into the hands of European settlers, displacing African populations to less fertile lands or rural areas. So much so that even in areas with a limited number of Europeans, the European system of private property rights was introduced to replace the existing African communal ownership rights (Griffin, Khan and Ickowitz 2002). Griffin et al. (2002) posit that this practice of displacing indigenous landowners and taking over by a higher authority (usually the state), continued even after independence and effected the land tenure system during subsequent autocratic and democratic governments in Anglophone Africa.

To date, the colonial structure of land ownership and distribution continues to affect land issues in Africa and specifically in Anglophone Africa. In South Africa, for instance, there is a growing challenge to attempts to commercialise land. This is demonstrated by the widespread leasing and sale of lands to foreign governments and companies for commercial activities (Hall 2011). The same pattern is present in most Anglophone African countries including Nigeria, Kenya, Ghana, and others. This is an offshoot of the colonial land distributive system that has continued to impact land policies in post-independence Africa, raising questions about the continued survival of colonial structures, laws and images. Colonial administrators distributed lands at their own discretion and most post-Colonial African governments simply assumed the colonial role of managing state-owned land. Indeed, Cotula (2012: 670) argues that 'land remains state-owned . . . particularly in Africa . . . the state retains a central role in making land and natural resources available to private operators'. This situation has resulted in widespread land grabs with the active connivance of African leaders who received gratification for such sales and efforts. As Leahy (2009) argues, the acquisition of large landholdings by foreign actors can be described as a kind of neo-colonial practice. Overall, the colonial impact on land issues and discourse continues to remain potent and undeniable. While its benefits or otherwise has continued to elicit scholarly debate, the fact is that post-colonial states in Anglophone Africa have been unable to dismantle the colonial land legacies and fashion an alternative framework to address the challenges of land management in Africa, especially in the age of globalization.

Contemporary Issues and Challenges in Land Management

Most African economies hinge on agriculture and so depend on the availability, fertility and usage of land (Mabe et al. 2019). While land was seen as an almost inexhaustible asset in Africa, the

tremendous population growth, coupled with the development of a land market, has increased the competition for land (Quan et al. 2014). Given the scarcity of and competition over land, any attempts by governments to intervene in the distribution of land is bound to produce winners and losers (Collins and Mitchell 2018). In recent times, questions surrounding land grabs, land concentration, and land rushes have become burning issues in Anglophone Africa. For example, the concentration of fertile land in the hands of the white minority is an ongoing concern in South Africa and calls for expropriation featured prominently in the 2019 national elections. In Zimbabwe, the 2000 'fast track' land redistribution process gave access to land to many black Africans but without the commensurate increase in productivity and wealth. In fact, the policy has resulted in widespread poverty and economic stagnation with dire consequences for democratic rule — that is until a new government came to power in 2017[1]. In Nigeria and Ghana, an increase in farmer-herder clashes, land dispossession, and government claims on land has resulted in preventable loss of life and stunted economic growth. The situation in other Anglophone African countries is not much better. And yet all over Africa, the land question has become central to the expectations and hopes for a better life.

The widespread land grabs in Africa have been described as a neo-colonial push by foreign companies and governments to annex Africa's key natural resources (Hall 2011). By 2009 seventeen companies were producing biofuels in Ghana. According to Schoneveld et al. (2010) these companies collectively controlled more than a million hectares of land, with over 730 000 ha in Northern Ghana alone. As Acheampong and Campion (2014: 4588) noted 'the current land grab by corporations for the large-scale and export-driven expansion of biofuel production has ominous implications for local livelihoods in Ghana'. In fact, a study conducted by Mabe et al. (2019: 364) in several Ghanaian districts demonstrated that 'food security index, economic security index, sanitation security index, water security index, health security index, shelter security index and social security index for household living in communities without land acquisition is significantly higher than that of their counterparts in communities with large acquisition'. Land grabbing emphasises cash crop and biofuel production primarily for foreign markets. To support

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1 The Zimbabwean Land reform has been highly controversial. It is a historical fact that the initial effect was widespread poverty and that the 2000 'fast-track' land reform led to the migration of millions of Zimbabweans to neighbouring countries. However, recent studies (Nyawo 2014; Hanlon et al. 2010) have shown a substantial increase in the livelihood of new farmers who benefitted from the land reform process. Moreover, the levels of agricultural productions are slowly returning to the levels of the 1990s as small farmers are building up capital and hiring more labour.

these priorities the argument has been that indigenous landowners underutilise their rich land resources and, as such, foreign investors would add more value to a country's GDP if they could claim such lands for commercial purposes (Minaud 2015). For example, studies by Dorner (1972) and Harrison (1987) argued that the insecurity of tenure under indigenous tenure systems results in a lack of soil-improving investments. The underlying argument is that large corporations could use their financial capital to develop profitable commercial operations. As Leahy (2009) cautions, land grabbing results in rich countries buying poor countries' fertile soil, water, and sun to ship food and fuel back to developed nations and leaving local communities with impaired livelihoods. In the South African case, for instance, there has been a rush for land to produce biofuel by the Chinese, Korean and the Western governments. Needless to say, this displaced local people who also forfeited their land use rights (Hall 2011). This practice threatens peasant livelihoods: small farmers are being expropriated and forced into cheap labour (Grain 2007). As mentioned earlier, in Nigeria, the rush for crude oil and the subsequent displacements, loss of livelihoods and criminality have threatened local inhabitants and accounted for an incalculable number of deaths (Olayiwola and Adeleye 2006). Indeed, the Niger Delta region has been ridden by violent conflicts between foreign oil corporations and local minority ethnic groups. Similar occurrences have also bedevilled Kenya, Ghana, and several other African states and many African states have cited the land issue as a key threat to the survival of their democratic systems.

The debate on land grabs cannot be divorced from its gender dimension. Indeed, as Mutopo and Chiweshe (2014) have argued, women are increasingly losing access to land and clean water. These trends are particularly acute in Ghana, Zambia and Zimbabwe such that the nutritional status, well-being and human dignity of women is acutely affected. And in most of Anglophone Africa women are perceived as responsible for the food security of their household (Moyo et al. 2016) and logically their access to land for food production is absolutely crucial for the well-being and even the survival of their families.

Most of the land in Zimbabwe is administered under customary land tenure laws. But because of the prevalence of patriarchy under this system, women tend to access land through their male relations. In their study on the impact of ethanol production on women in Chisumbanje, Zimbabwe, Matupo and Chiweshe (2014) reveal that the women of this community have lost not only their access to prime land, but also access to medicinal herbs because the local fuel producing company has fenced in their commercial enterprises. Access to water has also became difficult when water sources are on fenced-off company land to protect the biofuel plant's irrigation system.

Over the past fifteen years international organisations and governments alike have increasingly shifted their policy focus from the privatisation of land. They have promoted titled land and endorsed legal pluralism to embrace a more prominent role for customary authorities in governing land (Collins and Mitchell 2018). But there is growing evidence that the shift from state-led to 'community'-led land reforms has even deepened the inequality of access and increased conflict and competition over land, sometimes resulting in rifts both between and within ethnic groups (Amanor 2001; Basset and Crummey 1993; Berry 2002; Chimhowu and Woodhouse 2006; Juul and Lund 2002; Peters 2004). As Peters (2009: 1319) argues, 'many existing customary or local sets of land tenure embody considerable inequality, intra and inter-group conflict, illegal sales by traditional leaders and appropriation for private use by representatives of the state'.

