



NATIONAL  
DEMOCRATIC  
REFORMS IN AFRICA  
Changes and Challenges

Edited by  
Said Adejumobi



## National Democratic Reforms in Africa

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*Abdalla Bujra*

*Brother, friend, comrade, and mentor*

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The experience of African countries in promoting democracy has varied in time and space. While some have attained some relative stability, continuity, and progress, a few have sunk into tension, crises, conflict, and instability, while the majority straddles the continuum. The experiences are rich and diverse, while the performances and outcomes vary remarkably. In spite of the fragility of Africa's democracy, intense engagements and struggles are unfolding at the national level that will influence the course and outcome of the democratic project. This book captures the national political encounters, struggles, reforms, and challenges in seven African countries—Ghana, Mauritius, Sierra Leone, Liberia, South Sudan, Zimbabwe, and Uganda, drawn from three (of the five) sub-regions of the continent.

The main issues and questions that framed all the chapters of the book are;

1. How has democracy fared in African countries?
2. What is the performance of democratic regimes in terms of both consolidating democracy and improving the quality of life of the people?
3. What are the contradictions, opportunities, and challenges of democratic governance in African countries?
4. What does the future portend for the liberal democratic project and what are the possible political alternatives for African countries?

Knowledge is a collective enterprise. As such, I would like to thank my co-collaborators in this project that contributed chapters to the book and shared a common interest in reflecting on Africa's democratic trajectory in the last two decades.

As I put a close to this book, I lost my wife and partner, who had stood by me through my entire life's struggles. To my children, Tunde, Zainab, and Habib, with whom I have shared and borne the pains of this monumental loss, and who continue to support and provide a beacon of hope for me and urged me to carry on, I say a big thank you. My children remind me that I should always do what their mother would have loved to see me do—think through Africa's current condition in contributing to its development. My wife's mortality strengthens my conviction that the life of this world is but the comfort of illusion, and our role in it is to be agents of change in the process of social transformation. If this book adds to our knowledge or enriches our understanding in engineering social and political reforms, then my modest aim would have been fulfilled.

SAID ADEJUMOBI  
Lusaka, Zambia

**Disclaimer:** *The views and positions expressed in the chapters of the book are those of the individual authors/contributors and do not reflect or represent that of any organization, institution or agency or of the editor or publisher.*

## A B B R E V I A T I O N S

AAPS	African Association of Political Science
ACDEG	African Charter on Democracy, Elections and Governance
ACPCC	African Convention on Preventing and Combating Corruption
ACHPR	African Commission on Human and People's Rights
ACS	American Colonization Society
AGR	African Governance Report
ANC	African National Congress
APC	All People's Congress
APRM	African Peer Review Mechanism
ASB	Association of Senegalese Bloggers
AU	African Union
BAZ	Broadcasting Authority of Zimbabwe
CAO	Chief Administration Official
CAR	Central African Republic
CCRCCER	Civil Society Coordinating Committee on Electoral Reforms
CDC	Congress for Democratic Change
CDF	Civil Defence Forces
CDP	Citizens Democratic Party
CIO	Central Intelligence Organization
CODESA	Convention for a Democratic South Africa
CODESRIA	Council for the Development of Social Science Research in Africa
CPA	Comprehensive Peace Agreement
CRC	Constitutional Review Commission
CSOs	Civil Society Organizations
DDR	Disarmament, Demobilization and Reintegration

DP	Democratic Party
DUP	Democratic Unionist Party
ECOMOG	ECOWAS Monitoring Group
EES	Eastern Equatorial State
FDI	Foreign Direct Investment
FPTP	First Past the Post
GPA	Global Political Agreement
GOSS	Government of South Sudan
GOS	Government of Sudan
GNU	Government of National Unity
HRR	High Council of the Republic
IDMC	Internal Displacement Monitoring Centre
IDPs	Internally Displaced Persons
IFI	International Financial Institutions
IMF	International Monetary Fund
ISO	Internal Security Organization
ISU	Internal Security Unit
LAP	Liberian Action Party
LEAP	Livelihood Empowerment against Poverty
LP	Liberty Party
MACSS	Mauritius Council of Social Services
MAZ	Media Alliance of Zimbabwe
MDC	Movement for Democratic Change
MISA	Media Institute of Southern Africa
MOJA	Movement for Justice in Africa
MMD	Movement for Multi-Party Democracy
MMM	Mauritian Militant Movement
MPLA	Popular Movement for the Liberation of Angola
MSM	Militant Socialiste Mauricien
NAC	National Advisory Council
NAP	National Action Party
NHIS	National Health Insurance Scheme
NCC	National Constitutional Conference
NCD	National Commission for Democracy
NDA	National Democratic Alliance
NDP	National Democratic Party
NDPL	National Democratic Party of Liberia
NEC	National Electoral Commission
NEW	National Election Watch
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organization

NIF	National Islamic Front
NPFL	National Patriotic Front of Liberia
NPP	National Patriotic Party
NPRC	National Provisional Ruling Council
NRC	Norwegian Refugee Council
NRM	National Resistance Movement
NUDP	National Union for Democratic Progress
NUP	National Unity Party
NUSS	National Union of Sierra Leone Students
OAU	Organization of African Unity
PA	Primitive Accumulation
PAL	Progressive Alliance of Liberia
PLP	Peace and Liberation Party
PMDC	People's Movement for Democratic Change
PMSD	Parti Mauricien Social Democrate
PMXD	Mauritian Party of Xavier Duval
PLP	Peace and Liberation Party
POSA	Public Order and Security Act
PP	People's Party
PPOA	Political Parties and Organizations' Act
PPP	Progressive People's Party
POSA	Public Order and Security Act
PRA	People's Redemption Army
RUF	Revolutionary United Front
RUFP	Revolutionary United Front Party
SAA	Syndicat Agriculture Africain
SADC	Southern Africa Development Community
SAPs	Structural Adjustment Programmes
SDR	Special Drawing Right
SLA	Sierra Leone Army
SLLC	Sierra Leone Labour Congress
SLPP	Sierra Leone People's Party
SLTU	Sierra Leone Teachers Union
SPLM	Sudan People's Liberation Movement
SSD	Special Security Division
SSRRC	Southern Sudan Relief and Rehabilitation Commission
SWAPO	South West African People's Organization
TCRSS	Transitional Council of the Republic of South Sudan
TNCs	Transnational Corporations
TWP	True Whig Party
UCP	United Congress Party

