# THIRD WAVE DEMOCRATIZATION IN POST-COLD WAR AFRICA: THE RISE OF ILLIBERAL DEMOCRACY IN COMPARATIVE PERSPECTIVE

Salih Nur Gothenburg University

#### Abstract

Hopes that "third wave" transitions in sub-Saharan Africa in the early 1990s would usher in a new era of liberal democracy vanished fairly quickly when new forms of liberalized authoritarianism emerged. Illiberal democracy has taken hold as the political trajectory shifted from an opening to a closure when the wave of regime transitions lost steam by the end of the decade. Unlike a relatively steady process of democratic consolidation and a renewed democratic awakening in post-Communist Europe, the region saw continued democratic erosion or breakdown of democratically elected governments and the institutionalization of various illiberal, semi-authoritarian regimes by the turn of the century. Contrary to presumptions of a rebirth of liberal democracy prevalent among some scholars and policy-makers, third wave democratization in Africa predominantly ended up in illiberal democracies and stable semi-authoritarian regimes. Based on a cross-regional analysis and new data made available only recently, this article examines the levels of institutionalization of three main features of democracy: elections, liberal democracy, and the rule of law. It employs a path-dependent institutional approach that focuses on political institutions—both formal and informal—both as causal explanations for the democratic deficit of the transitions and as objects of study in the analysis of democratic consolidation or lack thereof.

**Keywords:** third wave transitions, illiberal democracy, liberal authoritarianism, informal institutions, consolidation

#### 1. Introduction

Democracy had been an empirically challenging, and more often than not a theoretically reprehensible, proposition in the political experience of post-colonial Africa. African politics for the best part of the post-independence period was dominated by every political system other than democracy, particularly before the "third wave" transitions began in the early 1990s. Most of the political regimes were characterized as neopatrimonial as informal institutions of personal rule, patronage and corruption were central to the political functioning of these regimes to the extent that "a single domineering" leader personified the regime and in effect, the state. The effect of these institutions on third wave democratization in Africa

<sup>&</sup>lt;sup>1</sup>Larry Diamond, "Introduction," in *Democratization in Africa*, ed. Larry Diamond and Marc F. Plattner (Baltimore, MD: The Johns Hopkins University Press, 1999). x.

appear to be highly pronounced and lasting than the institutional legacies of other political systems such as communist regimes in Central and Eastern Europe (CEE) and the former Soviet republics or the technocratic-military "bureaucratic authoritarianism" that dominated Latin America up until the 1980s.

The supremacy of these regimes was challenged when the winds of the third wave began to blow on the continent in the late 1980s. Greeted as the harbinger of "political renewal" or a "second liberation" the unprecedented extent of political openness and competition represented a sea change in a hitherto authoritarian terrain. Yet the trajectory of majority of the transitions became clear by the closing of the decade, shifting from 'abertura' or political opening to a closure<sup>3</sup> and even retreat to renewed authoritarianism. Like the CEE, some parts of South Asia and the MENA region that were swept by the final tides of the third wave with the conclusion of the Cold War, the achievements of the speedy transitions in Africa were only "partial and incomplete," with a large number of the experiments "stalling, reversing, or failing to consolidate"<sup>4</sup>. Authoritarianism stubbornly lingered in the region, quickly transforming itself to survive in a new, liberalized post-Cold War global setting. Elections remained deeply flawed, civil liberties restricted, and liberal institutions immensely weak in most post-transition regimes. Hence, contrary to the Afro-optimism and claims of a rebirth of liberal democracy prevalent among some scholars and policy-makers,<sup>5</sup> illiberal democracy rose on the altars of liberalization reforms that initially triggered the wave of transitions in Africa.<sup>6</sup>

This article seeks to explain the rise of illiberal democracy in Africa in the 1990s from a comparative perspective. It argues that the much-touted transitions predominantly resulted in illiberal regimes than contemporaneous process of

<sup>&</sup>lt;sup>2</sup>Larry Diamond, "The second liberation," *Africa Report* 37(Nov. - Dec. 1992).

<sup>&</sup>lt;sup>3</sup>Richard Joseph, "Africa 1990-1997: From Abertura to Closure," *Journal of Democracy* 9(April 1999): 3-17.

<sup>&</sup>lt;sup>4</sup>Christopher Hobson, "Liberal Democracy and Beyond: Extending the Sequencing Debate," International Political Science Review 33 (September 2012): 1.

<sup>&</sup>lt;sup>5</sup>These optimistic observations in the immediate aftermath of the Cold War represent Fukuyama's (1992) "end of history" in Africa and the triumph of liberal democracy. Legum (1990) predicted the arrival of Africa's "Second Independence," while Joseph (1991) anticipated that, as early as 1992, the continent would be "overwhelmingly" democratic. Lancaster's (1992) claim in Foreign Policy that "three-fourths of the 47 countries south of the Sahara are in various stages of political liberalization" similarly reflected the upbeat among the policy community.

<sup>&</sup>lt;sup>6</sup>Salih Nur, "The Rise of Illiberal Democracy in Africa: An Exploration of Semi-Authoritarianism in Post-1991 Ethiopia" (MA Thesis, University of Osnabrueck, 2013).

democratization in other regions. There are several reasons to look back at this historical episode, which is particularly crucial in understanding recent democratization in the region. For most, recent scholarly progress and extensive data collection<sup>8</sup> in the area of democratization studies offer useful theoretical insights and analytical tools that were previously absent. Furthermore, studies assessing Africa's recent experience from a regional perspective are largely absent. Comparative studies of democratization in Southern Europe and South America, and often post-Communist Europe, dominated this type of cross-regional analysis dealing, among other issues, with the transition processes, authoritarian legacies and problems of democratic consolidation. This article intends to serve a similar purpose without claiming comparable levels of analytical depth and breadth in exploring issues of democratization in Africa and, to a lesser extent, post-Communist Europe. It focuses on the politics of illiberal regimes and the institutional factors responsible for the rise of illiberal democracy in post-Cold War Africa in comparison to post-communist Europe —two regions that simultaneously underwent regime transitions following the fall of the Berlin Wall.

Even though the discussion pays a secondary attention to causal factors, it underlines, through a path-dependent approach, that democratization in the region was adversely conditioned by two sets of informal institutions: (1) "big man" rule, clientelism and corruption (the legacy of neopatrimonial politics) and (2) the authoritarian political culture and institutions of liberation movements (legacy of liberation politics) in about half a dozen others. Political institutions—both formal and informal—are the focus of analysis, both as causal factors in explanations of democratic deficit in the transitions and as objects of scrutiny in the failure of democratic consolidation. Unlike in post-communist Europe where democratization

<sup>&</sup>lt;sup>7</sup> In a recent study of competitive authoritarianism by Levitsky and Way (2010), Africa supplies the largest regional sample (14) from a total of 35 such regimes from five different regions.

<sup>&</sup>lt;sup>8</sup> Premier among these efforts is the Varieties of Democracy Institute that provides a massive dataset on historical and contemporary democracy since 1900 and has ventured a new approach to the measurement and conceptualization of democracy.

Notable works include Adam Przeworski, Democracy and the market: Political and economic reforms in Eastern Europe and Latin America (Cambridge: Cambridge University Press, 1991); Juan Linz and Alfred Stepan, Problems of Democratic Transition and consolidation: Southern Europe, South America, and Post-Communist Europe (Baltimore, MD: The Johns Hopkins University Press, 1996); John Higley and Richard Gunther, eds, Elites and Democratic Consolidation in Latin America and Southern Europe (Cambridge: Cambridge University Press, 1992); Gerardo L. Munck and C. S. Leff, "Modes of Transition and Democratization: South America and Eastern Europe in Comparative Perspective," Comparative Politics 29(April 1997): 343-362.; Katherine Hite and Paola Cesarini, eds, Authoritarian Legacies and Democracy in Latin America and Southern Europe (Notre Dame, IN: University of Notre Dame Press, 2004).

processes were shaped by the legacy of communism, informal institutions were primarily responsible, but less accounted, for the rise of illiberal politics in Africa. The second set of informal institutions associated with liberation movements and former insurgent groups has even rarely received attention from democratization scholars. Examined as main indicators are levels of institutionalization of main features of liberal democracy: electoral fairness, political and civil liberties, and institutions safeguarding the rule of law. An "expanded procedural minimum" definition of democracy is applied, which, in addition to regular, free, and fair elections and universal adult suffrage, requires:

- (a) protection of civil liberties, including freedom of speech, press, and association;
- (b) absence of "reserved domains" of power that constrain elected officials; and 10
- (c) presence of "horizontal" accountability of officeholders to one another in addition to "vertical" accountability of rulers to the ruled. 11

I also rely on a more nuanced, maximalist interpretation of democratic consolidation. <sup>12</sup> Besides the institutionalization of elections and absence of veto powers over elected officials, a maximalist conception sees consolidation as a state of affairs in which no organized political actors and interests consider any other "alternative to democratic processes to gain power" <sup>13</sup>. An expanded definition, as used here, instead requires a higher degree of institutionalization of party, legislative and judicial institutions, and civil society and mass media. In this sense, consolidation involves a multitude of "behavioral, attitudinal, and constitutional dimensions;" and a democracy is consolidated only when "a complex system of institutions, rules, and patterned incentives and disincentives has become, in a phrase, 'the only game in town'" <sup>14</sup>.