While both Ghana and Tanzania are often cited as models of land reform success, Collins and Mitchell (2018) argue that both countries are still struggling with deep-rooted problems in devolving land governance to traditional authorities. Consider for example the controversial role played by traditional authorities in Ghana's Western region. Collin and Mitchell (2018) point out that many chiefs sold communal lands to migrant populations during the 1970s and 1980s –– often in clear contravention of 'customary' law. By the mid-1980s, the host-migrant relations arrived at a breaking point and chiefs attempted to reassert their control over the land ceded to migrants (Boone and Duku 2012). To appease his people the Ghanaian king ordered migrants to stop cultivation all together, but many disregarded his order (Boni 2005) and '[v]iolence ensued as Sefwi chiefs sent villagers to dispossess strangers of what the former considered land illegally occupied' Boni (2005: 118-119). Even though the tension did not match that of Kenya's Rift Valley level of violence of the 1990s[2], it certainly exposed some of the shortcomings of devolving land governance to traditional authorities when such authorities are not held accountable (Collins and Mitchell 2018). Adding to an already complex issue Boone (2012b) argues that Ghanaian officials have generally been unwilling to intervene in chiefly affairs as chiefs often act as brokers of votes at the local level. Malawi has not been immune to these types of conflicts either. As one of the poorest countries in the world Malawi's economy largely relies on agriculture[3], and with its growing population, the pressure on, and value of, land is rapidly increasing (Peters and Kambewa 2007). The consequent tensions over

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2 According to Boone (2012a), conflict over land rights and access in the Kenyan Rift Valley Province resulted in the death of 500 people and the displacement of over 500 000 people. A similar conflict occurred after the 2008 elections, with a death toll estimated to be as high as 5 000.

3 Tobacco alone contributes to over half of the value of exports in Malawi (Peters and Kambewa 2007).

land rights and land particularly between 'locals' and 'newcomers'[4] are inevitable.

It is undeniable that government-led land reforms are necessary to ensure the socio-economic development of Africa and improve the livelihood of rural communities. However, all land reform processes will always produce winners and losers. The Botswanan case illustrates this quite well. Like Uganda, the majority of the land in Botswana was expropriated during colonial times to create 'Crown' property (Kalabamu 2019) and the majority of the land in Botswana became state property after independence. This encouraged and accelerated the redistribution process and by 2013, approximately 71 per cent of the land had been redistributed as tribal land (Government of Botswana 2015). Yet despite these laudable results land shortage remains a persistent issue for minority tribes (Kalabamu 2019). Ng'ong'ola (1997) notes that no land has been allocated to the Basarwa people after the colonial period. The have instead experienced eviction from the Central Kalahari Game Reserve and are prohibited from subsistence hunting and gathering in state-owned land designated as national parks (Kalabamu 2019). Botswana has recently introduced a third Land Policy, but as Kalabamu notes, the policy is completely silent about land rights for minority groups.

Another cognate major issue with such redistributive processes is that a government-led land-allocation policy can potentially be used as an instrument of distributive politics. For example, Boone (2012a) notes that all of Kenya's government, both colonial and postcolonial, have distributed land access rights strategically to their political supporters and to engineer supportive political constituencies. As Southall (2005: 144) summarises, 'land was no longer allocated for development purposes but as a political reward and for speculative purposes'. Ultimately, these politics of distribution and redistribution created a situation of gross inequality both between and within ethnic groups (Boone 2012a). The growing inequality and the politics of redistribution in Kenya eventually undermined the legitimacy of the state itself.

As mentioned earlier, gender inequality often results from customary systems of land governance. Many feminist scholars (Mackenzie 1990; Whitehead and Tsikata 2003) have argued that customary practices can be highly discriminatory against women. Land inheritance customs, for example, remain highly patriarchal making a gender-equal land reform programme highly fraught.

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4 As Peters and Kambewa (2007) note, 'newcomers are also described—in what is a great insult—as serfs (akapolo) since they are said to descend from people who were taken captive in small-scale wars or given as pawns or sold into slavery by their own people. While most of the time the histories of groups interfere little in daily life, the intensifying competition for land has drawn the past into the forefront of dispute'.

The customary rules of inheritance and ownership are rooted in a desire to protect community land. As Isinika and Mutabazi (2010) show the rationale behind rules restricting women's land rights is that doing so will prevent clan land from changing of hands. This results in deep social attitudes against women ownership of land. Despite some constitutional provisions for gender equality, Baymugisha (2013) notes that the reliance on customary practices continues to keep women 'locked out' of land ownership. The case of Malawi offers an intriguing contrast. In Malawi, land rights can be transferred along matrilineal or patrilineal rules, depending on ethnic groups (Takane 2008). While patriarchy prevails in northern Malawi, southern Malawi is predominantly matrilineal. As Takane (2008: 274) notes, in Malawi's matrilineal societies, '[a] husband has no decision-making power regarding the transfer of his wife's land rights. Upon divorce or his wife's death, a husband is expected to return to his natal village and loses the land-use rights in his wife's village.' In patrilineal societies, the land rights are transferred to the wife upon the husband's death provided that the bride wealth was paid upon marriage. A divorced woman, however, must return to her village without her children.

Tanzania presents a similar yet different story. Tanzania's 1999 land reforms vested the authority on land distribution in the hands of local elected bodies rather than chieftain authorities (Collins and Mitchel 2018). The Village Land Act (No. 5) further specifies minimums for gender representation in these elected bodies (URT 1999: Sec. 60). As per recommendation by the World Bank, these bodies govern and adjudicate land on the basis of local customary practices (Collins and Mitchell 2018) but customary practice dictates that the Baraza — the Village Land Council — is the exclusive preserve of men (Collins and Mitchel 2018). As one interviewee (quoted in Collins and Mitchell 2018: 125) puts it, '[t]his is an exclusive domain of men making decisions, then you are forcing the women to come in, they're not supposed to be there, so we'll make sure that they keep quiet while we talk and make decisions!'. Despite formal legal arrangements women remain excluded from the decision-making process at the local level. The Tanzanian case illustrates a crucial point: achieving gender equality in land-related questions will require much more than a formal commitment to equality and statutory laws; it will require a change in social attitudes. The Kenyan case offers interesting solutions to the problem of gender inequality in land tenure. As Moyo et al. (2016) noted, Kenya's 2010 constitution introduced a range of measures to strengthen women land rights. The reform that was introduced in the revised constitution included new measures on ownership

and inheritance laws to guarantee equal treatment with men and introduced gendered quotas[5] for elected and appointed offices. This small victory for gender equality has been credited to the incessant activism of civil society groups such as Economy and Rights of Women, the Kenya Land Alliance and Warembo ni Yes. In Uganda, the Land Act (1998) explicitly forbade gender-based discrimination. Section 27 of the Ugandan Land Act states that '[a]ny decision taken in respect of land held under customary tenure, whether in respect of land held individually or communally, shall be in accordance with the customs, traditions and practices of the community concerned, *except*[6] that a decision which denies women or children or persons with a disability access to ownership, occupation or use of any land or imposes conditions which violate articles 33, 34 and 35 of the Constitution on any ownership, occupation or use of any land shall be null and void.' Section 39 of the Act also prohibits any land transaction without spousal consent. These measures have considerably strengthened women's land rights and security of tenure.

Access to safe drinking water remains an enormous problem in Sub-Saharan Africa; 44 per cent of the regional population lack access to clean water (WHO/UNICEF 2004). While the issue of water accessibility in Anglophone Africa is too complex to be discussed in great detail in this chapter, it is nonetheless intertwined with the question of land rights and land tenure and therefore deserves a short discussion. A myriad of contemporary studies that suggest the solution to water access might lie in the domains of property rights and land tenure (Al-Hmoud and Edwards, 2004; de Soto 1989, 2000; Field 2005; Payne 2002; Satterthwaite, McGranahan, and Mitlin 2005; Sida 2004; World Bank 2004). In a study comparing access to clean water in Zambia and Botswana, Sjöstedt (2011) has shown a positive relationship between the security of tenure and higher water coverage level because secure property rights tend to stimulate investment in water management and irrigation systems. Access to water also carries a gender dimension. In their study on the gender land relations and power dynamic in Inanda, South Africa, Bob et al. (2013) suggest that women were much more likely than men to indicate that access to sufficient water is concern. The Chisumbanje case study discussed above provides yet another example of the gendered dimension of the issue of water accessibility.