UDM	United Democratic Movement
UDP	United Democratic Party
UFF	Ugandan Freedom Fighter
UFM	Uganda Freedom Movement
UNDP	United Nations Development Programme
UNC	Uganda National Congress
UNECA	United Nations Economic Commission for Africa
UP	Unity Party
UPC	Ugandan People's Congress
UPDF	Uganda People's Defence Force
UNIP	United Independence Party
UNLF	Uganda National Liberation Front
UNMIS	United Nations Mission in Sudan
UNM	Uganda National Movement
UPU	Uganda's people's Union
WASU	West African Students Union
ZANU-PF	Zimbabwe African National Union-Patriotic Front
ZBC	Zimbabwe Broadcasting Corporation
ZBH	Zimbabwe Broadcasting Holding
ZIDERA	Zimbabwe Democracy and Economic Recovery Act
ZHRC	Zimbabwe Human Rights Commission
ZMC	Zimbabwe Media Commission

## CHAPTER ONE

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# *Democratic Performance in Africa: Uneven Progress, Faltering Hopes*

SAID ADEJUMOBI

### Introduction

The debate about democratic performance in Africa, as with elsewhere in the world, remains an unsettled one. The received wisdom and orthodoxy is that democratic politics tends to produce political systems that are “stable, wealthier, fairer, more innovative and better at respecting rights than available alternatives” (Gilley, 2009: 114; Halperin et al., 2005). In other words, democratic governance is perhaps the best form of political rule, consistent with Francis Fukuyama’s (1992) “end of history” thesis. However, the nature of global democratic performance, in recent times, suggests that such conclusions may be rather hasty and farfetched—more of a liberal political dogma and ideology than an evidence-based political reality. In many parts of the world, democratic discontent is growing, with increasing discourse about “democratic recession,” “democratic decline,” “democratic rollback,” or “democratic default,” with some even questioning the desirability and feasibility of the liberal democratic project in spite of its apparent global triumphalism. Claude Ake (2000: 7) notes that “Africa is by no means the only part of the World where the prospect of democracy is in question. It is in question everywhere for democracy is in crisis all over the World.” Larry Diamond (2008), on his part, argues that the celebration of democracy’s triumphalism is rather premature, as many parts of the

world slip into what he refers to as “democratic rollback.” According to him, “public confidence in many civilian constitutional regimes has been declining...where democracy survives, it often labours under serious difficulties” (ibid.: 2).

The narrative about democratic performance and prospects in Africa has taken three contrasting perspectives. First, there are those who perceive the current democratic trend as a fluke, a mere fallacy that will soon fizzle out with a clear return to political despotism. Democratic performance will be so thoroughly disappointing that it would either dissolve into or be supplanted by antidemocratic systems (e.g., Epstein, 2014; Collier, 2009; Chabal and Daloz, 1999). The characterization around illiberal, defective, or authoritarian democracy is not far from this. I classify this group as “Afro-pessimists.” The second perspective is of those who focus on the bright side of the democratic equation in Africa and contend that Africa is witnessing its “third liberation” in spite of the challenges associated with it (e.g., Mills and Herbst, 2012). I regard this group as “Afro-optimists.” The third perspective occupies the middle ground, and belongs to those who remain cautious, but not skeptical, about Africa’s democratic performance and prospects. I classify this group as “Afro-indifference.”

Whatever perspective or viewpoint is adopted, differing evidence abounds to support that argument. Democratic performance in Africa is mixed—with progress and setbacks—and limited successes and failures, all occurring at the same time. There are variations within and between countries and regions on the continent. But the challenges in the big countries like Nigeria<sup>1</sup>, South Africa,<sup>2</sup> the Democratic Republic of Congo, and Egypt create a big democratic deficit, as a sizeable population of the continent is affected. Corruption, especially political corruption, remains a major albatross for democratic performance, as the capacity of the state for meaningful reforms, institution-building, and service delivery is compromised, thus negating the hopes and expectations of the people for tangible social goods and benefits to result from the democratic process. Micheal Bratton and Carloyn Logan (2014: 1) put it this way,

Thus despite two decades of democratization across the Sub-Saharan African sub-continent, political executives in Africa continue to enjoy considerable room for decision making maneuvers with all opportunities for corruption and maladministration that such discretions allow.



Indeed, corruption remains toxic to Africa's democratic experiment, especially in sub-Saharan Africa,<sup>3</sup> making a mockery of the electoral process as elections are virtually dissociated from democratic or political accountability by the elected leadership. As will be demonstrated shortly, the dissatisfaction of citizens with democratic delivery, especially when it concerns public goods and services, is relatively high in many countries, a phenomenon largely impacted upon by an unacceptable dosage of corruption.

In this chapter, I shall do three things. First, provide a panoramic view of the pattern of democratic performance in Africa in a nuanced manner. Second, summarize the major issues and arguments contained in the subsequent chapters of the book. Third, offer some key policy recommendations toward promoting "a future that works" for democratic governance in Africa.

### Uneven Progress, Faltering Hopes

Democratic performance is about how a democratic system institutionalizes itself and meets the expectations of the people by delivering tangible public goods to society, especially based on the programs and agendas the different political parties market to citizens. In other words, it is about how the liberal democratic system not only reinforces itself based on its foundational ideals, but also revitalizes the political market through incentives for the delivery of general—not sectarian or individual—public goods and services to the citizenry. There are therefore two indicators of democratic performance: the first is the quality and stability of the democratic system and the second is its capacity and actual performance in delivering tangible public goods and services to the citizens, which some refer to as democratic dividends.

