

# Reviewing democracy and human security in Africa

## 1.1 The background

This “shadow peer review” of democratisation in a selection of eight African countries is inspired by the aims and ambitions of the New Partnership for Africa’s Development (NEPAD) and the newly launched African Peer Review Mechanism (APRM). The challenge of NEPAD for African political leaders is to improve governance on the African continent in order to create the conditions for growth and development, both through the continent’s own efforts and by soliciting aid and investment from Western partners. The peer review mechanism is meant to monitor and encourage adherence to the NEPAD standards of good governance. To date, 19 countries have signed up to the APRM and the first peer reviews are taking place in 2004.<sup>1</sup>

This monograph forms part of the African Human Security Initiative (AHSI). Our aim is to add value to the official state-to-state peer review process. Although NEPAD is “inherently a state-centric initiative, pitched at the level of African political leadership taking responsibility for the continent’s development”,<sup>2</sup> the plan envisages a supportive role for civil society. How civil society can fulfil such a supportive role while retaining its critical distance from government is a question still under debate,<sup>3</sup> but the AHSI partners agree with Khabele Matlosa of the Electoral Institute of Southern Africa that:

1 The 19 countries are: Algeria, Angola, Benin, Burkina Faso, Cameroon, Republic of Congo, Egypt, Ethiopia, Gabon, Ghana, Kenya, Mali, Mauritius, Mozambique, Nigeria, Rwanda, Senegal, South Africa and Uganda.

2 J Cilliers, *Human and State Security in Africa – a conceptual framework for review*, AHSI, Pretoria, 2003, p 20.

3 *Ibid*, pp 17–22.

There should be a shadow process by civil society organisations so that if they can't participate in the formal process, they have their own process to keep it honest. As civil society, agencies must interrogate peer review, conduct research and share information with each other.<sup>4</sup>

It is in this spirit that the research institutes that make up the AHSI partners embarked on a shadow peer review of eight of the countries that have signed up to the APRM. The countries are: Algeria, Ethiopia, Ghana,

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Kenya, Nigeria, Senegal, South Africa and Uganda. The AHSI reviews do not attempt to duplicate the APRM methodology, but concentrate instead on particular aspects of good political governance that lie within the remit of their expertise. In our case, this means the field of peace and security studies broadly defined. Our reviews therefore focus on AU commitments to good governance that have a particular impact on human security on the African continent.

## 1.2 Structure and contents of this report

Within the broad remit of reviewing human security, this monograph reviews the processes of democratisation in eight African countries with particular emphasis on institutions and practices that, if put in place and respected, would greatly enhance human security on the African continent. This first chapter provides the context for the monograph by, first, defining key terms such as “human security” and “democracy”; and second, describing and discussing the seven AU commitments chosen for review. Chapters Two to Eight will then review each of these seven commitments in turn, while Chapter Nine provides some conclusions on how democracy has fared over the last ten to fifteen years in the eight countries under review.

<sup>4</sup> K Matlosa, How should civil society respond to peer review, *eAfrica: the Electronic Journal of Governance and Innovation*, 1 October 2003, p 13.

## 1.3 Understanding democracy and human security

The core concepts of this review, such as “human security”, “good governance” and “democracy” are very broad. They need to be further defined and specified if they are to guide a practical research agenda. Thus a main task of this first chapter is to narrow down what “democracy” means when seen from the perspective of “human security”. This means defining both the concept of human security and that of democracy. The chapter will then set out the AU commitments selected for review, together with a general motivation for why these particular commitments were chosen.

### 1.3.1 What is human security?

Human security has become a central concept in the vocabulary of academics, policy-makers and civil society practitioners alike because it provides a means with which to emphasise the fact that the promotion of peace and security is quintessentially about protecting *people*, and not just about defending abstract collective entities such as “states” or “regimes”. However, the concept has some serious weaknesses. Foremost among these is the tendency to use the term as an all-encompassing umbrella covering all that is bad and sad in the world. As a result, the concept risks becoming so broad that it loses its meaning. The first task of any study of human security must therefore be to define and delimit the meaning of the term.

In order to separate security issues from ordinary political problems, the concept of security must include three components. First, the term security always implies “freedom from threat”. Second, the threat is understood in terms of survival. The threat is, in other words, of an existential nature. Third, this existential threat is accompanied by a notion of urgency and necessity – that something should be done immediately to save the object or value under threat.<sup>5</sup> If we concentrate on human security rather than on national security, political actions and decisions that threaten a person’s life, liberty and other basic human rights should be counted among such existential threats.

<sup>5</sup> A Hammerstad, *Refugee protection and the evolution of a security discourse: The United Nations High Commissioner for Refugees in the 1990s*, Oxford, DPhil thesis, 2003, p 30.