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5 Under Kenya's 2010 constitution, a third of all government offices are reserved for women. Furthermore, new inheritance and ownership laws have been introduced to end the widespread discrimination against widowed, unmarried and divorced women. By 2016, the laws were not yet implemented. As such, a proper assessment of their impact is difficult at this stage.
6 Emphasis by the authors.

Challenges of Resolving Land Issues

Given how central land is to livelihood, survival and poverty eradication of the vast number of Africans, especially women, it is imperative to examine the challenges that underpin the issues highlighted in this chapter. Several factors have been earmarked as posing serious threats to the resolution of land issues in Anglophone Africa, some of which include:

1. **Failures of African countries to pursue policies that promote increased agricultural productivity and engage in meaningful reforms**: This has been a core factor affecting efforts geared towards combating land issues in Africa, particularly Anglophone African countries. Most governments have failed to recognise how pivotal land is to economic development and democratic sustenance. For instance, since the period of the oil boom in Nigeria, the focus has largely shifted away from land use and agricultural activities to oil exploration and related activities. For Kenya, Ghana, Zambia, Tanzania and most of Anglophone African countries, especially Zimbabwe, the mismanagement of land issues has increased poverty, resulted in economic meltdown, alienated a large segment of the indigenous population, and truncated democratic rule; aspirations have only led to modest land reforms (Pedersen 2016; Yeboah and Shaw 2013; Cliffe, Alexander, Cousins and Gaidzanwa 2011; Uwakonye and Osho 2007; Dashwood 2002).

2. **Dependence on food imports and production deficit**: Most Anglophone African counties do not produce sufficient food and their food security is abysmal. They rely heavily on food imports from Europe and other Western countries. This has created a legitimacy crisis for many of these governments but despite this they see no need to address the existing land crisis and contentions. As Nelson Mandela (quoted in Bratton and Mattes 2001) once said, 'Freedom is meaningless if people cannot put food in their stomachs'. Yet, save for South Africa, virtually all Anglophone African countries fall in the category of huge food importer while not making judicious use of their land and its resources (Cohen and Clapp 2009).

3. **The continuing scramble for Africa's land resources**: The continual desire of states — particularly those in the West and far East — to access Africa's land resources poses a serious challenge to combatting land issues in Anglophone Africa. The World System Theory posits that the unequal distribution of economic and political power between developed and less developed countries results in a dependency between different regions of the world (Vanolo 2010). This is the basis of the core-periphery metaphor which refers to circulation of economic flows from the periphery to the core and the flow of economic surplus from

the core to the periphery. The term periphery emphasises both the economic marginality of some states and the need to investigate the spatial interactions between geographical regions. Considering that most African states are locked in a core-periphery relationship with these states, it becomes quite difficult to rebuff their proposals without harming the African state's national interests. Land grabbing was a term coined to qualify this scramble for Africa's land resources. To date, while there are arguments for a land grab, Anglophone African countries have yet to devise concrete means of curbing the scramble (Grain 2012; De Schutter 2011).

4. **Endless procedures:** In most African countries, many constitutive and regulative institutions suffer from massive functional deficits. Land rights are most often not enforced and are characterised by fragmented or overlapping legislation and legal pluralism that confuse the issue of property rights and spur land-ownership conflicts. Land-administration authorities dealing with land registration, land-information systems, land-use planning and land development lack trained staff, technical infrastructure and financial resources. Across Anglophone Africa administrative services are generally over-centralised and jurisdictions are often not clearly assigned or are overlapping, impeding cooperation and coordination. Consequently the little available and mostly incomplete or isolated data on land ownership and land use has been gathered by diverse non-cooperating institutions making its proper use difficult or even impossible. The result is endless procedures and low levels of implementation.

5. **Gender inequality:** Gender inequality remains a tremendous obstacle in Africa. Formal commitments to gender equality will not be enough if they are not driven by changes in social attitude. While education about legal rights is key to empower women on the continent, the Kenyan example also highlights that civil society organisations can and must use new technologies to further the reach of their efforts to foster gender equality.

The sum of these challenges has resulted in disputes, conflicts, and apathetic citizenry uninterested in democratic process and rule. This has continued to threaten democratic sustainability in these countries.

Addressing land management issues: Projections for the future

To begin addressing land management issues in Anglophone Africa governments need to recognise that land and its challenges are at the heart of their sustainable development, and any solution

needs to consider the following five key aspects: land management among contending ethnic groups claims; land administration in terms of judicious land resource management to develop larger segments of the population; land reforms that reflect customary land practices as well as their social and economic implications; the gendered land relations and power dynamic; and, (re) distributive policies that aim to include all individuals and groups that make up each respective society.

Sharing data and learning from each other would be a feasible beginning. No matter how difficult concerted action might seem amid the chaos and confusion of these land conflicts, land questions must be managed – and the sooner the better. Indeed, unresolved land issues smoulder and can ignite at any time. The longer these issues are left unresolved the more likely political actors will use land (as an issue) to advance their personal political interest and objectives. Unfortunately, there is no universal solution and each country will have to tailor their responses to appreciate their particular local, regional and national context as well as their supranational political, socio-economic, cultural and power-related frameworks/conditions (AUC-ECA-AfDB Consortium 2010; Kasanga and Kotey 2001). Addressing the land grab question within an African framework and in a holistic manner would help achieve an effective land policy and its management that promotes inclusion, sustainability and viability on the continent.

Conclusion

Land signifies life and wealth for Africans; its significance on humans and human history cannot be overemphasised. Across the sample countries people's attachment to land has created clans, identities and memories that have shaped politics, governance and democracy. This has made land an emotive issue that has spawned other issues in pre, during, and post independent Africa. The issues range from land tenure and land management to land expropriation, land concentration, and land reforms. Each of these issues can break or make democracies. From Nigeria to South Africa, to Ghana, Botswana, Tanzania, Zambia, Kenya to Zimbabwe and other Anglophone African countries, land has been a major factor shaping conflicts and peace, autocracy and democracy, poverty and wealth, and establishing good and bad governance. Land has become an issue that could cause trepidations or optimism in Africa's quest for sustainable democracy and development (Afolabi 2018).

This chapter has established that land is central to boosting productivity, alleviating poverty and eradicating hunger in Anglophone African states. It has also been established that land issues are

very sensitive, and its handling could either result in crisis or enhance peace –– this applies to the majority of Anglophone African countries. However, the Botswana case shows that land reforms are only a matter of articulating reforms that pivoting around inclusion – reforms that synchronise the customary land tenure with individual access to land while still appreciating economic, social and political balancing.

This chapter has revealed that land issues have local, national and international dimensions and if left unresolved, these issues can be exploited by political entrepreneurs and ethnic champions alike. But because most of post-independent Anglophone African regimes are direct beneficiaries of land ownership there is little political will to institute effective and efficient land use management. In the same vein there is little or no political will to engage in inclusive and productive land management strategies that will benefit the mass of the people in these countries. The net effect is to create situations that are inimical to development and democracy. Even when constructive land policies are made, for instance in South Africa and Botswana, such policies are not very effective because of the composition of the social groups and the wide economic gap between the haves and the have nots. Tellingly, these affect the politics of democracy in each of the case study countries. Nigeria and Kenya are some examples where political parties appeal to ethnic identities and are based on shared land configuration. Politics determines who controls and who benefits from key resources. The way land issues are addressed in each country and collectively tend to determine the success or otherwise of democracy in Anglophone Africa.