In most African countries, the political and institutional infrastructure of liberal democracy is in place—parliament, executive, judiciary, electoral commission, and horizontal accountability bodies like human rights and anticorruption institutions, office of the Ombudsman, etc. For instance, in some countries like Sierra Leone, two major institutions are saddled with the electoral process—one that registers and moderates the affairs of political parties and another that conducts elections. In Nigeria, there are two anticorruption institutions.<sup>4</sup> Indeed, Africa is not bereft of, and has been quite innovative with, institutional crafting. However, institutions themselves are social artifacts; they require deliberate political actions, policy choices, and human management

to make them effective and functional. As Sunil Bastian and Robin Luckham (2003: 2–3) poignantly noted, “Democratic institutions and elected governments... may or may not open spaces for democratic politics; they may or may not be responsive to the political demands of the poor, women and minorities; they may or may not facilitate the management of conflicts.” To be sure, the spread and establishment of democratic institutions may not necessarily mean the spread of democratic politics (*ibid.*: 14). In Africa, the content, output, and social relevance of democratic institutions vary across countries based on context, history, nature of social forces, and the relative strength and capacity of those institutions. But the pendulum tends to swing more toward the lower end in several African countries. Lacking adequate operational resources, limited autonomy, executive encroachment, and the scourge of corruption often empty those institutions of meaningful substance.

Beyond institutions, the procedural and behavioral components, which are core aspects of liberal democracy, have varying performances across the board. While in some countries like Mauritius and Botswana, both of which are one-party dominant democratic systems, the procedural and behavioral dimensions of liberal democracy, of adherence to political rules, values of tolerance, self-restraint, and accommodation of pluralism and diversity have tended to crystallize fairly well, the same cannot be said of some other African countries. In Nigeria for example, even within the same political parties, the level of political tolerance is very low; conflict, violence, political assassinations, and “high-wire” politics often characterize the political process. In South Africa, though we see relatively strong institutions, there is a crippling desecration of political rules, and political assassinations are emerging as a part of the political culture. In the newly independent country of South Sudan, political bickering and intolerance within the same liberation movement turned political party (SPLM—Sudan Peoples’ Liberation Movement) has led former “comrades at arms” to become “comrades at war,” tragically, enveloping the young country in political strife and civil war. Politics is still a “zero sum game,” where what an individual or group loses is what the other gains; hence the need to deploy all resources even in the most unconventional and brutal way. Politics assumes an end in itself rather than a means to a democratic end.

The verdict from most analyses of democratic practice in Africa is that, in spite of all the challenges, progress has been made, however limited it may be. This progress is uneven, variegated, and tenuous among countries (UNECA and UNDP, 2013; African Centre for Strategic

Studies, 2011; Lynch and Crawford, 2011). Lynch and Crawford (2011: 275), for instance, surmise that

We conclude that steps forward remain greater than reversals and that typically, though not universally, sub-Saharan African countries are more democratic today than in the late 1980s. Simultaneously, we call for more meaningful processes of democratization that aim not only at securing civil and political rights, but also socio-economic rights and the physical security of African citizens.

The scorecard from the African Governance Report (2013) over a four-year period (2009–2013) is that there is generally only marginal progress made in governance, including with democracy indicators. According to the report, “overall, Africa has made progress with some indicators such as respect for human rights, and the rule of law, legislative capacity, civil society engagement and civil liberties generally increasing” (UNECA and UNDP, 2013: 6).

Indeed, signs of progress are palpable; more parties, regular elections, media explosion, civil society ascendance, vibrancy and activism, freer space for public expression, discourse, and negotiation. The deliberative part of democracy is alive and active, partly aided by the revolution in information technology. In an unprecedented way, “Africans are today interconnected, globally networked in ways not possible just a few years ago. This dramatic and rapidly emerging phenomenon is having profound social, economic and political impacts” (ACSS, 2011: 10).

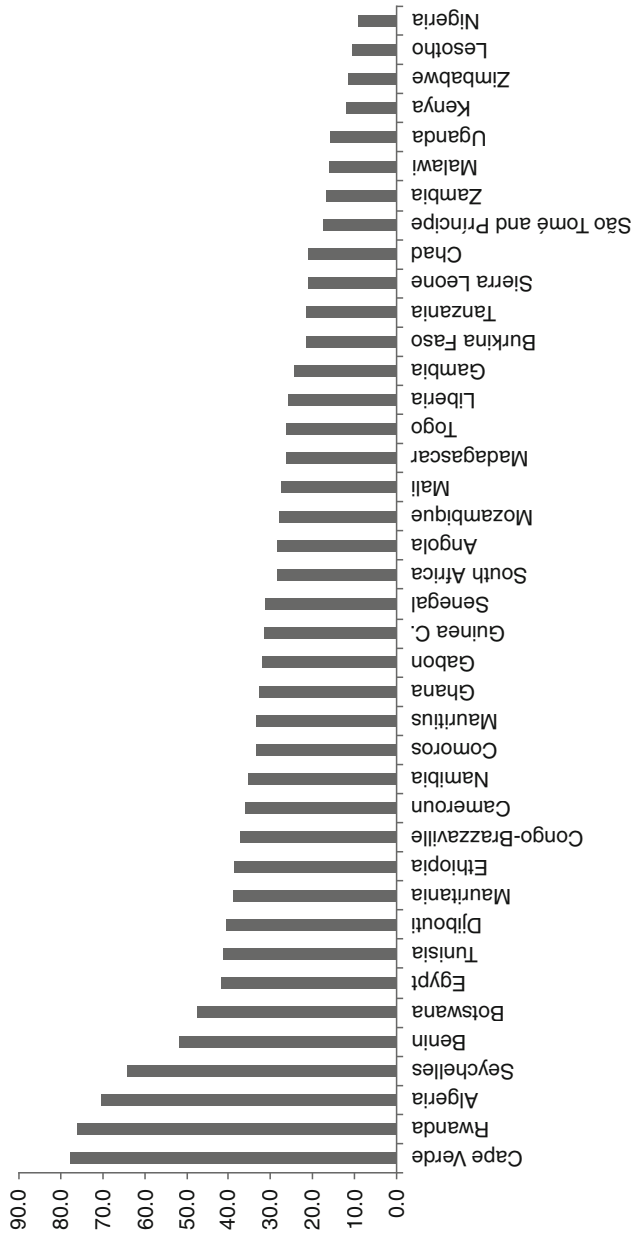
However, institutional quality, leadership discretion, policy content and choices, and political outcomes remain suspect in many countries. For instance, elections have become more regular, but the value and quality are issues in question. As the African Governance Report (2013) noted, “elections differ in form, content and quality and greater regularity has not necessarily enhanced their value. Sectarian mobilization, intimidation, and violence are major features of some African countries’ elections, which have become conflict triggers rather than instruments for resolving differences as in Cote d’Ivoire, the Democratic Republic of the Congo, Kenya, Nigeria and Zimbabwe” (UNECA and UNDP, 2013: 1). In its 2013 report, the Electoral Integrity Project noted that Africa scored poorly in terms of the quality and integrity of elections and did only slightly better than South East Asia, among all regions of the world. There are six African countries among the ten ranked in terms of the poorest level of electoral integrity in the world (Electoral Integrity Project, 2013).