Social science concepts and theories are always prone to contextual relativism, bound by spatial and temporal limitations. When it comes to African political

<sup>&</sup>lt;sup>10</sup> For the "procedural minimum" measure of the four dimensions, see Dahl (1971, 17), Huntington (1991: 5-13), Schmitter and Karl (1991), Collier and Levitsky (1997), Diamond (1996, 23), and Levitsky and Way (2010, 5-6).

<sup>&</sup>lt;sup>11</sup>Larry Diamond, "Is the Third Wave Over?," *Journal of Democracy* 7 (July 1996): 23.

<sup>&</sup>lt;sup>12</sup>The notion of democratic consolidation still remains a contentions concept among students of comparative democratization. Various scholars employ it in various empirical and normative senses. Schedler (1998), for example, distinguishes five different concepts of democratic consolidation: the avoidance of democratic breakdown; the prevention of democratic erosion; the organization of democracy; the completion of democracy; and the deepening of democracy. Also refer to Schedler (2001) for an expanded discussion of the various approaches to the conceptualization, operationalization and measurement of consolidation.

<sup>&</sup>lt;sup>13</sup>Juan Linz in Guillermo O'Donnell, "Illusions about Consolidation," *Journal of Democracy* 7(April 1996): 37.

<sup>&</sup>lt;sup>14</sup>Linz and Stepan, *Problems of Democratic Transition and Consolidation,* 15.

contexts, the rule of law and the adjoining institutions of accountability need to be emphasized in analyzing consolidation. The rule of law has historically been weak and many of the new democracies suffered from the weaknesses and violations of institutions that check the exercise of arbitrary power. The rule of law or a rechtsstaat, as Linz and Stepan explicitly stress, is a fundamental requirement that a regime fails to be democratic "[if] freely elected executives [...] infringe the constitution, violate the rights of individuals and minorities, impinge upon the legitimate functions of the legislature, and thus fail to rule within the bounds of a state of law". 15 Besides the institutionalization of a competitive multiparty system, measuring democratization in Africa thus unequivocally requires careful assessment of institutionalization of the rule of law, a separation of government powers, and the protection of basic liberties of expression, association, faith and property—a bundle of freedoms known as "constitutional liberalism" 16. This becomes particularly significant because democratically elected governments not only deprive basic rights and liberties to their citizens, but also routinely ignore constitutional limits on their powers. The latter is characteristic of semi-democratic regimes, but it is more salient in much of Africa given the tradition of law-unfettered "big man" rule that pervaded its postcolonial politics.

#### 2. Third Wave Democratization in Africa

Like in communist Europe, the dramatic fall of the Berlin Wall in 1989 and the subsequent demise of Soviet socialism provided the catalyst for dramatic political change in Africa. Two historic events in February 1990—the peaceful ouster of one-party regime in Benin and the release of Nelson Mandela in South Africa—opened the floodgates of third wave transitions. Benin held in 1991 its first multiparty elections that peacefully transferred power to an opposition party. In the next five years, over two-thirds of forty-seven countries held multiparty elections. Only four states remained in 1997 without multiparty transition elections.

Broadly speaking, third wave transitions in Africa were distinct in four major ways that bore adverse implications for consolidation. This stems from the fact that the success of transitions and subsequent democratization are significantly influenced by the identity and relationship of the main actors contesting change—anti-reform regime elites, pro-reform regime elites and the liberal opposition—and the modalities of change—sluggish reforms or radical change, accommodative or confrontational. First, transitions were triggered by mass protests from the bottom, but directed mostly by incumbents from above. As such, in contrast to the elite "pacts" that characterized most third wave transitions from bureaucratic

<sup>&</sup>lt;sup>15</sup>Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 15.

<sup>&</sup>lt;sup>16</sup>Fareed Zakaria, "The Rise of Illiberal Democracy," Foreign Affairs 76 (Nov./Dec. 1997): 22.

<sup>&</sup>lt;sup>17</sup>Munck and Leff, "Modes of Transition and Democratization," 343.

authoritarian regimes in Southern Europe, Latin America, <sup>18</sup> and communist Europe to some extent, political pacts and compromise between regime hardliners and reformists were minimal or entirely absent in transitions from Africa's neopatrimonial regimes. Incumbents and their opposition were often polarized that transitions unfolded "along a path of escalating confrontations until one side or other loses decisively"<sup>19</sup>. Such modes of change allowed incumbents to make few concessions and preempt chances for a balanced "elite competition" conducive to consolidation through the normalization of interelite relations.<sup>20</sup>

Second, the transitions commonly unfolded in a pattern of economic protests over declining living standards followed by gradual escalation to politicized demands for regime change. Demands for democracy initially took a backseat, and the momentum for drastic political change flagged when demands for economic reforms were met or were cautiously assuaged by versatile incumbents. These two patterns of transitions had several decisive implications for democratization in Africa in the long run. Regime transitions produce fairly "durable legacies" that not only determine the chances of democratic consolidation, but also the success of the transition in the first place. Except in a minority of such cases as Zambia, Benin, and South Africa, the great majority of the transitions did not constitute an institutional rapture with past regimes. The transitions were rather "managed transitions" that allowed a great majority of erstwhile authoritarians to exert a relatively high degree of control on the transition agenda and timetable, forcing a quid pro quo on oppositions to accept overly undemocratic deals.

Third, external influence in the form of adjustment conditionalities and pressure for multiparty elections tied to development assistance played a significant role in the transitions.<sup>23</sup> In retrospect, transitions in Kenya (1992) and Malawi (1994) were, for example, hard to conceive without donor suspension of aid and demand for multiparty elections in reaction to Moi and Banda's suppression of pro-democracy protests.<sup>24</sup> In the contrary, transitions in the CEE and former Soviet sphere were

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<sup>&</sup>lt;sup>18</sup>Guillermo O'Donnell and Philip Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore, MD: John Hopkins University Press, 1986).

<sup>&</sup>lt;sup>19</sup>M. Bratton and N. van de Walle, "Popular Protest and Political Reform in Africa," *Comparative Politics* 24(July 1992): 465.

<sup>&</sup>lt;sup>20</sup>Munck and Leff, "Modes of Transition and Democratization,"345.

<sup>&</sup>lt;sup>21</sup>Michael Bratton and Nicholas van de Walle, *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective* (Cambridge: Cambridge University Press, 1997): 98.

<sup>&</sup>lt;sup>22</sup>Munck and Leff, "Modes of Transition and Democratization,"344.

<sup>&</sup>lt;sup>23</sup>Bratton and van de Walle, *Democratic Experiments in Africa,* 103.

<sup>&</sup>lt;sup>24</sup>Danielle Resnick and Nicolas wan de Walle, "Democratization in Africa: What Role for External Actors?" in *Democratic Trajectories in Africa: Unravelling the Impact of Foreign Aid, eds.,* Danielle Resnick and N. van de Walle (Oxford, UK: Oxford University Press, 2013). 35.

primarily driven by internal dynamics culminating from a long and slow political fusion against the economic malaise and political suffocation under communist rule.<sup>25</sup> These varying patterns of external influence on democratization traded sides during the post-transition years. Whereas the consolidation phase in postcommunist Europe came under greater foreign influence—emanating in particular from the democratic threshold to be met for accession to EU membership<sup>26</sup> external leverage on democratization dwindled in Africa after transitions. <sup>27</sup> Recent research attributes regional variations of democratic performance to these differing experiences.<sup>28</sup> New democracies in the CEE countries deepened, with several illiberal, post-communist regimes being swept away by the Color Revolutions in the late 1990s and the early 2000s. Absent the twin factors of international linkage and leverage that appeared crucial for democratic deepening in Central and Southeastern Europe, the majority of democratic experiments in Africa were stalled, eroded or broke down, paving the way for the rise of stable illiberal and electoral authoritarian regimes. The increasing engagement of external donors in democracy promotion on the continent often undeniably enhanced democratization through the routinization of elections as well as strengthening of legislatures, independent media and civil society.<sup>29</sup> However, foreign aid has also provided authoritarian elites with much need patronage resources or it has failed to help "remold informal institutions that pervert or retard attitudinal, behavioral, and institutional patterns essential to consolidation"30.

Finally, transitions in the region lacked the modularity and diffusion that characterized the sweeping anticommunist revolutions in the CEE and the former Soviet states. Evidently, in part due to the drastic transformations prompted by the overwhelming speed and broad sweep of the modular transitions, ten CEE countries

<sup>&</sup>lt;sup>25</sup>Paul Lewis, "The 'Third Wave' of Democracy in Eastern Europe: Comparative Perspectives on Party Roles and Political Development," *Party Politics* 7(Sep. 2001): 543-565.

<sup>&</sup>lt;sup>26</sup>See Geoffrey Pridham, *Designing Democracy: EU Enlargement and Regime Change in Post-Communist Europe* (Basingstoke: Palgrave Macmillan, 2005); Paul Kubicek, ed., *The European Union and Democratization* (London: Routledge, 2003); and A. Dimitrova and G. Pridham, "International Actors and Democracy Promotion in Central and Eastern Europe: The Integration Model and its Limits," *Democratization* 11(Dec. 2004): 91-112.