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Chapter 9
Perspectives on post-Brexit Africa-UK trade: Opportunities and Challenges

Suzanne Graham

Introduction

On 23 June 2016, mostly British and Welsh voters tipped the referendum in favour of Britain leaving the European Union (EU). Since then there has been growing discussion on what Brexit (shorthand) will mean for these communities as well as the consequences for regions beyond the United Kingdom (UK) and Europe. Brexit was supposed to have gone through by 31 October 2019 (after a series of postponements), but a UK general election called for the 12 December 2019 further delayed the move. Ahead of this election, there were five possible actions: Brexit, as it had been negotiated, would go through on the 31 January 2020; there would be a renegotiation; a new referendum could be called; Brexit could be cancelled; or there could be a no-deal Brexit by 31 January 2020 (Barnes 2019). Following the elections and the overwhelming win for the Conservative Party and its pro-Brexit stance, a transition period ensued during which the future relationship between Britain and the EU will be negotiated.

The debate around Brexit and its potential consequences on trade, among other things, see-sawed over a hard or soft exit from Europe. Those in Britain who would have preferred to stay in Europe leaned towards a soft exit. Those who wanted out preferred a hard break. The former aimed to minimise disruption and keep Britain aligned with EU regulations as much as possible, practically speaking having Britain stay within the EU single market and customs union. But this would mean that Britain would have effectively no chance at making trade deals with third countries. The latter implied a complete break with EU regulations and the opportunity, despite the disruption and high costs in the short-term, to branch out and make free-trade deals across the world (*The Economist* 2018). Ultimately, as negotiations during the transition period develop, it is more likely that Brexit will end up being a combination of both.

In terms of British-Africa relations, it is a chance for Britain to re-engage with its former African colonies and current Commonwealth partners. Since 1973, when the UK became part of the then European Economic Community (EEC), a natural and general trading disengagement began, according to Soyinka (2016: 587), since all trade decisions and powers were transferred away from London to Brussels. Indirect trading continued of course, but through EU-negotiated agreements such as the Lomé Convention (later refreshed in the Cotonou Agreement) and then through Economic Partnership Agreements (EPAs). EPA's are negotiated agreements involving trade and development between the EU and states in Africa committed to building regional economic integration (regional groups across the Caribbean and Pacific too).

Implications for Anglophone Africa

Given the result of the 2019 elections, the question of post-Brexit UK-Africa trading relations has raised mixed responses. Langan (2016) contests that Brexit has implications beyond Europe in the sense that it lends favour to the argument against long-term successful regional economic projects elsewhere including those in Africa. It could swing the debate away from common economic agendas and back towards heavy mercantilist nationalism. There are those who argue that Brexit presents a learning opportunity for African regional economic integration in terms of process and pace (see Ansorg and Haastrup 2016). For example, Sumbai (2019: 55) suggests that thanks to Brexit, the East African Community (EAC) can learn from the struggle between nationalism and supranationalism and can balance its approaches to regional challenges as a result. Others suggest that Africa should use Brexit as a sign that the continent should develop its own economic script going forward and not rely on supposedly successful European examples of integration (Simura and Asuelime 2017: 25). Moreover, Van der Merwe (2019) contends that Brexit could indirectly promote the value of the new African Continental Free Trade Agreement, which now covers the world's largest free trade area and a potential market of over 1.3 billion people. South African president Cyril Ramaphosa spent time at the August 2019 G7 summit in Biarritz, France, promoting this continental agreement and the opportunities for trade in Africa. In light of this, a post-Brexit Britain may consider playing a more prominent trading and investor role in Africa. Lopes (2017: 84) asserts that Brexit could mean a more inward-looking UK, and this would not serve Africa well. He suggests that 'it is up to African businesses and governments to refocus Britain's attention' away from Europe and towards Africa.

Despite these extreme negatives or positives, Kohnert (2018: 119) identifies key aspects that will

characterise the post-Brexit UK, EU and Africa trilateral: Foreign direct investment (FDI); market access; aid and the nature of the relationship, amongst others. In terms of political influence, the African anglophone countries will lose their main arbitrator in the EU when the UK leaves Europe, leaving the power to France and Portugal to manoeuvre on behalf of their former colonies (Kohnert 2018: 121). There is historical legacy for African states as many were former British colonies and have maintained trading relations and diplomatic ties post-independence with the UK and the Commonwealth of Nations. This link may, however, need to be reinvented post-Brexit if the UK is to compete against other investors on the continent. Over a ten-year period, UK investment in Africa more than doubled moving from nearly 21 billion British pounds in 2005 to nearly 43 billion in 2014 of which South Africa will likely take the largest chunk. After all, in 2014 alone, South Africa accounted for nearly 30 per cent of UK foreign direct investment in the continent (Hardie in Kohnert 2018: 122). In 2017, former UK Prime Minister Theresa May announced that post-Brexit the UK planned to promote further FDI in Africa and to implement trade enhancing programmes such as 'aid for trade'. A percentage of the UK's gross national income (GNI) is earmarked for spending on aid, however, according to Kohnert (2018: 123), there is a real possibility that Brexit could mean a decline in UK aid for Africa. This is dependent on numerous reasons including the realisation that the UK has effectively regarded the EU as a platform through which its own aid could be enhanced and without this platform at its disposal 'Britain's willingness to fulfil its aid pledges could decrease significantly' (Kohnert 2018: 123).

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This relationship though, could be dead in the water if the current UK Prime Minister Boris Johnson continues to insult African 'partners' with abhorrent and backward descriptions of Africans as he did on a visit to the continent in 2002 when he labelled locals as 'flag-waving piccaninnies' with 'watermelon smiles' (quoted by Ebrahim 2019). Johnson apologised for his offensive remarks but the condescending tone creeping into his later speeches is telling.

Połońska-Kimunguyi and Kimunguyi (2017: 325-326) have reflected on Johnson's take on Africa while performing the role of the UK's Secretary of State for Foreign and Commonwealth Affairs (2016-2018). During this time, he entertained promoting a Global Britain that sees Africa as a 'blot' or problem that needs to be developed or 'civilised' and by imposing Western-style liberal democracy, promoting free markets and protecting human rights as the most appropriate track for growth. This strategy would entail the credible presence of British aid and development industries on the continent. Incidentally, Labour Party leader Jeremy Corbyn was set to spend four days in Ghana in late August 2019 to meet the President Nana Akufo-Addo and other senior government members, but he later cancelled his plans in favour of holding urgent talks on blocking a no-deal

Brexit with fellow opposition parties (Devlin 2019).

More charitably, Cargill (2018: 8) believes that there is a core 'Africanist' group within the leadership of the UK's Foreign and Commonwealth Office that has 'significant Africa experience'. This group recognises the opportunities and threats emerging in and from Africa that could impact the UK. After all, Africa will soon be home to well over a third of the world's population and this has growing significance for trade and investment plans after Britain leaves the EU. The UK's Minister for Africa, Andrew Stephenson, declared at a 14 October Financial Times Africa Summit 2019 that after visiting Kenya, South Africa, and Uganda, among other countries, and meeting people from all walks of life, he found the 'people receptive to the UK's desire to a build modern, future-focused, mutually beneficial partnerships for prosperity' (Stephenson quoted in Department for International Development 2019). Stephenson was keen to convey that under Prime Minister Boris Johnson, 'the UK has a vision of working together with African countries on innovation, forging new investments with sustainable impact that creates jobs and boosts prosperity for all through an enduring partnership' (Stephenson quoted in Department for International Development 2019). In January 2020, a UK-Africa Investment Summit was hosted in London with these goals in mind.

However, as Mthembu (2018: 15) reflects, apart from the EU, 'China, India, . . . Turkey, the United States, South Korea, and Japan . . . have their own regular summits with their African counterparts to discuss trade, development, and security matters affecting the continent and its partners . . .'. The UK is not the only option for African states, and this may mean more leverage for stronger African economies who can negotiate well enough to capitalise on future deals with partners other than the UK.