Elections are about the control of political power and, as such, are sites of fierce political contestations. Hence, in societies with scarce resources and weak institutions coupled with a low civic culture of democratic restraint by political actors, elections are likely to descend into deadly political battles. Indeed, in Nigeria a new political phrase referred to as “stomach infrastructure,” constitutes major election weaponry. It is a culture of vote buying by which politicians stash tons and tons of money, disregard or not undertake electoral campaigns, but instead use the accumulated funds to buy voting cards and the votes of the electorate, shortly before the elections, in a highly militarized context. In this milieu, elections therefore assume meaning only in form, not in content or substance; but this is not a uniform trend. In other countries like South Africa, Cape Verde, Malawi, Zambia, Mauritius, Botswana, and Namibia, the constitutive and regulative rules of elections still have varying but meaningful expressions.

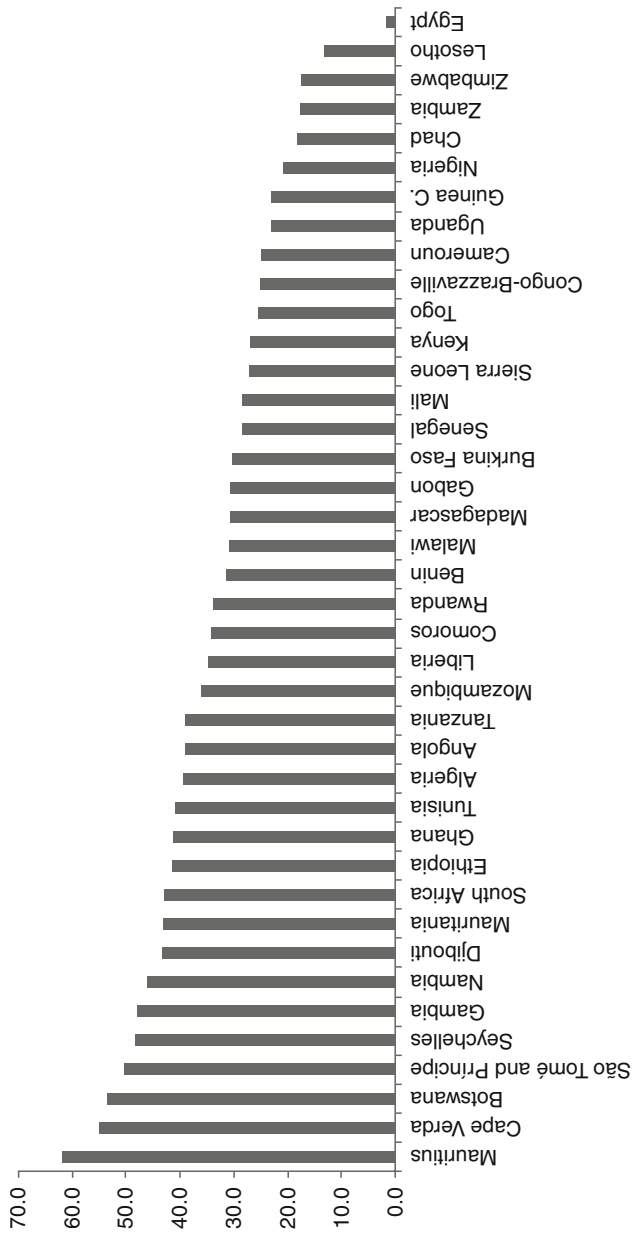
The democratic delivery of public goods and government accountability largely lags behind citizens’ expectations. In the survey done through the African Governance Report Project (2013) by the United Nations Economic Commission for Africa (UNECA) and the United Nations Development Programme (UNDP), the findings are quite revealing (see figure 1.1).

Across 40 countries covered by the survey, it is only in 5 countries that 50 percent or more respondents consider their government to mostly or always act in a publicly accountable manner. These countries are Cape Verde, Rwanda, Algeria, Seychelles, and Benin. In the other 35 countries, the perception of the citizens is that government accountability is far below expectations. On the lower end are countries like Nigeria, Lesotho, Zimbabwe, and Kenya, with over 80 percent of the respondents considering government accountability to be very low (see figure 1.2).

As graph II indicates, it is only in three countries—Mauritius, Cape Verde, and Botswana that about 50 percent of the respondents regard their civil service to be fairly free from corruption. On the lower end of the ladder are countries like Egypt, Lesotho, Zimbabwe, Chad, Nigeria, and Guinea Conakry, where only less than 20 percent of the respondents consider their civil service to be fairly free from corruption. The low rating of the public service on corruption by the citizens in many countries in Africa is reflected in the poor level of service delivery in those countries as captured by figure 1.3. Most democratic governments in Africa have been unable to create result-oriented public service as they were in the early post-independence era. The low