<sup>&</sup>lt;sup>27</sup>Resnick and van de Walle, "Democratization in Africa," 37.

<sup>&</sup>lt;sup>28</sup>See, for instance, Steven Levitsky and Lucan A. Way, "Linkage versus Leverage: Rethinking the International Dimension of Regime Change," *Comparative Politics* 38(July 2006): 379-400; Susan Hyde, *The Pseudo-Democrat's Dilemma: Why Election Observation Became an International Norm* (Ithaca, NY: Cornell University Press, 2011); S.S. Regilme Jr. "Bringing the Global Political Economy Back In: Neoliberalism, Globalization, and Democratic Consolidation," *International Studies Perspectives* 15 (2014): 277-96.

<sup>&</sup>lt;sup>29</sup>Resnick and van de Walle, "Democratization in Africa," 28-55.

<sup>&</sup>lt;sup>30</sup>Salih Nur, review of *Democratic trajectories in Africa: Unraveling the impact of foreign aid*, African Affairs 0/0, 1.

had relatively liberal constitutions and quickly met the formal requirements of democracy in 1997, with some even redefining the post-1989 constitutions and political institutions to achieve higher levels of democracy. Absent the power of example and emulation that drove the modular uprisings in the transitions from communism and the Color Revolutions in post-communist Europe later, transitions in post-Cold War Africa were rather slower, mostly discrete, and more spontaneous political phenomena that spanned an entire decade, albeit most being clustered in the first half of the 1990s. The period from 1990-1995 was the high watermark of the transitions in the region, with twenty-nine countries holding first multiparty elections followed by four others in the second half of the decade. Unlike in post-communist Europe, this protracted and irregular process left behind "authoritarian enclaves" within the new regimes and pockets of repressive regimes punctuating the new political landscape, often protecting other authoritarians or inspiring anti-democratic forces.

The transitions, nonetheless, have dramatically altered African politics. The regional Freedom House indices for political rights and civil liberties improved by an average of 1.0 and 1.28 between 1988 and 1994 and 1988 and 1992, respectively.<sup>33</sup> This improvement of more than a point on the seven-point scale exceeds the average global score for the expansion of freedom since the beginning of the third wave.<sup>3</sup> Compared to just three countries that held elections in the late 1980s, forty-two countries saw between 1990 and 1998 over sixty presidential and some seventy legislative elections. 35 New constitutions were adopted formally guaranteeing basic liberties, limits on executive powers, and hitherto unprecedented political contestation.<sup>36</sup> Have these changes led to consolidation? The new levels of political competition and expanded liberties notwithstanding, the majority of transitions never paved a solid path of democratization in order to achieve greater levels of political and civil liberties, a freer media and respect for the rule of law. In most cases, democratic consolidation was protracted, and the new "democracies" became vulnerable to democratic breakdown, stagnation, or erosion.<sup>37</sup> Some even did not survive long enough to meet Huntington's minimalist "second electoral

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<sup>&</sup>lt;sup>31</sup>Mary Kaldor and Ivan Vejvoda, "Democratization in Central and East European Countries," *International Affairs* 73(Jan. 1997): 64.

<sup>&</sup>lt;sup>32</sup>Mark Beissinger, "Structure and Example in Modular Political Phenomena: The Diffusion of Bulldozer/Rose/Orange/Tulip Revolutions," *Perspectives on Politics* 5(June 2007): 259-276.

<sup>&</sup>lt;sup>33</sup>Bratton and van de Walle, *Democratic Experiments in Africa*, 287.

<sup>&</sup>lt;sup>34</sup>Diamond, "Introduction," xiv.

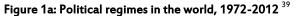
<sup>&</sup>lt;sup>35</sup>Nicolas van de Walle, *African Economies and the Politics of Permanent Crisis, 1979-1999* (Cambridge: Cambridge University Press, 2001). 243.

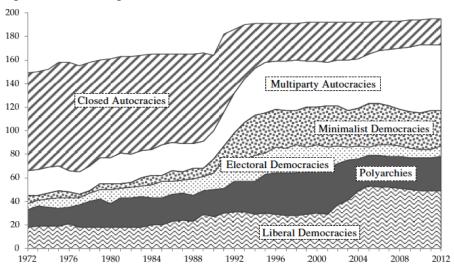
<sup>&</sup>lt;sup>36</sup>Bratton and van de Walle, *Democratic Experiments in Africa*, 91.

<sup>&</sup>lt;sup>37</sup>J. Gros, ed., *Democratization in Late Twentieth-Century Africa: Coping with Uncertainty* (Westport: Greenwood Press, 1998); R. Sandbrook, "Transitions without Consolidation," *Third World Quarterly* 17(March1996): 69-88.

threshold" for consolidation, <sup>38</sup> succumbing to civil wars or military takeovers. These developments signaled the beginning of a reverse wave of authoritarian restorations or a surge of semi-authoritarian regimes amid erosion of political and civil liberties, civil society, the rule of law and institutions of accountability.

## 3. The Rise of Illiberal Democracy





By the mid-1990s, the third wave "cooled down" worldwide<sup>40</sup> or came to an "end" when judged for its "liberal content" of democracy.<sup>41</sup> Far short of the initial optimism for the triumph of liberal democracy, an "illiberal" form of democracy sprung up on the ashes of authoritarianism in most countries. This global trend was corresponded by the flagging of the initial wave in Africa. The speedy transitions

<sup>&</sup>lt;sup>38</sup>Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman, OK: University of Oklahoma Press, 1991). Also referred to as the "two turnover test," a consolidated democracy by this measure requires two post-transition elections in which incumbents are voted out and surrender office peacefully to victorious opponents. The rules of the democratic game can be said to have taken root when all participants in the political process accept that new governments can only be installed by open electoral procedures.

<sup>&</sup>lt;sup>39</sup>Figure 1 adopted from *Source: Moller and Skaaning (2013) "The Third Wave: Inside the numbers," pp. 99, 103.* 

<sup>&</sup>lt;sup>40</sup>Thomas Carothers, "The End of the Transition Paradigm," *Journal of Democracy* 13(Jan. 2002): 5-21.

<sup>&</sup>lt;sup>41</sup>Diamond, "Is the Third Wave Over?," 1996.

materialized, as Hobson puts it, "only in a partial and incomplete manner, with a large number of attempted democratizations stalling, reversing, or failing to consolidate" Figure 1 below on the distribution of political regimes shows growing global trends in liberal democracies and polyarchies, but sub-Saharan Africa witnessed a proliferation in electoral autocracies and façade democracies since the transitions. The trajectory in Africa shifted from a political opening to a closure in the second half of the decade. Authoritarianism stubbornly lingered, transforming itself to survive in a new, liberalized political setting. While the third wave was still unfolding, illiberal democracy began to rise on the altars of liberalization reforms that triggered the transitions.

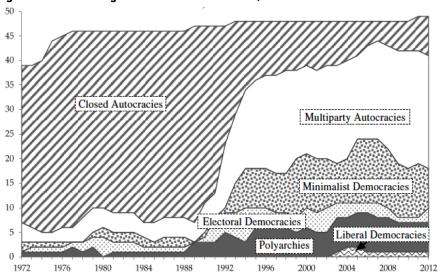


Figure 1b: Political regimes in sub-Saharan Africa, 1972-2012

As some scholars began to caution by the late 1990s,<sup>44</sup> the future of liberal democracy became bleak and the experiments were extremely fragile and difficult to consolidate. Multiparty elections proliferated, but progress in democratic consolidation—a process involving the institutionalization and routinization of

<sup>&</sup>lt;sup>42</sup>Hobson, "Liberal Democracy and Beyond," 1.

<sup>&</sup>lt;sup>43</sup>Joseph, "Africa 1990-1997,"1998.

<sup>&</sup>lt;sup>44</sup>The rising pessimism was echoed in the subtitles of some studies: Marina Ottaway, ed., *Democracy in Africa: The Hard Road Ahead* (Boulder, CO: Lynne Rienner Publishers, 1997); Gros, *Democratization in Late Twentieth-Century Africa: Coping with Uncertainty,* 1998; and Joseph, "Africa 1990-1997, From Abertura to Closure," 1998.

"democratic norms and values" in a multi-party system—was very limited and highly protracted. Compared to elections, for instance, progress in political rights and civil liberties was slow and prone to abrupt reversals or slow erosion. While some new regimes broke down, several others saw erosion of civil liberties, press freedoms, and key institutions of liberal democracy. The deepening of vertical and horizontal institutions of accountability like legislatures, judiciaries, and civil society was arrested in a great majority of transition countries. Moreover, regular elections became a norm of earning public mandate, but party systems were far less competitive. As Bratton aptly sums up the contradictions:

"Regular, competitive multiparty elections [were] held, thereby qualifying the country as an "electoral" democracy, but the day-to-day practices of the state [were] marked by abuses. Political freedoms and civil rights may be formally recognized but they [were] imperfectly observed in practice, particularly between electoral exercises when they [were] more likely to be flouted [...] A nominally free press [was] harassed in myriad ways, and the government retains a radio monopoly. Certain groups, notably key members of the executive branch and the military, [might], in effect, be above the law. The judiciary [was] officially independent, but it [was] poorly trained, overworked, and easily compromised."