In August 2018, UK Minister for Africa at the time, Harriet Baldwin, declared that Brexit would have no negative effect on UK-Ghana trade. Baldwin indicated that, through the EU, Ghana had very good trading access to the UK and that post-Brexit the UK would maintain those relations in the interim with every intention of bolstering longer-term trading commitments with Ghana (BusinessGhana 2018). Botswana too has been heavily involved in negotiating post-Brexit relations with the UK, and the EU-SADC Economic Partnership Agreement (EPA) (Ramadubu 2019). Since the SADC EPA will no longer apply to the UK after Brexit, arrangements needed to be made to ensure continuity in trade relations. The Southern African Customs Union (SACU) (which includes South Africa and Botswana), together with Mozambique, appointed Botswana's Minister of Investment, Trade and Industry, Bogolo Kenewendo, as coordinator of the negotiations. In August 2018, the UK's Minister of Trade and Policy, George Hollingbery, and Botwana's Kenewendo jointly declared the assurance of maintaining continuity of trade relations between the UK, SACU (and Mozambique)

by replicating the existing EU-SADC EPA in a future UK, SACU, and Mozambique EPA. This new EPA would be used to 'promote development and support the integration efforts of the African Continent' (Joint statement on UK, SACU and Mozambique EPA 29 August 2018).

The journey of this agreement has been bumpy. By March 2019, negotiations remained unresolved over how 'cumulation' would be managed in a new trade deal as well as on sanitary measures related to disease-carrying animal and plant exports, according to South African Minister of Trade and Industry at the time, Rob Davies (*Daily Maverick* 2019). Nevertheless, by September 2019 Britain had agreed to an EPA with South Africa, Botswana, Namibia and eSwatini which, when formally accepted and actioned, will mean business as usual with Britain post-Brexit with no additional hindrances (Bavier 2019).

As part of the former UK Prime Minister Theresa May's 2018 tour 'to woo' Africa, May indicated that Brexit would prove to be the impetus for new long-term strategic partnerships between the UK and African countries (Suess 2019). This would entail new 'skill sharing programmes' and 'innovation partnerships' where British legal minds and financial wizards would share their expertise and prowess with African partners across financial, business and technology sectors in Nigeria, Kenya and South Africa amongst other African countries. Notably, the UK's drive to strengthen its presence on the African continent has stretched to include the Francophone countries in West Africa and not simply to its former colonies or Commonwealth partners. In August 2017, Uganda and Tanzania refused to sign a new EU-EAC EPA on the grounds that it would have a negative effect on development and democracy in the region (Crawford 2017).

South Africa is one the UK's largest trading partners in Africa. In 2017, bilateral trade reached around R173 million (Mthembu 2018: 14). Within a day of the British referendum, the South African rand suffered an 8 per cent decline in its value against the US dollar indicating that there is a significant link between the British and South African economies. After all, several South African companies are listed on both the London and Johannesburg stock exchanges (Tan 2016). Whereas Tan (2016) suggests that South Africa will 'bear the brunt of Brexit', as it is the UK's largest African trading partner, Ombok (2019) suggests the impact of Brexit on African businesses will be marginal. Around 115 (8.8 per cent) African companies are listed on the London Stock Exchange (LSE). According to the LSE's Director of Emerging Markets and International Markets, Ibukun Adebayo (in Ombok, 2019), only 9 per cent of investors in companies listed on the LSE are European, 40 per cent are from the UK and 30 per cent from the US.

Botswana, Ghana, Kenya, Malawi, Nigeria, South Africa, Uganda, United Republic of Tanzania and Zambia are all members of the British Commonwealth of Nations. Zimbabwe withdrew

in 2003, though it has since officially applied to re-join the group in mid-2018. As members of the Commonwealth, these African states are part of a mechanism that espouses political and economic advantages for members states. A November 2016 Commonwealth Trade Policy Briefing document succinctly summarised the salient issues around Brexit for Commonwealth member states. It suggests that since EU trading policies have long since governed the relationship between the UK and individual Commonwealth member states, a post-Brexit world implies wide-ranging implications for new trading deals between members and the UK and between members and the EU as separate entities. This junction creates space for the Anglophone African countries to initiate substantial new trade and investment plans as well as the potential to draw on the trade advantage created by virtue of being part of the Commonwealth family in pursuing better trade and investment flows between members (Gonzalez 2017: 12).

A cautionary tone should be applied here though. Henning (2018: 25) warns that it would be a mistake to assume that the Commonwealth will step up in a coherent way to safely manage post-Brexit UK trade in large part because of the diversity of the current trading relationships within the Commonwealth. UK trade negotiators would essentially be starting anew on trade deals based on a post-Brexit globalist strategy. This could clash with an historical trade legacy of Commonwealth states being incorporated into 'the EU's system of preferences in 1973 and by the subsequent evolution of the trade relationship between the EU and the ACP (African, Caribbean and Pacific) countries from the Lomé Convention to the EPA negotiations' (Murray-Evans 2016: 496). Similarly, Walsh (2019) asserts that the Commonwealth is not a practical replacement for the EU and lacks the capacity to be transformed into a meaningful trading bloc.

Indeed, the very real downside of Brexit for Africa, is that potentially Africa's market access into the UK and EU could be significantly interrupted by shifting trade policies post-Brexit. How would African markets deal with a possibly weakened or depreciated pound after Brexit? See Table 1 for trading statistics (2018) between the listed countries and the UK. According to Mold (2018: 3), from the 'UK's perspective, Africa is a strategic but in absolute terms not a major trading partner . . . representing an identical share of just 2.6 per cent of both imports and exports'. From the African perspective, in general, 'the UK is a strategically important but still relatively minor market, representing 3.2 per cent of total exports from Sub-Saharan Africa in 2015' (Mold 2018: 3).

The UK may not be the primary trading partner for the listed countries, but it nevertheless still features as a main trading partner. Trade, post-Brexit could be boosted and European countries could also feature, especially France, Germany, and the Netherlands. Malawi's main trading partner, for instance, is the EU while Botswana exports over 10 per cent of its world exports to the

UK and Kenya sends over 80 per cent of its vegetable exports to the EU (Dowson 2017). About US $9 billion worth of Commonwealth exports are to the UK alone. The UK imports precious and/or semiprecious metals from South Africa, Zambia and Botswana. South Africa is also the number one Commonwealth importer into the UK of edible fruit and nuts (56 per cent share in Commonwealth imports into the UK) and shares in the market for apparel and accessories, both not knitted (0.2 per cent) and knitted (0.1 percent) (Mitchell, Zaman and Raja 2016: 23).

Mitchell, Zaman and Raja (2016: 4) assert that:

> 'The eventual impact of Brexit is partly dependent on the success of trade negotiations, and will affect countries differently, depending on their UK exposures. Specifically, the degree of impact will depend on countries' level of openness, their balance of payments and the volume/value of their transactions with the UK'.

African Commonwealth states' relationship with the EU could benefit them more in a post-Brexit world considering an EU market of 27 states (just under 450 million people) as opposed to a single UK market (over 65 million). Many of Africa's Pan-African institutions are funded by the EU and in 2016 the EU gave 21 billion € (Euros) in development cooperation and 32 billion € in private investment to Africa (European Commission 2019).