Since this study is on democratisation, human security is confined to political (rather than environmental, social and economic) threats. However, to ensure that there is a clear distinction between political problems and security threats (the difference lies in how threatening and urgent the problem is), it is necessary to narrow the definition further. In order to study the impact of political governance on human security this report will thus focus on issues that are related to, first, direct or indirect political violence against individuals or groups or the threat thereof; and, second, non-violent actions or processes (such as the stealing of elections through manipulation of voters' lists) that have a strong likelihood of leading to such political instability and violence.

### 1.3.2 The relationship between good political governance and democracy

*Good political governance* can be defined as the sum of the institutions, processes and policies that are conducive to human development and rights. While democracy is not a perfect system of governance, it would be hard to argue that any other system has had the same success in protecting and supporting the political and economic rights of the people living within it. Thus, this monograph – together with the treaty and declarations of the AU – understands good political governance as the furtherance of democracy and democratisation.

Democracy is in this regard not only understood as majority rule and the holding of regular elections. It includes all the paraphernalia of democratic governance: checks and balances, independence of the judiciary, political party pluralism, minority protection, constitutional protection, political liberties such as freedom of speech and association, etc. The focus will be more on democratisation than democracy, since a core aim of the review is to assess whether a country's democracy record is improving or deteriorating. This provides a more just measurement of a state's commitment to democracy than a snapshot picture would have done.

The overall theme of the review is thus the progress of democratisation from a human security perspective. This emphasis leads us to a focus on systems and processes for the transfer of political power from one

individual or group to another. The reason for this is straight-forward: the lack of peaceful mechanisms – or the lack of respect for such peaceful mechanisms – for the transfer of power has been one of the most common triggers for political repression, violence and even civil war on the African continent. Democratisation does not immediately eliminate such human security threats but if a democratic system is given time to root itself in strong institutional safeguards and if the principles and values of democracy become internalised among the political élites of a country, then violent power struggles would become a thing of the past. A properly functioning democratic system is one that takes power transfers out of the realm of security threats and into the realm of ordinary politics. However, the emphasis is on *properly functioning*: the road to democracy is a risky one, and can lead to chaotic and violent conditions if key political actors do not play by the rules.

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This review has identified four aspects of democracy that are in particular danger of causing human security threats if they are undermined or disregarded. First among these is the fairness of elections and electoral processes. Human security threats can arise due to violence during the election; because of violence as a result of election outcomes; or as a result of the way in which the election was conducted (for instance, by delivering an unfair victory to a repressive government).

The second aspect is the right and opportunity to create or be a member of opposition parties and campaign on their behalf. The abuse of this right can lead to human insecurity. Without legitimate channels through which dissent and disagreement can be voiced, the risk is high that political debate will turn into political violence. In addition, from the perspective of individual security and rights, it is unacceptable to have a political system where citizens run personal security risks if they are members of opposition parties.

The third aspect is the adherence to constitutional caveats concerning limits on terms in office. This is a human security issue because if there is

no peaceful way in which to get a leader to stand down, then transition of power is at risk of being violent, anarchic and destabilising.

The fourth and final aspect is the independence of the judiciary. This is a question of human security because an independent judiciary is an invaluable check on executive power and a necessary condition for the rule of law – which again protects the human security of citizens against the arbitrary use of power by authorities.

## 1.4 The choice of AU democracy commitments and how to review them

To sum up the previous section: the core focus of this study is the mechanisms, institutions and rules that ensure democratic and peaceful transitions of power. Before setting out the democracy commitments to be reviewed in this monograph, it is necessary to provide the case for why African leaders should be held to democracy standards at all. The previous section argued that democracy is valuable because, if its principles and institutions are strong and respected, it is a political system that is vastly more conducive to human security than any other the world has seen. This section will add to this argument by showing that commitments to democracy in all its aspects are not imposed from outside, but entered into by mutual agreement by African leaders themselves.

### 1.4.1 The sources

All the commitments reviewed in this study have been endorsed by AU (previously the Organisation of African Unity) heads of state in various declarations, memoranda of understanding, action plans and treaties. The AHSI partners have chosen the following selection of documents for their review:<sup>6</sup>

- *The New Partnership for Africa's Development (NEPAD) Declaration on Democracy, Political, Economic and Corporate Governance.*  
Assembly of Heads of State and Government, Thirty-Eighth Ordinary

<sup>6</sup> The documents, together with many others, can be found on the AHSI website, at [www.africanreview.org/commit.htm](http://www.africanreview.org/commit.htm).