As Karl (1990) observed in Latin America, the new democracies fed a "fallacy of electoralism" whereby largely cosmetic elections were regularly held for the sake of international "presentability". The heady optimism for "second liberation" faded as elections began to quickly reproduce old autocrats guised as new-born democrats. In retrospect, it was Africa's illiberal democracy in the surge. In order to contextualize this trend, two questions are raised: first, how liberal were the new democracies? And second, were the gains of the transitions eroded over time? These can be answered by examining the extent of institutionalization of the main features of liberal democracy: fair and free elections, political and civil liberties and, more relevant in Africa, the rule of lawandinstitutions of accountability.

#### a. Founding and Second Elections

Elections are an essential element of democracy. Nevertheless, the correlation between elections and democracy has been a subject of intense debate. While some view elections as an integral instrument of democracy, others consider them as a

<sup>&</sup>lt;sup>45</sup>Michael Bratton, "Deciphering Africa's Divergent Transitions," *Political Science Quarterly* 112(Spring 1997): 243.

<sup>&</sup>lt;sup>46</sup>Terry Karl, "Dilemmas of Democratization in Latin America," *Comparative Politics* 23(Oct. 1990): 1-21.

<sup>&</sup>lt;sup>47</sup>Said Adejumobi, "Elections in Africa: A Fading Shadow of Democracy?" *International Political Science Review* 21(Jan. 2000): 65.

minimal procedural requirement of democracy.<sup>48</sup> Even though I disagree with the procedural minimal conceptions of democracy, I also do not fully endorse the reductionist view of elections. Treating elections as indicators of democratic consolidation is based on the premise that elections "do not, in and of themselves, constitute a consolidated democracy," but remain a "fundamental" means to form democratic governments and a "necessary requisite" for consolidation. They are a necessary, but hardly a sufficient, variable in measuring democratic consolidation. Their "regularity, openness, and acceptability" indicate whether behavioral, attitudinal, and constitutional foundations were laid down for a consolidated democracy.<sup>49</sup>

Two indicators are used to measure the democraticness of elections. The first indictor concerns the *quantity* of elections. Were elections, particularly second elections, held in the first place? If yes, were they held in time? These help to discover whether officeholders accept constitutional term limits. The second, and more crucial, measure concerns the *quality* of elections. How free and fair were second elections? In measuring quality, scholars often rely on three indicators: political participation, competition, and legitimacy. *Political participation* entails the participation of all eligible citizens through universal voting suffrage. It is measured here by voter turnout and opposition participation in elections. *Political competition* implies a free contestation of all public positions by all eligible citizens and political groups. It is measured by four indicators: winners' share of votes, winners' share of seats, second party's share of seats, and alteration of power. Legitimacy is the third variable in assessing the quality of elections. Elections are legitimate when the actors involved in the process (political parties and their candidates) consent to the procedures of elections and accept their results.

<sup>&</sup>lt;sup>48</sup>The discourse on democracy, especially its libertarian form, deems elections a core variable bearing an organic linkage with democracy. Indeed, earlier conceptualizations of democracy equate it with elections. Joseph Schumpeter, *Capitalism, Socialism, and Democracy (Reprint, London: Allen and Unwin, [1947] 1976)* argued democracy is about conducting elections and choosing political leaders. Huntington, *The Third Wave, 1991* proposed a "two-turnover test" where democratic consolidation is deemed to occur whenever the winners of a founding election are defeated in a subsequent contest and the latter abide an electoral turnover (266-7). Against such an approach, Karl (1986) has raised the specter of a "fallacy of electoralism" or the illusion that elections can coexist with systematic abuse of civil liberties. In spite of the declining emphasis on elections after the transitions paradigm, Lindberg (2006) has recently demonstrated the significance of elections in democratization. Elections, he argues, not only "have a self-reinforcing power that promotes increased democracy," but also "facilitate the institutionalization of and deepening of actual civil liberties" (2-3).

<sup>&</sup>lt;sup>49</sup>Michael Bratton, "Second Elections in Africa," *Journal of Democracy* 9 (July 1998): 52.

<sup>&</sup>lt;sup>50</sup>Robert Dahl, *Polyarchy: Participation and Opposition* (New Haven, CT: Yale University Press, 1971).

<sup>&</sup>lt;sup>51</sup>Lindberg, *Democracy and Elections in Africa,* 43.

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Legitimacy can be gauged by voter turnout, absence of violence, losers' acceptance of results, and survival of the electoral regime after elections. 52

Table 1: Trends in Founding Elections in Sub-Saharan Africa, 1989-99

Chronology of Election	No. of Countries	No. of Elections	Opposition Boycott <sup>1</sup>	Free and Fair <sup>2</sup>	Leadership Alternation <sup>3</sup>	Losers Accept <sup>4</sup>	Voter Turnout <sup>5</sup> (% Reg. Voters) (mean)	Winner's Vote Share (Pres. Elecs.) (mean)	Winner's Seat Share (Pres. & Leg.) (mean)
Early (1989-94)	29	54	6 (11.1%)	30 (55.5%)	11 (37.9%)	32 (59.2%)	63.3%	61.4%	62.7%
Late (1995-97)	11	15	11 (73.3%)	0 (0.0%)	1 (6.6%)	0 (0.0%)	66.8%	69.1%	72.0%
Very late (1998-99)	1	2	0 (0.0%)	2 (100%)	1 (100%)	1 (100%)	47.2%	62.78%	56.7%
All	41	72	17	32	13	33			
All (Percent)			(23.6%)	(44.4%)	(48.1%)	(45.8%)	64.1%	63.4%	65.3%

Notes: 1. An opposition boycott occurs if any party withdraws in protest from the election. In most cases, boycotts are partial with some parties participating and others standing back. 2. The "free and fair" determination is based on the preponderance of judgments reported by international election observers and domestic election monitors. 3. Leadership alternation refers to electoral turnover of chief political executives. 4. Loser acceptance is established when minority parties do not mount a legal challenge to the election of a president, or when they accept parliamentary seats following a legislative election. 5. Wherever possible, turnout is measured as total valid votes as a percentage of registered voters.

Sources: Data on very-late founding elections were obtained from African Elections database. All other data on early elections are replicated from Michael Bratton, "Second Elections in Africa" Journal of Democracy 9 (1998).

Bratton and van de Walle (1997) had well documented the nature of "early" founding elections<sup>53</sup>—a total of fifty-four elections from 1990 to 1994 (Table 1). More than half of these elections were "free and fair" and marked by relatively high voter turnout (average 64.1 per cent) and convincing victories (63.4 per cent of votes in presidential elections). Most importantly, these elections resulted in the democratic unseating of presidents in eleven countries.<sup>54</sup> Late founding elections (fourteen in total) between 1995 and 1997 resembled the early founding elections in some respects including, for instance, relatively high turnout (averaged 66.8 per cent). In other respects, however, these elections revealed some worrisome trends. Opposition boycotted eleven elections; and observers endorsed none as "free and fair" and none accepted by the losers. Late founding elections also did not result in leadership alteration except in Sierra Leone. Incumbents not only won elections, but winners also widened their "margins of victory," with vote and seat shares averaging 69.1 and 72 per cent in presidential and legislative elections, respectively. Incumbent leaders became "adept at accommodating the international norm for competitive elections, while at the same time learning to manipulate them to their

<sup>&</sup>lt;sup>52</sup>Bratton, "Second Elections," 1998 and Lindberg, *Democracy*, 2006.

<sup>&</sup>lt;sup>53</sup>These are "founding" in the sense that they marked a transition from an extended period of authoritarian rule to multiparty systems. A founding election occurs when "for the first time after an authoritarian regime, elected positions of national significance are disputed under reasonably competitive conditions" (O'Donnell and Schmitter 1986, 57). In the context of personalistic rule in Africa, Bratton (1997, 77) adds a requirement that "the top office of chief political executive must be open to multiple candidates."

<sup>&</sup>lt;sup>54</sup>Bratton, "Second Elections," 53, 55.

own ends"<sup>55</sup>. In general, the later the elections were held, the poorer their quality had become and the higher the likelihood that incumbents would win the vote.