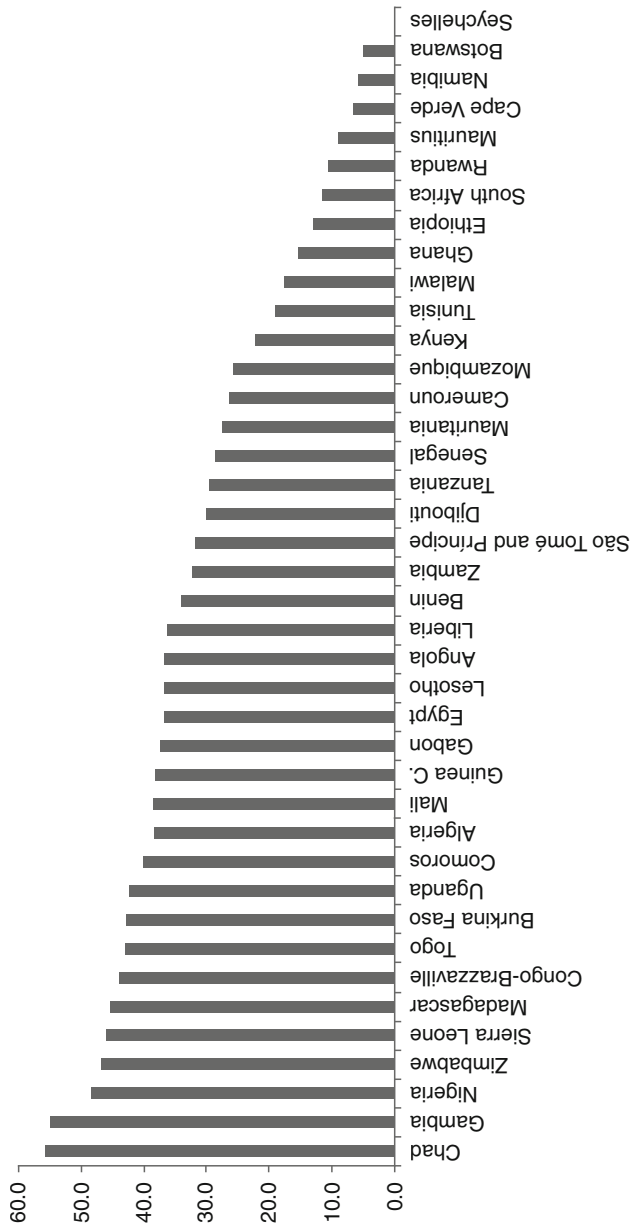


**Figure 1.1** Government accountability—mostly or always acts in a publicly accountable manner.  
 Source: Expert Opinion Survey from the African Governance Report Project 2013 by the UNECA and UNDP.



**Figure 1.2** Civil service corruption—fairly free from corruption.

Source: Expert Opinion Survey from the African Governance Report Project 2013 by the UNECA and UNDP.



**Figure 1.3** Access to government services—difficulty in accessing or very little access to government services.  
 Source: Expert Opinion Survey from the African Governance Report Project 2013 by the UNECA and UNDP.

remuneration of the public service and the uncertainty and instability that bedeviled it under adjustment reforms—with retrenchments and downsizing—affected morale, introduced a culture of moonlighting, and heightened corruption. Only a few democratic regimes have introduced meaningful reforms to reverse the trend. More often than not, the civil service remains a major site of political patronage and the sharing of the spoils of electoral victories.

As figure 1.3 indicates, in 23 countries, over 30 percent of the respondents regard the delivery of public services to be difficult and cumbersome to access, with Chad, Ghana, and Nigeria on the peak of it, while in countries like Seychelles, Botswana, Namibia, Cape Verde, and Mauritius, the citizens consider government services to be good and easily accessible. The implication is that the delivery of public goods and services by democratic governments is still far below the expectations of the citizens. Long years of neglect—especially under a structural adjustment regime—resource constraints, corruption, and limited state capacity are some the factors that account for this.

As the preceding analyses and data suggest, democratic accountability remains low, with seemingly high level of corruption, low service delivery, and a weak bureaucracy. While democratic rule remains an attractive option of political governance, as evidenced by the continued struggle of the people for it—as the political revolts in North Africa attest to and the agitation for constitutional reforms in countries like Kenya, Tanzania, Zambia, Zimbabwe, and Nigeria indicate—paradoxically, democratic performance remains quite low; a wide gap between demand and supply in the democracy nexus.

### **Summary of Chapters**

Chapter 2 reviews the background, trajectory, progress, and challenges of democratization in Liberia especially under the current regime of President Ellen Sirleaf Johnson. The chapter starts on a theoretical note, reviewing the literature on the discourse on democratization in Africa. According to the chapter, two major strands are discernible in the discourse. On the one hand are those who question the feasibility of liberal democracy in Africa. Claude Ake is a renowned voice in this regard, who argues that liberal democracy is the repudiation of the essence of democracy, which is popular power. On the other hand are those who argue that despite all the challenges of liberal democracy, the process is proceeding apace, and the progress is noteworthy



and encouraging. This perspective points to the fact that conflicts are receding in Africa, human rights are improving, and social welfare is on the ascendance. The chapter therefore seeks to situate the progress being made by Liberia in its democratization in this divergent theoretical context.

The chapter notes that a discussion of Liberia's democratization can only be situated in its history and political economy. The history of Liberia is one of settler colonialism, in which the American Colonization Society (ACS) sought to deploy freed black slaves for settlement in Africa. The process involved the subjugation of the local or indigenous population, land expropriation from them, and the reconstitution of the social structure. Class and racial differentiation assumed the hallmark of Liberia's political economy. On the top ladder were the white settlers, in the intermediate class were the repatriates and people of mixed races, while the indigenous population occupied the lower rung of the class structure. Although, independence was attained in 1847, the social structure was not, however, fundamentally altered. It was on a social base of inequality, domination, and control that the political architecture and state management were constructed, through which successive regimes ruled the country—Tubman, Doe, Taylor, and, currently, Sirleaf Johnson. For instance, the motto of the country and the highest national honor conferred has veneers of ethnic, racial, and class differentiation. The motto of the country, which remains unchanged till present is, "The love of Liberty brought us here." The motto privileges the settler population, discountenancing the local or indigenous people.

Against the background of this political economy, the chapter assesses the Ellen Sirleaf Johnson administration elected in 2005 but sworn in the following year. The chapter uses four major indicators for the assessment. These are the drive toward cultural and social equality and common citizenship; economic empowerment of the people; political freedom and civil liberties; and the elimination of corruption and political cronyism. The chapter argues that while there is progress and the regime could be considered as the best in the last three to four decades of the country's history, it falls far short of any major accomplishments. First, class and ethnic differentiation is still very deep, while common and substantive citizenship remains a myth, especially for the dominated groups in the country. "Some are more equal than others" in the country, based on origin and ethnic identity. Second, poverty looms large and corruption is very rife. Third, the political turf is dangerously being manipulated with a trend toward a one-party state, and

political cronyism is very pervasive. There is a family network constituted around power in Liberia, in which major and influential positions in government are parceled out to family members, including the children of the president.