Session of the Organisation of African Unity (Durban, South Africa: AHG/235 (XXXVIII), Annex I, 8 July 2002);

- *The Durban Declaration in Tribute to the Organisation of African Unity and on the Launching of the African Union*. Assembly of the African Union, First Ordinary Session (Durban: ASS/AU/Decl. 1 (I), 9–10 July 2002);
- *The New Partnership for Africa's Development (NEPAD)*. (Abuja, Nigeria: OAU, October 2001);
- *The CSSDCA Solemn Declaration*.  
Declarations and Decisions Adopted by the Thirty-sixth Ordinary Session of the Assembly of Heads of State and Government (Lomé: AHG/Decl.4 (XXXVI), 12 July 2000);
- *CSSDCA Memorandum of Understanding*. (Durban: OAU, July 2002);
- *The Lomé Declaration on the framework for an OAU Response to Unconstitutional Changes of Government*. (Lomé: AHG/Decl.5 (XXXVI), 10–12 July 2000);
- *The Constitutive Act of the African Union*. (Lomé, Togo: OAU, 11 July 2000);
- *The Ouagadougou Declaration*. (Ouagadougou: AHG/Decl. I (XXXIV), 8–10 June 1998);
- *The Yaoundé Declaration (Africa: Preparing for the 21st Century)*. (Yaoundé, Cameroon: AHG/Decl.3 (XXXII), 3–10 July 1996);
- *Relaunching Africa's Economic and Social Development: The Cairo Agenda for Action*. (Addis Ababa: AHG/Res.236 (XXXI), Annex, 26–28 June 1995); and
- *Declaration of the Assembly of Heads of State and Government of the Organisation for African Unity on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World*. (Addis Ababa, 11 July 1990).

These documents are only a sample of a host of OAU and AU declarations signed over the last ten to fifteen years that demonstrate African leaders' broad and unquestioning commitment to democracy. Not all of the

documents mention all seven commitments outlined below, but together they make up a body of literature that puts African leader's commitment to all aspects of democracy and democratisation reviewed in this study beyond doubt. The documents promote a generally and globally accepted understanding of the concept of democracy.<sup>7</sup> This can be seen in the Lomé Declaration on Unconstitutional Changes of Government from 2000, where AU members spell out the principles underlying the organisation's "common concept of democracy". The Declaration states that:

(...) without being exhaustive, we have also agreed on the following principles as a basis for the articulation of common values and principles for democratic governance in our countries:

- i) adoption of a democratic Constitution: its preparation, content and method of revision should be in conformity with generally acceptable principles of democracy;
- ii) respect for the Constitution and adherence to the provisions of the law and other legislative enactments adopted by Parliament;
- iii) separation of powers and independence of the judiciary;
- iv) promotion of political pluralism or any other form of participatory democracy and the role of the African civil society, including enhancing and ensuring gender balance in the political process;
- v) the principle of democratic change and recognition of a role for the opposition;
- vi) organisation of free and regular elections, in conformity with existing texts;
- vii) guarantee of freedom of expression and freedom of the press, including guaranteeing access to the media for all political stake-holders;
- viii) constitutional recognition of fundamental rights and freedoms in conformity with the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples' Rights of 1981;
- ix) guarantee and promotion of human rights.

<sup>7</sup> J Cilliers and K Sturman, *Commitments by African heads of state to peace, democracy, human rights and associated issues*, Paper no 58, ISS, Pretoria, 2002.

With this declaration in mind, it is time to turn to the particular democracy commitments that will be reviewed in this monograph. There should by now, in 2004, be no controversy involved in assessing African states according to their adherence to the democracy commitments evaluated here, since they have all been agreed to by African leaders. All the indicators except one chosen for this study are soundly within a generally accepted understanding of what democracy entails. Regarding the insistence on term limits for heads of state and governments, African leaders have recognised the particular conditions that make this commitment particularly salient for their continent.<sup>8</sup> A further discussion of the need for term limits is conducted in the introduction to Chapter Seven.

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#### 1.4.2 The commitments

Having set out the strong overall commitment of AU member states to democracy, it is time to turn to the seven particular aspects of democracy to be studied in this review. The seven are listed below, with some examples of their relationship to AU goals and commitments. The next seven chapters will review each of these commitments in turn.

*Fairness of the electoral system:* Is the overall result of the electoral process fair and legitimate, and is the election outcome reflected in the composition of the legislative and executive powers? The AU commits to ensuring the fairness of electoral systems in several documents and communiqués.<sup>9</sup>

*Electoral commissions:* Do they exist, are they independent and well funded, and are their operations and rulings generally accepted as fair and impartial? The AU promises to “[e]stablish by 2003 where they do not exist, independent national electoral commissions and/or other

<sup>8</sup> The importance of term limits is noted in the Memorandum of Understanding (MoU) for the AU’s Conference for Conflict, Security, Stability, Development and Co-operation in Africa (CSSDCA).