Table 1. Anglophone Africa and Trading Statistics According to the United Nations COMTRADE database on international trade (Trading Economics 2019)

Country	Imports (UK)	Exports (UK)	Trading partners
Botswana	$58.03M (2018)	$54.60M (2018)	Main import partner is South Africa (75% of total imports)
Ghana	$604.14M (2018)	$491.54M (2018)	Main import partners: China, United States, Belgium, UK and France.
Kenya	$310.31M (2018)	$396.75M (2018)	Kenya main import partners: India, China, UAE, South Africa, Saudi Arabia, United States and Japan
Malawi	$135.07M (2017)	$32.68M (2017)	Malawi's main export partner is the European Union (50% of exports)

Country	Imports (UK)	Exports (UK)	Trading partners
Nigeria	$1.09 Billion (2018)	$2.28B (2018)	Main trading partners: India, Spain, Netherlands, South Africa and France
South Africa	$2.89B (2018)	$4.81B (2018)	Main export partners are: China (9.7% of total exports), the United States, Germany, India; Japan, and Botswana
Tanzania	$170.47M (2018)	$60.07M (2018)	Tanzania's main export partners: India, Japan, China, United Arab Emirates, Netherlands and Germany.
Uganda	$81.14M (2018)	$9.66M (2018)	Uganda's main export partners are Sudan (15%), Kenya (10%), DR Congo, Netherlands, Germany, South Africa and UAE
Zambia	$185.47M (2018)	$352.91M (2018)	Zambia's main export partner is Switzerland (45 % of total exports). Others: China (20%), South Africa, United Kingdom, Zimbabwe and Congo-Kinshasa.
Zimbabwe	$226.22M (2018)	$3.05M (2018)	Zimbabwe main export partners are: South Africa, China, Congo and Botswana.

Resurgent Russian-African relations

Like a post-Brexit UK, Russia too has a globalist agenda under President Vladimir Putin, and this extends to wooing the African continent with condition-free trade and investment deals. Most especially Russia is keen to invest in nuclear power, oil and gas. Russian state corporation, Rosatom, has signed deals with Uganda, South Africa, Ghana and Nigeria, for whom it is helping to build a nuclear reactor, and has feelers out in Zambia as well as offering educational training programmes in Kenya (Burke 2019). Russian investor Lukoil invested $900 million in oil exploration in Ghana and the Ivory Coast in 2010. Russian interest extends to minerals too. In two examples, Russian company Norilsk Nickel invested $2.5 billion in the nickel mining industry in Botswana in 2007 (Olivier and Suchkov 2015:157) and Zimbabwe's Pen East Ltd has joined with Russia's JSC Afromet to develop platinum group metals and gold in Zimbabwe (Neethling 2019).

Olivier and Suchkov (2015: 147) argue that although the Soviet Union played a role in Africa during the Cold War, after the dissolution of the Soviet Union, the country had not left much of

a mark on the continent. However, this could work in contemporary Russia's favour as, unlike the UK, which has a decidedly Eurocentric cultural hold over its anglophone former colonies, Russia has the advantage of engagement with the continent 'without the debilitating colonialist chip on the shoulder'.

That is not to say that Russia has had full success in Africa since 1990. The R1 trillion Russia South Africa nuclear deal, under former South African President Jacob Zuma, was eventually declared unlawful and unconstitutional in South Africa's Cape High Court and cast aside in 2017. More recently Russia hosted the first Russia-Africa summit in Sochi in late October 2019 where 47 African state representatives were in attendance (Fabricius 2019). Russian President Vladimir Putin took the opportunity to promote Russia as Africa's ally in sovereignty, nuclear energy and economic growth prospects, as well as maintaining its role as a global arms dealer. Without being specific, he labelled Africa's former colonial powers as intent on re-imagining their colonial pasts and warned Africa against this influence. Competition in Africa, for Africa, is not new, and Russia is late to the game. Indeed, China has been holding Sino-Africa summits for more than 15 years.

China in Africa

A post-Brexit Britain would need to cut in on Chinese competition in Africa. Since 2010, China's investment in Africa has almost trebled and its influence on the continent grows with it. A study undertaken by the Pew Research Center (quoted in The Spectator 2018) asserts that 'Africans now have a more positive view of China than people anywhere else in the world'. Cheru and Obi (2010: 2) warn that China's

'... growing engagement in Africa can become a positive force only when African states are prepared to negotiate ... from a stronger and more informed platform. In the absence of deliberate and proactive African action, the outcome of China's ... involvement in Africa could turn out to be "neocolonialism by invitation"'.

However, China insists that its involvement in Africa comes with no strings attached. In 2018 Chinese President Xi Jinping promised $60 billion dollars towards project financing in Africa to build on a long-standing commitment to the continent (*The Telegraph* 2018). For example, China has been involved in business in Zambia since the 1970s. Sino-Zambian relations have recently become strained, however, over Zambia's growing debt crisis. Uganda too has a large national debt of over $10 billion in 2018, of which $3 billion is owed to China. Ugandan Finance Minister Matia Kasaija wrote of his concern that Ugandan sovereignty was being threatened by Chinese

influence, in a letter to Ugandan long time President Yoweri Museveni in 2018 (Muhumuza 2019). Nevertheless, solidarity with China is clear, at least in a recent statement by Uganda's Ministry of Foreign Affairs in which it declared its support for China's sovereignty over the situation in Hong Kong. Though, some suggest that this solidarity is a no-cost way to build support and goodwill with Beijing since it does not compromise Uganda's national interests (Olander 2019).

For three consecutive years China has been Tanzania's largest trading partner. Despite this, there has been disagreement over a $10 billion Chinese-backed port project between the state-run Tanzania Ports Authority (TPA) and China Merchants Holdings International. TPA's Director General, Deusdedit Kakoko bemoaned the conditions outlined by the Chinese company as 'commercially unviable'. He demanded that a compromise be a reached and argued: 'It would have been a loss . . . they shouldn't treat us like schoolkids and act like our teachers' (Ng'wanakilala 2019). Although the Botswana-China bilateral trade is relatively low compared with China's trade in Africa overall, in 2018 $296 million, Botswana's new administration under President Mokgweetsi Masisi is actively seeking bettering economic relations with China (Cong 2018).

Climate change and the renewable energy game post-Brexit?

An area of potential investment for Britain in Africa, post-Brexit, would be green energy. Green energy is a trillion-dollar opportunity for investors. Tanzania, for example, produces enough solar energy equal to fourteen US states combined. Off-grid solar energy, that is small systems or standalone systems that are used to power communities, has real growth potential (Lawson 2018). In August 2018, Theresa May promised that by 2022 the UK would be the largest G-7 investor in Africa and that a large part of that investment would go towards climate change and natural resource management projects (Suess 2019). An example of such an investment is the funding of renewable energy projects such as £22 million going towards off-grid solar energy in Zambia. This investment would be mutually beneficial as the UK's national security objectives would be met by a stable and developed Africa as well as increasing opportunities for British companies. Another consideration for the UK is food security implications in the light of climate change challenges and the fallout from a no-deal Brexit such as higher costs or shortages and delays related to potential import troubles. After all, 40 per cent of the UK's food is imported and close to a fifth of the fresh food imported comes from countries threatened by climate change (Harvey 2019).

Ugandan Minister for Water and Environment Sam Cheptoris met with Rory Stewart, before the latter resigned from his role as the UK's International Development Secretary in mid-2019, in an

effort to lobby for control of climate aid given to African countries. The mantra is that money for climate projects in poorer states is an obligation on the part of developed states responsible for global warming and not a donation. Cheptoris' view is that there should be a partnership between the developed and developing world to resolve climate challenges (Sauer 2019).