The chapter therefore makes far-reaching recommendations in the social/cultural, economic, and political spheres on deepening Liberia's democratization and making it sustainable. A major recommendation at the ideational level is for the country to consider a social democratic model of governance that privileges the people in state management.

Chapter 3, focusing on Ghana, examines the challenges of liberal democracy under a condition of economic immersion, inequality, and poverty of the majority of the people. It argues that democratization in Ghana along the neoliberal path, which privileges political freedom at the expense of economic rights and empowerment of the people, produces a defective democracy disconnected from the daily lives of the people and unrepresentative of their economic and social wishes and aspirations.

Adopting a political economy perspective, the chapter makes two major arguments. (1) The political should not be disconnected from the economic in the conceptualization and practicalization of the democratic project. In other words, a social democratic framework is preferred and should be adopted. (2) Ghana's democratization, contrary to popular Western and liberal perspectives, is neither consolidating, nor does it empower citizens. Rather, it is fragile and superficial, based only on political rights denuded of economic and social rights for the people.

The chapter in a sense makes a case for the justiciability of economic rights for the people under a democratic system, which is more likely to be attained in a social democratic model.

Chapter 4 reflects on the challenges of nation-building in the newly created state of South Sudan. It argues that the twin problems of nation-building and democratization are logically interlinked and directly defined by the construction of identity and citizenship and the promotion of political inclusiveness, inter-group trust, and confidence building in the political and social processes of society. Historically, the politics of identity and citizenship have provoked political exclusion and marginalization, which has led to the struggle for self-determination by the South Sudanese; a phenomenon that remains unresolved even in the context of the new nation of South Sudan.

The chapter draws extensively from Mahmood Mamdani's anthropological analysis of Africa's political structure under colonialism,

predicated on state bifurcation between the central and local states premised on the logic of ethnic differentiation, segmentation, and antagonism. The politics of nativism—in which the “indigenes” appropriated the political space with exclusive control and ownership of the native authorities and treated immigrants and settlers as aliens—reified ethnic ideology and created deep ethnic tensions and conflicts. This approach, adopted in Sudan as in many other British colonial territories, toxified the political process and exacerbated the challenge of nation-building. Sudan was made worse by the politics of race, and religion, especially in the post-independence era. It was the denial of citizenship rights in the substantive sense and a long period of marginalization and persecution of the people of South Sudan that led to the struggle for self-determination and eventual independence. However, the same problem that provoked the breakaway of South Sudan remains an enduring challenge even in the newly created country. As such, the problem of conflicts, violence, and inter-group tension may not necessarily go away in the new country, except when the problem of citizenship is resolved. The chapter makes the interesting point that the problem of the disputed areas between Sudan and South Sudan, especially Abyei, is not so much about oil, but the demand for political rights in enabling representation in local governance, access to a tribal homeland, grazing land, and water for both pastoralists and sedentary agricultural communities.

Chapter 5 focuses on the Ugandan experience in the introduction and performance of liberal democracy. Adopting a largely historical perspective, the chapter examines how liberal democracy evolved in the country, the contours and challenges it has faced, and how successive governments have paid lip service to the practice of democracy in the country. The chapter notes that while competitive politics has produced positive gains in terms of offering alternative policies—thus according political space to diverse interests and offering some checks and balances—however, the tendency has been toward authoritarian practices and governance, in which dissent is often criminalized and ruthlessly suppressed, persistent abuse of civil and political rights takes place, and a predilection by the leadership for one-party monolithic culture is seen. The chapter shows that under the Uganda People’s Congress (UPC) governments—and later, the National Resistance Movement (NRM) regime—commitment to and the promotion of liberal democratic ideals and practices have been more rhetorical than substantive, emptying the democratic process of meaning and essence with largely illiberal political conduct and behavior. The chapter illustrates this with the

stifling intimidation and harassment of opposition political parties and figures, the monetization of power and politics, allegations of high level corruption, and increasing pauperization of the people. Authoritarian political culture not only alienates the people, but increases the challenge of diversity management, which virtually all countries in Africa have to grapple with.

Chapter 6 examines the politics and discourses of human rights violations, including the violation of media rights in Zimbabwe, and the polarized political narrative undergirding those violations, in which the government perceives itself to be acting in defense of national sovereignty, describing those whose rights are being violated as “foreign agents,” “imperialist stooges,” and “regime change advocates” who are collaborating with outside forces in undermining the country’s hard won independence. On the other hand, the opposition claims that it is involved in the struggle to reclaim the country’s sovereignty from its internal oppressors, who have replaced the colonial rulers in denying basic rights to the people. The objective of the opposition forces, as they perceive it, is the construction of a liberal democratic system where rights are respected and civil liberties guaranteed.

The chapter notes that the discourse on human rights has created a dichotomy between civil and political rights on the one hand, and economic and social rights on the other. The government appropriates the latter to make a case, while the opposition insists on the former. The government argues that reclaiming land from the minority white settler population, and redistributing it, is a pathway to ensuring socioeconomic rights and liberation for the people. The government and its supporters regard civil and political rights as tertiary and superficial, of which without economic rights, the former will be hollow and unfulfilled. Conversely, the opposition, on its part, argues that civil and political rights are the precursors to socioeconomic rights and must be respected. The author seeks to bridge this divide in contending that both rights are equally important and should not be politicized in the polarized political environment existing in the country.

The chapter argues that in spite of Western vilification and portrayal of failure in Zimbabwe’s contested political system, there is indeed remarkable progress. The Global Peace Agreement (GPA) and the Government of National Unity (GNU) have made it possible to consensually push through some important reforms, including the establishment of horizontal accountability bodies like the Human Rights Commission and the Media Commission, and thus, ensure some relative political stability and harmony in the country.

The chapter concludes that there is need for greater reforms, including security sector reforms and the liberalization of the media space and media freedom in order to improve the quality of democratic elections in the country.