Table 2: Second Elections in Sub-Saharan Africa, 1995-19978

Country	Date <sup>1</sup> (Type) <sup>2</sup> of Election	Held on Time <sup>3</sup>	Opposition Boycott	Free and Fair <sup>4</sup>	Quality Trend <sup>2</sup>	Leadership Alternation <sup>6</sup>	Losers Accept	Voter Turnout (% Reg. Voters)	Winner's Vote Share (Pres. Elec.)	Winner's Seat Share (Leg. Elec.)
Namibia	12/7/94 (G)	Yes?	No	Yes	unchanged	No	Yes	76.1	74.5	73.6
Niger	1/12/95 (L)	Yes	No	Yes	unchanged	Yes?	Yes	35.0		34.9
Benin	3/28/95 (L)	Yes	No	Yes	unchanged	Yes?	Yes	75.9	-	24.1
	3/3/96 (P)	Yes	No	Yes?	worsened	Yes	Yes	86.8	52.5	
Côte d'Ivoire	10/22/95 (P)	Yes	Yes	No	worsened	No	No	56.2	95.2	-
	11/26/95 (L)	Yes	No	No	worsened	No	Yes?	48.9	-	84.0
Cape Verde	12/17/95 (L)	Yes	No	Yes	unchanged	No	Yes	76.5	-	69.4
	2/18/96 (P)	Yes	No	Yes	unchanged	No	Yes	43.4	80.0 (est.)	_
Comoros	3/6/96 (P)	Yes	No	Yes?	unchanged	Yes?	Yes	62.0	61.2	-
	12/1/96 (L)	Yes?	Yes	No	worsened	No	No	low	-	85.7
São Tomé	6/30/96 (P)	Yes	No	Yes	improved	No	Yes?	67.5	52.2	-
Mauritania	10/11/96 (L)	Yes	No	Yes?	unchanged	No	Yes?	30.0 (est.)	-	88.6
	12/12 /97(P)	Yes	Yes	No	worsened	No	No	74.0?	90.2	-
Madagascar	11/3/96 (P)	Yes	No	Yes?	worsened	Yes	Yes?	49.7	50.7	
Zambia	11/18/96 (G)	Yes?	Yes	No	worsened	No	No	58.7	72.6	87.3
Ghana	12/7/96 (G)	Yes?	No	Yes	improved	No	Yes	77.9	57.4	66.0
Gabon	12/15/96 (L)	No	Yes	No	unchanged	No	No	not available	-	76.6
Mali	4/30 &	Yes	Yes	No	worsened	No	No	21.0	-	88.4
	7/20/97 (L)	Yes	Yes	No	worsened	No	No	28.4	95.9	-
	5/11/97 (P)									
Burkina Faso	5/11/97 (L)	Yes?	No	No	worsened	No	No	44.0	-	90.9
Cameroon	5/18/97 (L)	Yes	No	No	unchanged	No	No	not available	-	60.6
	10/12/97 (P)	Yes	Yes	No	worsened	No	No	81.0?	92.6	_
Kenya	12/29/97 (G)	Yes	No	No	unchanged	No	No	67.0	40.4	51.4
All (n=16)	23	22	8	7		2	8			
All (Percent)	(95.6%)	(34.8%)	(30.4%)		(8.796)	(34.8%)	55.8% <sup>2</sup>	70.4%	70.196	

Note: 1. For two-round elections and for elections that last more than one day, the date of the election refers to the first day of polling. Dates are given as month/day/ear. 2. G stands for general election. Por presidential and Le free registative. Blections are dubbed general? if a presidential and legislative poll are held concurrently on the same day or day; otherwise, elections are listed separately. 3. Elections that are called early or held on time according to the electoral timetable are scored as "Yes." If elections are only slightly delayed, i.e., held within three months of the scheduled date, the score is "Yes." This category is not included in the calculation of the total number and percentage of elections that were timely. 4. "Yes?" refers to qualified "free and fair." Judgments by observers or cases where observers did not agree on the quality of the election. This category is not included in totals. 5. Quality trend is measured by change, if any, between founding and second contests in reported judgments by observers on whether the elections were free and fair. 6. Leadership alternation refers only to presidential elections. "Ves?" indicates instances in which a new party (or party coalition) took over count of the national legislature as the result of a second election. This category is not included in totals. 2. Excludes questionable official turnout figures for presidential elections in Mauritania and Cameroon. 8 This list excludes countries where democratic transitions were reversed by military coup before second elections from the deficial furnout figures for presidential elections in Africa." In new democracies (Burundi, Congo-Brazzaville, Niger, and Sierra Leone) and one longstanding multiparty regime (Gambia) had succumbed to military takeovers.

During the 1995-1997 period, African countries that embarked early on political reforms entered a second round of elections. From 1998 to 2000, fourteen others held second elections, 56 both presidential and parliamentary. While most elections were conducted in a "timely fashion" among the first group, only Gabon failed to adhere to the electoral schedule. Did the quality of elections decline? The statistics are affirmative, with performance worsening in most while improving in only two cases (Table 2, column 6). Participation appeared better, because incumbents, who had reluctantly accepted citizens' political rights to participate in policymaking, refrained themselves from tampering with the electoral rules. There were irregularities like vote suppression in opposition strongholds, but most were results of the state's fiscal and administrative weakness and growing voter apathy. The quality of second elections, however, clearly deteriorated in terms of political contestation. In only two of seventeen elections had incumbents lost power--a sharp decline from eleven in founding elections. In the "very late" second elections, all incumbents survived except Nelson Mandela who decided not to run for reelection, but his ruling ANC party won majority seats. There was a marked rise in

55Bratton, "Second Elections," 55

<sup>&</sup>lt;sup>56</sup>These are Seychelles, Madagascar, Lesotho, Togo, Burkina Faso, CAR, Gabon, Guinea, South Africa, Malawi, Niger, Guinea-Bissau, Mozambique, and Nigeria.

the vote share and seat share of winners as well, indicating unequal competition between incumbents and their opposition. In thirteen countries, as Table 2 (column 10) shows, the winners decisively "beat their rivals by a margin of two to one in no less than seven cases"<sup>57</sup>. In the fourteen countries that held second parliamentary elections prior to 1997, ruling parties enjoyed two-thirds majorities in nine (last column). In the "very" late second elections, however, ruling parties lost majority seats only in the CAR and Guinea-Bissau.

Second elections were not marked by leadership alteration except in Benin and Madagascar (column 7). Incumbents more often weathered polls through fraud, manipulation and other electoral irregularities. Even more incumbents survived in the cluster of late second elections. Why contestation of second elections declined sharply? First, incumbents began to manipulate electoral laws while maintaining the trappings of competition. Such systematic change of rules usually involved the disqualification of principal rivals. In Cote d'Ivoire and Zambia, the very incumbents elected in founding elections revised electoral laws to exclude their main rivals.<sup>58</sup> Despite a much more promising start after a model founding election, Zambia is "the starkest and most unfortunate example" of the retreat from democratic consolidation.<sup>59</sup> It encapsulates many of the trends including the abuse of state resources in elections, and hostility toward watchdog groups. Second, elections became unequal contests of well-organized, dominant ruling parties against fragmented, fledgling opposition parties with meager resources. While the opposition struggled for access to communications, ruling parties received extensive and favorable coverage and often exploited other state resources. The continuity of incumbent parties in many countries signals absence of competitive party systems as a benchmark for democratic consolidation. 60

As a result of the decline in contestation, most second elections obviously had little or no legitimacy. Indeed, there were fewer acceptable elections (30.4 per cent) during 1995-1997 than in founding elections (55.5 per cent). 61 As Table 2 (column 4) shows, opposition parties boycotted nearly a third of second elections, a higher rate (24.6 per cent) than in founding elections. There was an increase in the frequency of opposition boycotts, usually to protest incumbent attempts to bend electoral rules or monopolize electoral resources. Opposition protests could be politically motivated, but most boycotts were also accompanied by unfavorable reports by election observers and monitors (Table 2 column 5).

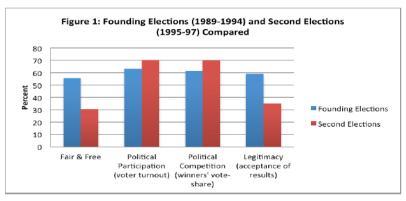
<sup>&</sup>lt;sup>57</sup>Bratton, "Second Elections," 63.

<sup>&</sup>lt;sup>58</sup>Bratton, "Second Elections," 63.

<sup>&</sup>lt;sup>59</sup>Diamond, "Introduction," 6.

<sup>&</sup>lt;sup>60</sup>Bratton, "Second Elections," 60.

<sup>&</sup>lt;sup>61</sup>Bratton, "Second Elections," 59.



The declining quality of second elections (Figure 2), along with late founding elections with which they coincided, clearly shows a rise of liberal autocracy. This decline was sharp since the mid-1990s, precisely at a time when the early transition countries began holding second elections and the most reluctant regimes began to liberalize. The half-hearted democrats, mostly onetime military dictators donning civilian attire, have learnt What Schedler calls the "menu of manipulation" 62. In particular, late and reluctant democratizers took lessons from the electoral defeats of a few precedents. Participatory politics was an irresistible force of the time, but had to be tamed. Only those who faced the heat of change early on or those clumsy to master the rules of manipulation lost the new game. Second elections resulted in the alternation of power among diverse opposition parties or coalitions in the CEE through relatively freer, fairer and more regular elections. 63 In contrast to this remarkable electoral volatility and incumbent turnovers in Eastern Europe and Latin America, the trend in Africa at the end of the decade was towards entrenchment of incumbent presidents and ruling parties. The institutional legacy of "big man" rule in Africa was lingering and the unseating of incumbent leaders becoming an "abnormal" practice again, 64 which attests to deficiencies in the institutionalization of other indicators.