Another possible avenue of environmental exploration in Africa for the British government may be the use of a relatively popular asset, its Royal family. In September 2019, Britain's Prince Harry and his family including his wife, the Duchess of Sussex, visited southern Africa on what some referred to as a diplomatic charm offensive to boost Britain's relations in the region. Their first day ended with a reception at the British High Commissioner's Residence to mark the 'rich and diverse nature of the UK's modern partnership with South Africa' (Winning 2019). Between them, the couple visited South Africa, Angola, Botswana and Malawi. Prince Harry dedicated a forested area near the border with Namibia, Zambia and Zimbabwe to the Queen's Commonwealth Canopy (QCC). Countries committed to the QCC and its goal of conserving indigenous forests for future generations include South Africa, Botswana, Zambia, Uganda, Nigeria, Ghana and Malawi. Tanzania is also expected to join. Previously, in 2010, Prince William and Prince Harry visited Botswana to promote, among other things, the Coaching for Conservation Project which is a charity that links soccer to wildlife protection efforts. In 2018, the heir to the British throne, Prince Charles and his wife the Duchess of Cornwall visited West Africa and Prince Charles gave a public lecture in Ghana on preserving the environment. Monarchy is not new to African societies and there are those who are not impressed by Royal visits. However, there is goodwill, good works and of course the benefits of capitalism as there is business, and therefore money, to be made from the mutual publicity inevitably accompanying such visits.

Conclusion

The question of life after Brexit for Africa has mixed responses. There are those who argue that the change will make no real difference to Africa and others who suggest that if the UK becomes more inward-looking, economic Africa could be severely and negatively affected. However, there is also a real possibility that Anglophone Africa has an opportunity to strengthen its ties with Britain post-Brexit and that a mutually beneficial relationship is a possible outcome. These are 'ties' that bind including language, history, cultural overlaps and similar legal and trading systems and regulations due to direct colonial links. It could also mean that African agency is somewhat amplified in terms of African states' choice of economic partners going forward. Although China and Russia are certainly

viable options going forward, the relationship between African states and these two powers has not always been smooth sailing. Potential avenues for British investment, post-Brexit, on the continent could be green energy or solar energy systems and this could bode well for Africa too in terms of sustainable development initiatives. We may also see an increase in diplomatic charm offensives in the form of increased visits to Anglophone Africa by members of the Royal family — considered by some to be the country's most lucrative asset.

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Chapter 10
Appreciating the complexity of Anglophone African democracies

Heather A Thuynsma

Since their independence from Britain, the ten countries studied in this book have spent a great deal of political capital trying to develop a level of peace, prosperity and trust within their borders. Their efforts have had mixed outcomes with states trending between two political extremes — democracy or, where essential civic foundations are more brittle, a form of autocracy. In an attempt to illustrate their uneven results, the authors in this book have compared key political elements that underpin most stable democratic systems. These elements, however, do not exist in isolation and their interaction continues to complicate these countries' political development.

Key Intersecting Issues:

In their various chapters, the authors in this book identify several persistent issues that still shape each county's political stability. These intersecting issues at times bisect each nation's politics but, if leaders act proactively to mitigate their effects, they can also bond these societies in ways that will promote general prosperity and much-needed trust.

a. Political Institutions and the effect of their Colonial legacy

Many scholars have studied the effects colonialism has had on the politics of former colonies. Young (1994, 2004, 2012), for instance, blamed a colonial legacy for undermining the power structures of the newly independent states which Frimpong-Ansah (1992) suggested impeded the growth of more liberal opposition movements. Other assessments, however, show that some democracies have benefitted from their colonial heritage. Dias, as an example, used a historical comparison together with a quantitative analysis of statistics from the Varieties of Democracy (V-Dem) dataset to measure the influence of this legacy. His findings suggest that the basic administrative structures,

such as local parliamentary elections with universal suffrage, created stronger civil societies and more inclusive democratic regimes although, it must be mentioned, he only studied four case studies, two of which – Ghana and Kenya – are covered in this book.

Collier (1982) has similarly researched the British effort to introduce political institutions to facilitate debate and participation from across racial lines. Her study revealed that democratic development had been hamstrung in cases where white populations were allowed to dominate the political sphere – South Africa and Zimbabwe are prime examples. When full multi-racial participation was allowed black elites not only dominated but did so through a singular and dominant party that relied on repressive and coercive tactics to stay in control.

Yolanda Sadie's depiction of the role elections play in guarding democratic consolidation concurs and methodically illustrates these findings within each of the ten case studies. Influenced by colonial preferences, many of the sample countries have adopted simple-majoritarian election systems with the exception, Sadie notes, of South Africa with its proportional representation system and Zimbabwe's move towards a mixed system. Regardless, it seems as though the manner in which seats are calculated ultimately favours larger parties –– essentially reinforcing their dominance and limiting the number of women who are elected as representatives. Sadie discusses the attempts various countries and their political parties have used to mitigate this inequity while underlining the fact that women's representation is more than symbolic, their presence helps change (or perhaps threaten) an essentially paternalistic political culture.

Another by-product of the various electoral systems Sadie recognises, which is similar to trends tracked in the US electoral process (McKee 2008), is the disproportionate influence rural constituencies have on the overall outcome. This trend also seems to further illustrate Collier's (1982) finding that single party dominance, especially that which is prone to using electoral malpractice to ensure its political position, is likely to persist. Sadie suggests that allegations of malfeasance seem to accompany nearly every election cycle despite tightened electoral laws, constitutions and the presence of electoral management bodies to oversee the registration, voting and tabulation processes.

b. Securing peace

The terms 'peace' and 'development' are dynamic and relative concepts that have not quite taken root across all the case studies. A relatively peaceful form of development, where that exists, can be interpreted as democracy developing some foundation in the society's political culture. Granted

there have been no formal military interventions in recent years — Zimbabwe's 2017 military's pseudo-role being a glaring outlier — which seems to show some progress from earlier years where long-standing military juntas managed countries such as Ghana, Nigeria and Uganda. But persistent inequality and under-development have spurred violent tensions between ethnic groupings in Kenya (particularly around elections periods such as 2017) and between locals and immigrants (South Africa's xenophobic attacks in 2008 and 2019) and with extremist organisations such as al-Qaeda affiliates Boko Haram in Nigeria and Al Shabab in Kenya and Tanzania.

In addition, various policing forces have displayed their baser tendencies when coping with protesters and their demands for improved service delivery and freer expression. These are demands that have come from a burgeoning middle class and a younger demographic whose voice is beginning to dissolve some of the sugary spin that is characteristic of ruling administrations. Raising issues such as the right to land and other social-economic benefits have become a rallying cry for many, far more assertive citizens, who feel ignored and are unemployed.

By championing their right to land, the youth have resurrected a simmering injustice. In many ways, land is the so called 'third rail' of African politics and redressing the policy effects of the last century is something post-colonial governments have been slow to address. As Afolabi and Gilles de Pelichy acknowledge, it is the single issue that has sparked conflict across the sample and provokes governments to use more highhanded measures, often at the risk of ruining their fragile economies — Zimbabwe is the perfect case in point — or widening inequity as is seemingly the case in South Africa. But as the Botswana case shows it can also be the issue that develops a sense of inclusion for both customary and individual claims. Land is certainly an emotive issue and people's attachment to it is something democracies need to address.

The growing economic and political needs of the youth is another major undercurrent these African countries will have to address. But while many countries have developed a type of Youth Council to manage ever rising expectations, such initiatives lack the capacity and purpose to properly engage their constituencies. For Victoria Graham much of this can be blamed on the fact that an older leadership governs party and political structures who are unable to fully appreciate their younger base's demanding approach to politics. And the youth, as Graham points out, are far from politically disengaged. Thanks to their savvy use of technology they are able to broadcast their agitation in ways not seen in earlier political periods. Their challenge of democracy's non-delivery could incite a push for an alternative form of government, perhaps one that is aligned to a more autocratic model.