<sup>9</sup> See e.g. Lomé Declaration, paras i) and vi); the CSSDCA Solemn Declaration and Memorandum of Understanding; and The Cairo Agenda for Action, para. II.10.a.

appropriate mechanisms and institutions to ensure free, fair, and transparent elections in all African countries”.<sup>10</sup>

*The voter registration system:* Is everyone who, according to generally accepted principles of democracy, is entitled to vote, able and allowed to do so? Does tampering with the voters’ lists undermine their votes? There is no direct mention of voter registration systems in the AU documents listed above. This is a weakness. However, free and fair elections would be impossible without sound procedures for voter registration. Without such procedures voters can be disenfranchised and massive fraud perpetrated. AU commitment to sound voter registration systems is therefore a given.

*Multi-party politics:* Are political parties allowed to form, meet and stand for elections? Can they campaign freely? The AU states that “[t]here shall be no hindrance to the promotion of political pluralism”,<sup>11</sup> and promises to “[p]rotect and promote respect for Human Rights and Fundamental Freedoms, such as the freedom of expression and association, political and trade union pluralism and other forms of participatory democracy”.<sup>12</sup>

*An inclusive political system:* Who has access to political power and to the benefits of public office, policies, goods and services? The AU commits to “abolish exclusion and, in this regard, involve all and sundry without discrimination in the management of public affairs”.<sup>13</sup>

*Term limits for heads of state:* Are there such limits and are they adhered to? The AU promises to “[a]dopt by 2005 a commonly derived Code of Conduct for Political Office Holders that stipulates among others, an inviolate constitutional limitation on the tenure of elected political office holders based on nationally stipulated periodic renewal of mandates and governments should scrupulously abide by it”.<sup>14</sup>

*Independence of the judiciary:* Are courts independent from governments and do they exercise meaningful oversight over executive

10 The CSSDCA MoU (III.B.(18))

11 See CSSDCA Solemn Declaration, Specific principles, “Stability”: 11(d).

12 CSSDCA Plan of Action, “Stability”: para. i). See also NEPAD, para. 79; and Lomé Declaration, paras (iv, v, vii).

13 Ouagadougou Declaration, para. 1.

14 CSSDCA MoU, para. III.B.(16).

and parliamentary actions? The AU mentions the importance of the “separation of powers and independence of the judiciary”<sup>15</sup> in several places.

## 1.5 The eight countries under review

Limitations of time and resources made it impossible this time around to review all the countries that have signed up to the APRM so far. For this pilot project eight signatories – Algeria, Ethiopia, Ghana, Kenya, Nigeria, Senegal, South Africa and Uganda – have been chosen as the subjects of review. The countries were selected due to their involvement in the NEPAD initiative and because they constitute a geographically representative mix of countries from North, Southern, East and West Africa. An added factor is the relative importance of this group of countries. Collectively they account for 43 per cent of the African continent’s population and for 33 per cent of its Gross Domestic Product.<sup>16</sup>

## 1.6 Conclusion

Having defined the key concepts of the study and introduced the countries and commitments to be reviewed, the next seven chapters will discuss each commitment in turn. While neither the list of commitments nor the indicators used to assess adherence to them is exhaustive, the study provides an informative picture of the status and progress of good political governance and human security in the eight countries under review.

The review identifies many problems and shortcomings in the eight countries, although some have come further in their democratisation process than others. While a few (Ghana, Senegal and, particularly, South Africa) can be relatively satisfied with their progress, others (Algeria, Ethiopia and Uganda) took great strides towards democracy around the end of the Cold War, but have since lost momentum at a point short of a fully functioning democratic system. Nigeria only returned to civilian

15 Lomé Declaration, para. iii). See also the Cairo Agenda for Action, para. II.10.b; and the Ouagadougou Declaration, para. 1.

16 Cilliers, *op cit*, p 1.

government in 1999 and serious flaws are still apparent in its democratic system. The developments over the last two years in Kenya, however, provide grounds for optimism. The same can be said for Algeria after the April 2004 presidential election. The improved standards at that election are a sign that the North African country's democratisation process is back on track.

There are concerns that some of the countries under review will retain the outward semblance of democracy (such as regular elections) without deepening and strengthening the *contents* and *practices* of a democratic system, thus dressing an essentially authoritarian or one-party system up in the garbs of democracy. However, it should be kept in mind that a mature democracy cannot be built overnight and that the trend since the early 1990s has been mostly a positive one. Nevertheless, there is no room for complacency. Recent gains can easily be lost again unless they are consolidated. The road to a stable democracy is long and difficult, with many hazards along the way and the constant risk of getting lost. While the NEPAD goals provide a rough road map, African countries will only become strong and inclusive democracies through the determined and concerted efforts of all key political actors, from politicians and the military to civil society organisations and ordinary voters.