Chapter 7 interrogates the notion of a “matured” democracy, often used to describe Mauritius in Africa, and argues that while Mauritius has maintained relative political stability, the alternation of power, and a civic culture supportive of democratic practice, there are enormous challenges that have to be addressed if the democratic project is not to founder. The author identifies five major challenges. First is the nature of the electoral system, which promotes a “winner takes all” mentality, poor representation, and lack of inclusivity. Worse still, is that the representation of women in the political and electoral processes is very poor and marginal. Second is the relative weakness of opposition parties, which constrain their capacity to challenge the ruling party and their poor funding sources in view of lack of state funding for political parties. The ruling party often has more resources through the patronage it exercises, and therefore dwarfs the smaller parties in competitive electoral politics. Third, while Mauritius is celebrated as a success story, there is little or no democratization at the local level in the country. Mauritius is a highly centralized polity, in which the mayors of the five municipalities in the country are political appointees. Fourth, is the narrow space for political elite inclusion and the reproduction of dynastic politics in the country. Those who populate the political process are “children” and “families” of old politicians, using their established political base, networks, and the resources they command to dominate the political arena, which prevents the injection of new personalities, ideas, and innovation into Mauritius’ democratic process—necessary for its rejuvenation. Finally, is that the state building project in Mauritius is still a major challenge. Ethnic affiliation and identity remains profound in the country, to the extent that most people do not see themselves in terms of their national identity, but more in terms of their ethnic and racial affiliations: as either “Hindus,” “Indians,” “Chinese,” “Creole,” and so on. As such, forging a common political front and trans-ethnic political culture remains a major challenge.

Chapter 8 examines the genealogy of political conflicts in Sierra Leone and the attempt to use elections as an instrument of political mediation, regime legitimation, and democratic reconstruction of the country. The immediate background to conflict was the centralization and concentration of power by the immediate post-colonial political leadership and the ensuing corruption, nepotism, political misrule, and misgovernance in the country.

The colonial political infrastructure was not deconstructed; rather, post-independent leadership only cemented the colonial pattern of domination, skewed inequalities, and the deepening of poverty. This was the basis of the political resistance in the country that started among the youths, but was later to be hijacked by members of the political class.

The march toward civil war in 1990 paradoxically saw a major push toward democratization in the country. As the resistance gained ground and the songs of war resonated, the Momoh regime was forced to democratize and open up the political space for multi-party politics. A new constitution was also enacted in 1991. However, the political slide continued, while the rebels intensified their insurgency. The Momoh regime was overthrown in April 1992 by young military officers led by Valentine Strasser, who established the National Provisional Ruling Council as the governing body. The constitution was suspended and so were party politics. The military did not perform better than the civilian regime it overthrew—corruption and rights abuses increased. In the context of a civil war, the military junta was pressurized to democratize and return the country to civilian rule; hence, its announcement of a political transition program in 1994. The transition culminated in the general elections of 1996.

The 1996 elections, as the author argues, were meant to serve as a political settlement mechanism for achieving peace by encouraging all parties to shed their swords and engage in the electoral process. As the author noted, the elections were flawed in several respects. In his words, “the environment in which the polls were conducted was far from ideal. The timing too was inappropriate and so was the polls flawed in every conceivable way. The war was still raging in the country and many parts were inaccessible. No peace agreement or ceasefire had been agreed with the RUF and much of the country was insecure...” The polls saw the emergence of Tejan Kabbah as the new president of the country. However, in spite of civilian rule, the political crisis deepened. The Kabbah administration was overthrown in May 1997 by a junta led by Johnny Paul Koroma.

The 1996 elections, as the author noted, illustrates the problem of using elections as a conflict transformation and peace building mechanism. The elections neither achieved peace nor brought stability or reconciliation to the country. Rather, it “further weakened the capacity of the state to adequately respond to and manage the strains of conflict.” Indeed, it did not take long before the whole nascent electoral edifice collapsed.

It took the intervention of ECOWAS and the UN forces not only to end the war in Sierra Leone, but to force the military junta to hand over power to the Kabbah government. Another round of general elections was held in 2002. The Kabbah government and his party—Sierra Leone People’s Party (SLPP) won the elections. The victory of the ruling party could be interpreted as a “reward” by the electorate to the Kabbah regime for ending the civil war, which formally came to an end on January 11, 2001. However, the SLPP was to lose the 2007 elections, which was won by the rival party,— the APC—in a different context and for different electoral reasons—in which the people had gradually put the scourge of war behind them and were yearning for better governance, which the SLPP government could not provide.

The conclusion of the chapter is that elections may not necessarily serve as a conflict mediation and transformation mechanism; indeed, it may exacerbate it. The end of hostilities, the negotiation of peace, the disarmament of combatants, and the establishment of a relatively stable and secure environment are prerequisites for holding elections in countries emerging from conflicts. In addition, the quality of governance in the immediate post conflict era is central to the consolidation of peace, stability, and democracy in Sierra Leone.

### Concluding Note

From the preceding analysis and summary of the chapters, it is obvious that, first, there is no uniform character to Africa’s evolving democracy. Countries are at different levels and stages of progress and the challenges they confront also differ. From South Sudan, which sooner than it toed the democratic route relapsed back into sectarian conflict, to Ghana and Mauritius—two seeming “success stories” of democratic governance, but with enormous challenges—as chapters 3 and 7 clearly demonstrate—and to Liberia and Sierra Leone, two countries trying to pick up the pieces of the civil war years in re-engineering a democratic future for themselves. The storyline is that democracy is a “work in progress” for all those countries, but the stage they occupy on the democratic ladder differs remarkably. Second, notable disaffection exists on democratic performance by the people in most, if not all, the countries covered by the book. In Ghana, in spite of modest progress on the political front, economic democratization remains largely illusive. With growing inequality and poverty, the social and political cost to the democratic project might well be the phenomenon that

may rupture, if not collapse, the entire democratic edifice (Adejumobi, 2014a). A democracy of alienation and inequality, as Claude Ake (1993) described it, will be characterized by fear, despondency, and decline.