# b. Political Rights and Civil Liberties

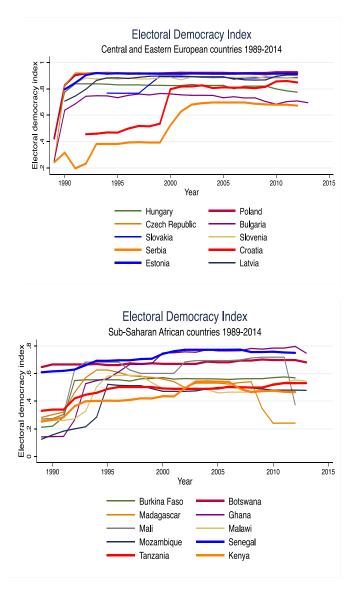
The fact that a political system is multiparty says very little about the degree of freedoms it guarantees. Elections are the minimal procedural requirement of democracy that is much more than the routine conduct of regular and competitive

<sup>&</sup>lt;sup>62</sup>Andreas Schedler, "The Menu of Manipulation," *Journal of Democracy* 13(April 2002): 36-50.

<sup>&</sup>lt;sup>63</sup>Kaldor and Vejvoda, "Democratization in Central and East European Countries," 66.

<sup>&</sup>lt;sup>64</sup>Bratton, "Second Elections," 65.





elections. Liberal democracy also requires, among other conditions, respect of civil liberties including freedoms of speech, association and assembly; due process of law; an independent press and civil society. Several post-Cold War African democracies easily met the minimal conditions of electoral democracy by holding fairly free and fair elections, but failed to meet measures of fundamental freedoms and institutional practices of liberal democracy. Very rarely could these governments care to respect basic liberties while overseeing electoral systems marred by massive fraud, rigging, and violence.

The relationship between relatively competitive elections and poor levels of civil liberties is thus striking. While the number of elections continued to grow with the spike in political contestation and participation, progress in electoral democracy, as figure 3 above shows, was quickly arrested in most countries while it eroded in several others like Mozambique, Madagascar and Mali. As one substantive measure for the quality of democracy, the stagnation or decline in political rights, civil liberties, and popular sovereignty in the majority of post-transition regimes is a significant indicator of the growing trend towards electoralism. By Freedom House measures, thirty-one multiparty systems were illiberal in 2000 veering towards authoritarianism, while three other electoral democracies (Ghana, Mali, and Namibia) failed by a margin of 0.5 to qualify as liberal democracies. Nineteen multiparty systems classified as "not free" were electoral authoritarian regimes or more accurately "pseudodemocracies" failing the litmus test of democracy--the minimal condition of free and fair elections. The disparity between democratic ideals and the actual practice of the regimes in their administration is so wide in these systems.

Some argue that a majority of the countries that underwent real transitions had retained the achievements or never experienced significant democratic reversals. However, the above figure for early transitions shows that the achievements in the early 1990s were eroded or remained stagnant after 1995 for an overwhelming number of countries. A closer examination of Freedom House's annual indices for the decade also shows erosion or stagnation of political and civil liberties in most and a very protracted process of consolidation in few countries. Between 1993 and 1998, political rights improved in just twelve countries, remained unchanged in twenty, and worsened in another fifteen. From a comparative perspective, too, Africa experienced the lowest progress in political rights and freedoms in the 1990s. 66 With

<sup>&</sup>lt;sup>65</sup>See for instance Diamond , "Introduction," 1999; van de Walle, "Presidentialism and Clientelism in Africa's Emerging Party Systems," 2003.

<sup>&</sup>lt;sup>66</sup>According to Lewis (2001, 553) "The 'Third Wave' of Democracy in Eastern Europe," these trends in Eastern Europe in 1998/99 were roughly balanced. Four countries (Czech, Republic, Hungary, Poland and Slovenia) had average scores of 1.5, three (Bulgaria, Slovakia and

an average score of 17.1 per cent for political rights and civil liberties from 1991 to 1999, it had the lowest score of "free" countries in the world except the Middle East and North Africa (MENA). The number of "free" countries grew from just two in 1989 to eight in 1991 and then stagnated until it peaked at nine in 1996 before it began to decline in 1999. During this same period, the number of "free" countries in Eastern Europe and former Soviet republics progressively grew from zero in 1989 to ten (37 per cent) in 1999. After the general global slowdown of the third wave in the mid-1990s, while the number of "free" in Eastern Europe and former Soviet Union grew from seven in 1994 to ten in 1999, it declined in Africa from nine in 1996 to six in 1999. In general, therefore, stagnation or decline of freedoms marked the majority of African countries in the aftermath of the third wave.

In the reverse, the number of "partly free" countries in Africa jumped from twelve (or 26 per cent) in 1989 to nineteen (40 per cent) in 1991; it then doubled to twenty-four (50 per cent) in 1999. During roughly same period, the number of "partly free" countries in Eastern Europe and former Soviet republics declined from fifteen (60 per cent) in 1992 to eleven (41 per cent) in 1999. In this measure of democratic consolidation, Africa also excelled the MENA region where average score of "partly free" regimes declined from 55.5 per cent in 1993 to 17 per cent in 1999. The average score of "partly free" for Africa during the first decade (1991-99) was 38.2 per cent, which is second only to Eastern Europe and former Soviet republics. Africa had arguably faced the greatest expansion of hybrid regimes and breakdown of democratic regimes or erosion of norms and institutions of liberal democracy.

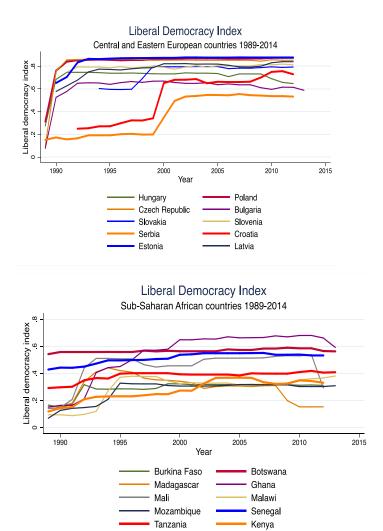
#### c. Institutions of Accountability and the Rule of Law

Apart from competitive elections and the protection of political-civil liberties, democratic consolidation requires the institutionalization of a broad range of rather more functional structures, processes, and behavioral norms. Liberal democracy entails a strong rule of law that guarantees the protection of extensive individual and associational freedoms and minority rights against the potential "tyranny of the majority" or arbitrary state power broadly. It also requires the presence of various means of "horizontal accountability" (e.g., legislative oversight of the executive) and the absence of "reserved domains" of power (e.g., the military) not directly or indirectly accountable to the electorate. Arguably, the most substantive measure of liberal democracy in Africa is thus the institutionalization of rule of law and separation of powers, institutions of vertical accountability (e.g. political parties, civil society, mass media, etc.) and horizontal accountability (e.g. the legislature, judiciary, etc), a competitive party system and the socialization of all actors to democracy as "the only game in town."

Macedonia) scored between 2.0 and 3.0, three (Croatia, Bosnia and Albania) fell in the score range from 4.0 to 5.0, and the former Yugoslav Federation had a score of 1.0.

<sup>67</sup>Diamond, "Is the Third Wave Over?," 1996.





Yet, most of these institutions and norms of liberal democracy 68 remained frail and fragile. Rule of law in this discussion narrowly refers to the behavior of elected officials (i.e. presidents and the executive body) and other actors like political parties and the military versus the law. Do, for example, presidents respect constitutional term- and power-limits? Do other political actors view the law as the only means to play with in pursuit of their interests and drive for power? The first indicator is all the more crucial given the tradition of neopatrimonial rule in which a "big man" rules more by personal decree than by rule of law. 69 Inescapably, the concentration of power in the executive, along with weak institutions of vertical and horizontal accountability, and violations of presidential term limits is a distinguishing mark of the challenge to democratic consolidation in Africa. The principle of separation of powers between government branches was firmly established in the CEE countries towards the end of the decade. Seizing an upper hand, legislatures successfully set constraints on executive powers and took the center stage of the new polities. 70 Presidencies were predominantly term- and power-limited: while the legislative branch even dominated in Latvia, presidential powers were rendered "weak" in the Czech Republic, Hungary, Poland, Slovakia and Albania and "medium" in Slovenia and Bulgaria.<sup>71</sup> In contrast, the rule of law continued to be Achilles' heel of third wave democracy in Africa.

Compared to the one-party and military regimes dominant before the third wave, the rule of law and government checks and balances remarkably improved in the aftermath of the transitions.<sup>72</sup> Yet this progress should not shroud the considerable weakness and persistence of informal political institutions that circumscribe formal rules. As Bratton aptly sums it:

"...the institutional landscape of the plebiscitary one-party state remained largely intact. While cabinet government is now more common than before (for example in Zambia), decision making remains concentrated in the hands of powerful presidents and inner circles of confidants. While legislatures and judiciaries have sometimes acted independently (notably in Congo and South Africa respectively), these institutions generally remain[ed] weak in relation to

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<sup>&</sup>lt;sup>68</sup>V-Dem's "liberal democracy index", in addition to electoral democracy, measures three mid-level indices: rule of law, judicial constraints on the executive, and legislative checks on the executive. See Coppedge et al, "Measuring high level democratic principles," 3-4.

<sup>&</sup>lt;sup>69</sup>Robert Jackson and Carl Rosberg. *Personal Rule in Black Africa* (Berkeley, CA: University of California, 1982).

<sup>&</sup>lt;sup>70</sup>Kaldor & Vejvoda, "Democratization in Central and East European Countries," 64.