To address some of these concerns and restore faith in democratic systems requires adopting and enforcing a constitution that enshrines values such as accountability and transparency. In tracking the three ways accountability can manifest – vertical, horizontal and personal – Reinders describes both the positive and negative consequences for each of the case studies. One of his specific concerns is identifying how presidential term limits have been circumvented essentially undermining the credibility and viability of a country's democracy. This is a factor that is also raised in Afolabi and Reinders' study of leadership which traces a disturbing move towards personalised and corrupt leaders in countries such as Ghana (1960-1966), Malawi (1964-1994), Zambia (1964-1991), and, until recently, Zimbabwe (1980-2017). Unfortunately, at some point these leaders' natural charisma gives way to authoritarian tendencies ushering in more autocratic measures as Lührmann and Lindberg describe in their 2019 article. This autocratic turn, as Reinders and Afolabi also suggest, has been coupled with a murky attempt at transparency that has used political manipulation to circumvent legal prescripts and, for the most part, obscure growing corruption.

c. Financing credibility

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Corruption is a defining theme that is explored throughout this book. Sadie, for instance, suggests that much of the fiscal proceeds from corrupt deals finance political parties, particularly those in power. Such deals have become the hallmarks of patronage politics which have, in turn, swelled the number of civil servants to unhealthy levels and skewed government expenditure to favour unviable state-owned business entities from which key supporters, and parties, benefit. Zambia's decision to become the majority shareholder in the country's copper mines between 1969 and 1970, Nigeria's move to nationalise British Petroleum's (BP) holdings in 1979, Zimbabwe's forays into land redistribution, and the South African government's dogged investment in its failing airline South African Airways are a few examples. And astute leaders such as Hastings Banda, Julius Nyerere, Daniel arap Moi, Robert Mugabe, and Jacob Zuma were all able to milk these politics and stay in office amidst growing public dissent. To some degree public rancour towards these leaders helped opposition groups win control; Zambia, for instance, has seen a rotation of power amongst different opposition parties since President Kaunda lost the 1991 election.

Since the 1990s, international lending bodies like the World Bank and the International Monetary Fund, who are among the first ports of call for African leaders looking for economic assistance, have written into their loan agreements key Structural Adjustment Programmes and revised legal standards that entrench good governance. They hoped that these stipulations would help liberalise

economic policies and force a privatisation of state-owned entities effectively undermining patronage politics and shoring up these countries' economies and democratic systems. This move has had mixed success. Politically these conditions have simply produced more uncertainty – the effects of Nigeria's revised constitution and Uganda's new standard are two examples explored in this text. On the other hand, South Africa's new constitution engendered far more encouraging signs and the provisions inspired successful multi-party elections in Ghana, Kenya, Tanzania and Malawi buoyed by greater civic freedoms and voter participation.

In some cases the measures achieved their purpose and prepared these economies to leverage their natural resources such as oil, cocoa, copper, diamonds, cobalt, cadmium (Rotberg 2013). It is an initiative African leaders and political parties should consider continuing given their growing fiscal demands and rates of unemployment.

After independence many states looked to expand their trading networks and source development aid from nations other than Britain. They forged links with countries such as Canada and Sweden but with minimal success because they were inexperienced negotiators with weak economies – a position that will likely be further hamstrung by the COVID-19 pandemic lockdowns. In addition, regional trade blocks such as ECOWAS and SADC will play will likely play a minimal role.

As they scan for potential trading partners, these countries should not overlook the possible benefits of a relationship with their former colonial administrator. The UK's decision to leave the European Union and renegotiate its trade partnerships could, as Suzanne Graham demonstrates, present a real possibility for these colonies to strengthen their economies and mitigate their spiralling youth unemployment numbers. By increasing their ties with their former colonial power it is distinctly possible that these countries can use their affiliation to Britain and its Commonwealth members to fund a green economy that could employ and engage their younger populations. Stabilising these key economic factors could be the salve that these leaders need to grow genuine trust and develop thriving democratic systems.

d. Affecting Political Participation and Competition

These scholars do indeed outline several factors that those interested in democracy and its stability should watch and understand. But these factors alone do not explain the strength and possible resilience of some of the studied democratic systems. This is why Sadie and Victoria Graham, like Bratton and Van de Walle (1997), highlight the crucial role political participation and competition

play in a system's survival. While most regimes aspire towards a multi-party system many have simply endorsed intra-party rather than inter-party competition.

This tendency seems to justify the scholarly preoccupation with mapping the strategic moves of political elites. O'Donnell, Schmitter and Whithead (1986) looked at how elites steer political and institutional contexts mainly because economic development across the continent is relatively low (Lindberg, 2006, 2009). While Bratton (1998) and van de Walle's (2003) work went further and traced the tactics incumbent elites used to retain office with Lindberg (2009) describing how elites controlled the outcome of multi-party elections in previously authoritarian countries.

Afolabi and Reinders allude to more recent attempts to understand how leaders in liberation movements have shaped their country's democratic stability. Garcia-Ponce and Wantchekon (2011) found that movements that used urban protests, mass mobilisation and essentially non-violent actions developed stronger civil societies and embedded a more resilient political culture. Conversely those that waged a rural insurgency tended to use more violent approaches. Garcia-Ponce and Wantchekon seem to assume that political culture depends solely on the nature of the independence movement and ignore other factors such as path dependency and the staging of regular, even though not regarded as fully democratic, elections (Miller 2015). Their study also does not account for institutional variation amongst the different colonies which Sadie and du Toit show can be an influential factor.

du Toit acknowledges that civil society's link with key democratic processes is a crucial factor for promoting essential freedoms of speech and upholding a degree of transparency during electoral cycles. This sector is also part of each country's colonial legacy and stirs debate about the need for essential service delivery often having to provide these services themselves. Zimbabwe's civil society, as an example, has worked hard under extraordinarily repressive conditions to promote the plight of its people and will, hopefully, continue to act as a watchdog and encourage a deeper respect for democracy in the years to come.

e. Strategically Harnessing Communications

Media coverage and its effects are also mentioned in several of the book's chapters. Authors point to the many uses of communication technology and illustrate Freyburgi and Garbe (2018) findings that authorities use networks to spread disinformation and block access on election days. Post-colonial states have also used various platforms to track their people (Breckenridge 2005) and bring their constituencies to heel (Falola and Heaton 2005).

Africa's leaders have indeed worked hard to control the airwaves to curb violence and win the support and adoration of their constituents (Clapham 1996; Herbst 2014; Jackson and Rosberg 1982). Radio stations were particularly vulnerable to state control as Sadie and others studying its role in the Kenyan 2007 election suggests (also see Diepeveen 2019; Somerville 2011). Newspapers, as Njube (2001) found, have helped leaders such as Kwame Nkrumah (Ghana), Jomo Kenyatta (Kenya), Julius Nyerere (Tanzania) defend their credentials. While South Africa's exiled ANC and the SACP leaders used radio to build opposition networks inside the country (Davis 2009).

Strategic use of communications mediums is clearly not a new phenomenon but with mobile technology rapidly expanding across the continent, the role digital platforms play is a rising factor for democracy's success. Cost-effective digital infrastructure has encouraged new ideas, finance and entrepreneurial activities and is pushing centralised authorities to re-imagine their roles while new internal and international partnerships are being formed. Platforms such as Twitter have allowed political parties to grow their funding and support base with campaigns such as #ThisFlag and #ThisGown in Zimbabwe sparking viral messaging that has (re)configured content and a largely youthful voice (Gukurume 2017; Tully and Ekdale 2014). While others, such as Facebook and WhatsApp, have provided a medium for extremist and populist organisations such as Boko Haram to recruit a base of acolytes and wage an insurgency in Nigeria (Banyongen 2020). Some governments have even repurposed geospatial technologies brought in to shorten response times for humanitarian initiatives to increase their ability to monitor societies and ostensibly provide greater security (Duffield 2015).

Ultimately, as the authors in this book depict, these Anglophone African states have the foundations, however brittle they might be, to develop their democracies. But they need to address these intersecting issues to foster lasting peace, prosperity and a firm level of trust.

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