<sup>&</sup>lt;sup>71</sup>Kaldor and Vejvoda, "Democratization," 66; Lewis, "The 'Third Wave' of Democracy in Eastern Europe," 553.

<sup>&</sup>lt;sup>72</sup>Daniel N Posner and Daniel J. Young, "The Institutionalization of Political Power in Africa." *Journal of Democracy* 18(2008): 126-140.

With the transitions, most countries promulgated liberal constitutions guaranteeing formal constraints on executive powers, checks and balances, and most importantly, limits on presidential powers. The "rebirth of African liberalism" was manifested in a renewed zeal for constitutionalism, a "resurrection" of parliaments and other institutional innovations like power-sharing and (ethnic) federalism in Ethiopia and consultative bodies of statesmen and traditional rulers. Nevertheless, the achievements in constitutionalism were shallow and scarce leaving much to be desired. In the majority, constitutions were at best vulnerable to arbitrary exercise of power or, at worst, served as instruments of semi-authoritarian leaders to limit political competition. This in large part stemmed from the overriding concern of the transitions to "opening up" closed political systems for pluralistic representation and participation, and not constitutionalism or the delineation of "constitutional limits" on executive power. The transitions wrought a few reforms into an order that remained largely unreformed:

'Despite these precedent-setting changes to Africa's political and constitutional landscape, a notable feature of the ancien regime survives [...] the imperial presidency. [...] presidents may be term-limited, but by all accounts they have not yet been tamed. In fact, the modal African presidency has emerged from the recent round of democratic reforms with its extant powers substantially intact. In general, presidential rule in "postauthoritarian" Africa has become less repressive, and the climate for personal liberty and rival political activity has improved appreciably in Africa's democratizing states. Still, power within the African state, and with it control of resources and patronage, continues to rest with the president..."

Rife with what Linz called the "perils of presidentialism," the new constitutions gave broad decree powers to presidents at the expense of legislatures and judiciaries, with even incentives for personalization of power. The immediate institutional outcome is a want of checks and balances or "little or no" horizontal accountability and widespread attempts by incumbents to override or roll back formal institutions. By dint of their parliamentary majorities, semi-authoritarian leaders began to push for constitutional amendments and legislation that run counter to democratic principles. Eighteen leaders of "the class of 1990" who went to transitional elections

<sup>&</sup>lt;sup>73</sup>Michael Bratton, "Deciphering Africa's Divergent Transitions," 93.

<sup>&</sup>lt;sup>74</sup>E. Gyimah-Boadi, "The Rebirth of African Liberalism," *Journal of Democracy* 9 (Mar. 1998): 20-21).

<sup>&</sup>lt;sup>75</sup>Kwasi H. Prempeh, "Presidents Untamed." In *Democracy in Africa: Progress and Retreat*, eds. L. Diamond and M. F. Plattner (Baltimore, MD: Johns Hopkins University Press, 2010), 19. <sup>76</sup>Juan J. Linz, "The Perils of Presidentialism," *Journal of Democracy* 1(Winter 1990): 51-69.

in 1990 still remained in power in 1997 while two others made a comeback. Trom 1991-2008, incumbent leaders relinquished power just eight times after losing to the opposition, with elections meant no power turnover in many electoral democracies. In Malawi, Nigeria, and Zambia, elected presidents unsuccessfully sought to overturn constitutional term limits through constitutional manipulations. Incumbents in Kenya and Zimbabwe held unsuccessful referendums to expand their own powers. In many other cases like Namibia and Burkina Faso, presidents succeeded at extension of tenures or personalization of power. Overly "broad" libel and sedition laws used against critics left several "closed" arenas of authoritarianism immune to the rule of law. The "liberalized autocracies" respected constitutions merely in the most "minimal way" and operated in disregard of their "democratic spirit" 1992.

Except in a few cases, this institutionally degrading legacy of personalist rule had a paralyzing effect on institutions of accountability. As figure 4 above shows, Legislatures and judiciaries remained overshadowed by executive dominance. Apart from the dangers posed by the executive, the role of these institutions as key agents of consolidation was severely undercut by decades of neglect and marginalization. Parliaments were at the forefront of the struggle for greater democracy. But without fair competition, they were more likely often acting as agents rubber-stamping the decrees of powerful presidents. The biggest threat, as Gyimah-Boadi saw it, to the fledgling parliaments was an indelible legacy of personal power—elected presidents saw legislatures as "rubber stamps or safety valves" for venting popular discontent and not as "arenas for real policy" deliberation or serious checks on executive power. Notwithstanding the rebirth of constitutionalism, therefore, legislative supremacy, judicial independence, and civilian control over the military were all under severe test over the past two decades. Parliaments and judiciaries struggled not only from the lingering "autocratic culture" of executives, but also from

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<sup>&</sup>lt;sup>77</sup>Bruce Baker, "The Class of 1990: How Have the Autocratic Leaders of Sub-Saharan Africa Fared under Democratisation?" *Third World Quarterly* 19 (Jan. 1998): 117.

<sup>&</sup>lt;sup>78</sup>These are Madagascar (1996), Ghana (2000), Senegal (2000), Guinea-Bissau (2000), Benin (2001), Cape Verde (2001), Kenya (2002), and Mali (2002).

<sup>(2001),</sup> Cape Verde (2001), Kenya (2002), and Mali (2002).

79 Simone Dietrich and Joseph Wright, "Foreign Aid and Democratic Development in Africa," in *Democratic Trajectories in Africa*, eds. Danielle Resnick and Nicolas van de Walle (Oxford: Oxford University Press, 2013), 56.

<sup>&</sup>lt;sup>80</sup>Prempeh, "Presidents Untamed," 19.

<sup>&</sup>lt;sup>81</sup>R. Joseph, "Challenges of a "Frontier" Region," *Journal of Democracy* 19(April 2008): 99.

<sup>82</sup> Prempeh, "Presidents Untamed," 21.

<sup>&</sup>lt;sup>83</sup>Joel Barkan, "Democracy in Africa" in *Democratic Reform in Africa: Its Impact on Governance and Poverty Alleviation*, ed. M. Ndulo (Oxford: James Currey, 2006) and Prempeh, "Presidents Untamed," 2010.

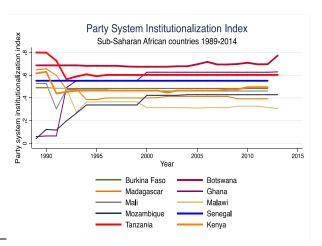
<sup>&</sup>lt;sup>84</sup>Bratton, "Deciphering Africa's Divergent Transitions," 46.

<sup>85</sup>Gyimah-Boadi, "The Rebirth of African Liberalism," 26.

administrative ineffectiveness, meager financial resources, and low professional capacity.  $^{86}\,$ 

This unfavorable institutional terrain also undermined the consolidation of institutions of vertical accountability. Political parties and civil societies in post-communist Europe suffered from a social apathy to party politics and associational life that marked communist rule. The However, this drawback was generally not a major hindrance to consolidation; in fact, some countries like Hungary, Poland, Slovakia and Slovenia saw very active civil society groups monitoring state activities. In comparison, the weakness and fragmentation of non-state institutions rendered democratic consolidation "difficult and exceptional" in Africa. Contrary to the vital role civil society and opposition parties played in the transitions from communism, the transitions of the early 1990s in Africa were surprisingly hardly products of opposition and civil society power, but largely results of weakness of ailing regimes. Opposition political parties had to grapple with enormous social diversity, resurgence of ethnicity, lack of internal party democracy, and meager resources in the face of long-ruling parties in control of state coffers.





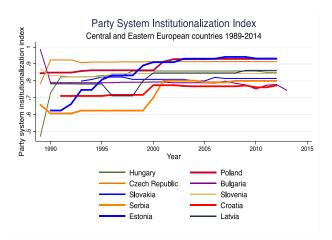
<sup>&</sup>lt;sup>86</sup>Diamond, "Introduction," 1999; Bratton, "Deciphering Africa's Divergent Transitions," 1997.

<sup>&</sup>lt;sup>87</sup>Kaldor and Vejvoda, "Democratization," 1997.

<sup>&</sup>lt;sup>88</sup>Kaldor and Vejvoda, "Democratization," 77.

<sup>&</sup>lt;sup>89</sup>Jeffrey Herbst, "Political Liberalization in Africa After Ten Years," *Comparative Politics* 33(April 2001): 362.

<sup>&</sup>lt;sup>90</sup>Jennifer Widner, "Political Parties and Civil Societies in Sub-Saharan Africa," in *Democracy in Africa: The Hard Road Ahead*, ed., Marina Ottaway (Boulder: Lynne Rienner Publishers, 1997); Alex Thompson, *An Introduction to African Politics*, Third edition (New York: Routledge, 2010).



Even though political parties in the CEE also suffered from some similar setbacks, 91 personal dominance, social heterogeneity and corruption on the growth of parties were pernicious to Africa's nascent parties. Differing much more along personal identities and parochial constituencies than on policy platforms, the budding parties often served as vehicles for power attainment and preservation, failing their traditional mandate as "transmission belts" for citizen interests, representation and policy articulation. If any similarity, reformed communist parties retained state power largely through success in the ballot box, but a great majority of parties that weathered the transition in Africa clung to power through denial of free vote and manipulation of the ballot box. In the absence of a "reasonably institutionalized party system," not only vertical accountability falls in jeopardy, but also the future of democracy at large gets bleak. 92 With the media (broadcast media in particular) largely remaining a state monopoly, the newly (re)born civil society was also rendered quite feeble by constraints on freedom of association, and was highly fragmented and often co-opted to be a major force of consolidation. 93 In Eastern Europe, civil society mushroomed partly in response to extensive support by Western governments, donors and democracy promotion agencies like the Soros

<sup>&</sup>lt;sup>91</sup>Kaldor and Vejvoda, "Democratization," 73.

<sup>&</sup>lt;sup>92</sup>Scott Mainwarning and Timothy Scully, "Parties and Demcoracy in Larin America--Differnt Patterns Common Challenges," in *Building Democratic Institutions: Party Systems in Latin America*, ed., Scott Mainwarning and Timothy Scully (Stanford, CA: Stanford University Press, 1995), 475.

<sup>&</sup>lt;sup>93</sup>Widner, "Political Parties," 1997; Thompson, *An Introduction,* 2010; C Monga, "Eight Problems with African Politic," *Journal of Democracy* 8(July 1997): 156-170.

and Open Society foundations. It was able to serve as a third pillar monitoring elections, human rights, minority rights, etc. 94

The maturation of institutions of vertical and horizontal accountability is vital for democratic consolidation. Yet, even in the face of consolidation of these institutions, democracy could face a serious threat or abrupt end when the military and other coercive forces do not see it as "the only game in town." In postcommunist Europe, the control of civilian authorities over the military was relatively quickly achieved, 95 but the armed and security forces in Africa remained largely under the behest of the executive and influential in civilian politics. The role of the military was decisive given its history of intervention and being "an institutional pillar" of most authoritarian regimes. 96 Where the military remained neutral or proreform, there were better chances of avoiding democratic breakdown and of enhancing slow democratic deepening. Democracies, which inherited a legacy of military takeovers or support to autocrats, faced not only democratic erosion (e.g., Ethiopia, Zimbabwe and Angola) but also a risk of takeovers (e.g., Comoros, CAR and Mali) or toppling elected governments (e.g., Burundi, Gambia, Sierra Leone, and Niger). Successful consolidation is thus associated with more cohesive opposition parties, roust civil society, and non-politicized militaries willing to remain neutral or defend the constitution.

## 4. Liberal Authoritarianism Unchallenged

The foregoing discussion sought to answer two questions: how third wave democratization has unravel in sub-Saharan Africa in comparative perspective, and given its distinctive structural conditions and institutional heritage, which institutions posed major obstacles to democratic consolidation. While substantive aspects of democracy steadily consolidated in a few countries, the great majority faced democratic stagnation, breakdown or a "reverse wave" of democratization. Several of the transitions resulted in relatively easy institutionalization of regular and often free elections, reproducing several electoral democracies and electoral autocracies. Yet, like in other illiberal democracies, elections increasingly turned into political rituals with which incumbents periodically showcase their "democratic" credentials rather than procedures to serve citizens as genuine democratic tools to freely choose from an array of representatives and policy preferences. Several regimes consolidated as illiberal systems wherein electoral systems were perverted by rigging, violence, and falsification of vote results; civil liberties were violated; and the playing field rendered unequal.

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<sup>&</sup>lt;sup>94</sup>Kaldor and Vejvoda, "Democratization," 77.

<sup>95</sup> Kaldor and Vejvoda, "Democratization," 66.

<sup>&</sup>lt;sup>96</sup>Eboe Hutchful, "Militarism and Problems of Democratic Transition," in *Democracy in Africa: The Hard Road Ahead,* ed. Marina Ottaway (Lynne Rienner Publishers, 1997), 43-64.

Thus, against immense popular and scholarly optimism at the outset, the first decade of democratization in Africa was arguably marked by mere "survival" rather than advance of democracy. This checkered experience sets third wave democratization in Africa fairly apart from, and patently trailing, contemporaneous transitions in post-Communist Europe, which made remarkable strides in consolidating liberal democracy following the great transformations of 1989. While elections and other procedural elements of electoral democracy institutionalized fairly easily like in post-Communist Europe, Africa's new and fragile democracies faced relatively formidable challenges in ensuring free and fair elections and to a greater extent, in deepening basic liberties, institutions of vertical and horizontal accountability, and the rule of law. From a comparative institutional perspective, a major obstacle to quick institutionalization of competitive party systems and civil liberties in post-Communist Europe was arguably the authoritarian legacy of communism that lurked in the political fabric of post-transition societies. In post-Cold war Africa, by contrast, given a large sway informal institutions still hold in African politics, 97 neopatrimonial institutions and violence-prone liberation politics were primarily responsible, but less accounted, for the rise and resilience of illiberal democracy. The unrivalled levels of stagnation break down or erosion of democratic institutions and the consequent persistence of semi-authoritarianism were in large part caused by the strong influence of these informal institutions in political life.

Moreover, the different modes of transitions and the institutional platforms on which they unfolded produced significantly varying challenges to long-term democratic consolidation, setting the two regions in divergent paths of democratization long after the critical junctures of transitions. Consolidologists widely believe that third wave transitions that mainly coincided with the demise of Soviet communism invariably produced electoral authoritarian regimes worldwide. Nevertheless, the foregoing comparative analysis showed that there are wide variations between post-Communist Europe and post-Cold War Africa --both in terms of consolidation and the institutional factors that conditioned it. While the former experienced steady and unprecedented levels of democratic expansion, the

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<sup>&</sup>lt;sup>97</sup>M. Bratton, "Formal Versus Informal Institutions in Africa," *Journal of Democracy* 18 (July 2007): 96-110; G. Hyden. *African Politics in Comparative Perspective* (Cambridge, UK: Cambridge University Press, 2006); P. Chabal and Jean-Pascal Daloz. *Africa Works: Disorder as Political Instrument* (London, UK: James Currey, 1999).

<sup>&</sup>lt;sup>98</sup>On the institutional obstacles of liberation politics, see Salih Nur, "The Rise of Illiberal Democracy in Africa," 2013; Levitsky and Way, "Beyond Patronage: Violent Struggle, Ruling Party Cohesion, and Authoritarian Durability," Perspectives on Politics 10 (Dc. 2012): 869-89. The scant attention consolidologists generally pay to informal institutions has been underscored by Helmke and Levitsky (2004) "Informal Institutions and Comparative Politics: A Research Agenda."

latter faced contradictory trends of "democratic progress and retreat" during the last decade. <sup>99</sup> The political disparities began to widen since the late 1990s when the effects of the dynamic interaction of various institutional and external factors that bear on democratization began to crystallize. Integration into the EU offered an external incentive for democratic deepening in several post-Communist European countries. The modular Color Revolutions also generated a renewed momentum for democratization even though many failed to meet promises. While most succeeded in cementing the course of democratization in Central and Southeastern Europe others challenged the postcommunist authoritarian status quo in most former Soviet republics. The absence of comparable events, in particular since the Arab Spring uprisings, which could have shaken up the post-Cold War status quo in Africa, has rendered the region a bastion of illiberal democracy.

A comparative investigation of what led to the defeat of semi-authoritarianism in several postcommunist states can partially help understand the future challenges and prospects of democracy in Africa. Such endeavor could focus on two fronts. First, given the ever-expanding influence of China and other autocratic powers like Russia in the region, the role of external "leverage and linkage" and the internal factors that condition the effectiveness of democracy promotion requires greater inquiry. A vibrant literature explores the effectiveness of linkage to the West, foreign aid and democracy promotion on democratization in the CEE and Eurasia; yet comparable studies in Africa are wanting. More is required to carefully appreciate democracy promotion efforts, integration into the global political economy, and the threats of China's presence in the scene. Another area that yearns for persistent attention is the place of informal institutions both as impediments to consolidation and as facilitators of semi-authoritarian regime resilience. There is a laudable work on personal influence, political corruption, party clientelism, and other forms of political transactions among political elites and the masses. However, little or no attention has been paid to an even pernicious form of informal institutions -i.e., the camaraderie political culture and institutions of former liberation fonts-in-power. Nowhere else have been the vicissitudes of democracy more daunting or democratic prospects bleaker than in places under the overbearing powers of liberation fronts such as Ethiopia's EPRDF, Zimbabwe's ZANU-PF, and Angola's MPLA or to some extent former rebel groups like the RPF in Rwanda and the NRM in Uganda. Not only have these regimes proved to be durable autocracies like the PFDJ regime in Eritrea or agile semi-authoritarians like Zimbabwe capable of weathering mounting external pressure and recurring regime-threatening internal crises through a combination of brute force and political manipulation. But the former visionary rebels have also managed to dominate national politics—as in South Africa and Namibia—even when they live

<sup>&</sup>lt;sup>99</sup>Larry Diamond and M. F. Plattner, ed. *Democratization in Africa: Progress and Retreat* (Baltimore, MD: The Johns Hopkins University Press, 2010).

up to their promise of freedom and democracy. Yet little has been done to better understand these strange bedfellows of democracy.

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