Third, managing the plural nature of African societies will remain a major and enduring challenge to Africa's democratic experiment. From Uganda to Mauritius, Sierra Leone to Zimbabwe, the diversity currency is a major part of the political calculus in most countries. Democracy can only survive in a context where there is a sense of political community and identity bound by a common citizenship. This is what underpins a collective national vision and political action. The democratic management of diversity is not about a unitary system of government or enforced national unison; rather, it is about legal and institutional crafting, procedural access and leadership accommodation, and the capacity to ingeniously create a sense of "unity in diversity" for all peoples and groups in a political community. As such, democratic institutions must not only be transparent and functional, but also diversity-sensitive in their composition, operation, and character (UNECA and UNDP, 2013). This should include the electoral commission, parliament, judiciary, executive, and other public institutions. Diversity interests with merit as the baseline must be factored into the configuration of those institutions. Herein lies the stability and resilience of democratic institutions and their enduring legacy.

Ultimately, the trajectory and outcome of Africa's democratic journey will depend on the commitment and struggle of the African people. There will be trial and error, mistakes and setbacks, as democracy is, in its thorny path, filled with trepidations (Adejumobi, 2014b). The words of Martin Luther King Jr. (1963: 39) offer a succinct picture of the bumpy terrain of the democratic project;

There is no tactical theory so neat that a revolutionary struggle for a share of power can be won merely by pressing a row of buttons. Human beings with all their faults and strengths constitute the mechanism of a social movement. They must make mistakes and learn anew. They must taste defeat as well as success, and discover how to live with each. Time and action are the teachers.

### **Policy Frontiers: A Future That Works**

In crafting a future that works, in which Africa's nascent democracy will enhance the quality of governance and radically improve the living



standards of the people, three major policy frontiers deserve consideration. First is on the nature and capacity of the state: for democracy to grow, the state and its institutions must function effectively and efficiently, and its relative autonomy must be assured so as to insulate it from capture by ethnic, religious, and clan forces. While it is true that class domination is a major feature of the liberal democratic state, inter-class responsiveness and sensitivity is the hallmark of its success. It is only a functional and inclusive state that can distribute resources fairly, ensure the efficient delivery of public goods and services, provide a bond of common citizenship, and scale up democratic performance by responding to the needs and aspirations of the people. Strengthening or reforming the state is not about making it bigger; it is about reinforcing its capacity for engineering social and political change. There is a symmetrical relationship between how the state and the democratic process interface to strengthen each other. On the one hand, the democratic process in its inclusive character can ensure strong and capable leadership recruitment, reasonable resource allocation to state institutions, and demand a high level of bureaucratic and democratic accountability. While on the other hand, the state can enforce discipline and predictability in the democratic process that respects and adheres to the constitutive and regulative rules of the democratic game. As such, state capacity and autonomy is central to democratic performance and accountability. The reform of the African state is therefore an imperative necessity. Such reform needs to make state institutions strong, capable, efficient, and accountable, and its managers must be bound by the ethics of public morality rather than the logic of the politics of primitive accumulation that still largely characterize political competition in Africa.

Second is addressing the minority, especially the youth question, as part of the democratic reconfiguration of the African continent. The youth question is both a social and democratic question. As young people constitute over 70 percent of Africa's population, denying them voice, space, and power is indeed building a fractured and undemocratic system. As Carlos Lopes (2013: 1–2) noted, “the current median age of African leaders is three times the median age of the African population. African leaders seem less willing today to give up space for political engagements. In North Africa for example, over a period of more than 40 years, failed to develop open and pluralistic political systems giving little scope for citizens' participation, especially the youth's participation in civil and political life. Analysts see this as one of the systemic failures that spurred the swathe of political uprisings, mostly led by unemployed young men and women.”

The youth question should not be addressed as a token gesture. As Martin Luther King Jr. (1963: 22) observed, “he who sells you a token instead of a coin always retains the power to revoke its worth and to command you to get off the bus before you have reached your destination. Tokenism is a promise to pay. Democracy in its finest sense is payment.” As such, the youth question must be treated in a holistic way. Young people must be mainstreamed in the political, economic, and social processes and policy options of the state and governance. The party and electoral systems, the entire governance infrastructure, and social policies have to be youth-sensitive and friendly.

Third is on the reform of the party system in Africa. The current party system in most African countries is broken, based mostly on personalities, pettiness, and intrigues and not on issues, having no alternative vision of society, being highly monetized, not providing a base for good leadership recruitment and training. The import is that political roguery has taken over the political turf in many African countries. If the party system is defective, the entire liberal democratic project will have little or no meaning. This is a major challenge for most African countries. There cannot be a “one size fits all” for party reforms in Africa, but it is imperative that political reforms are articulated and undertaken in the party system. Political parties have to be founded on clear political ideals, democratic values, public service, and political accountability. If this is not done, democratic subversion will be an inevitable consequence of a defective party system in Africa.

### **Notes**

1. The successful general elections in Nigeria held in March–April 2015 rekindles hope of democratic renewal and consolidation in the country.
2. Although South Africa continues to organize rather successful elections, with the April 2014 general elections as the latest one, there are, however, serious doubts about the level and quality of democratic performance, especially with the regular service delivery protests in the country.
3. In the Transparency International 2013 Corruption Perception Index, 90 percent of sub-Saharan African countries score a rating below 50 percent and had the lowest score among all the regions of the world. Also, in the survey by the United Nations Economic Commission for Africa, *Africa Governance Report II* (2009), corruption was adjudged a major challenge to democracy and governance in 27 African countries covered by the report.
4. These are the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices Commission (ICPC). Also, there is the Code of Conduct Bureau.

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## CHAPTER TWO

### *The Travails of Democratization in Liberia*

GEORGE KLAY KIEH, JR.

#### Introduction

The elusive quest for democracy has been an enduring staple of the Liberian political economy since the establishment of the country (Liebenow, 1969, 1987; Sawyer, 1992, 2005). As Kieh (1997: 23) observes,

Since the inception of the Liberian state in the 1800s, the country has been engulfed in a crisis of democracy. This phenomenon has been characterized by political repression, and its attendant lack of respect for civil liberties and human rights and socioeconomic malaise.

Clearly, the crisis of democracy has been at the epicenter of the country's perennial civil conflict, which resulted in two civil wars in 1989 and 1999 (Sawyer, 1992; Kieh, 1997, 2008, 2011; Iloba, 2009). Although, the two civil wars ended in 1997 and 2003 respectively, under the aegis of internationally brokered peace agreements (Abuja II Peace Accord for the first civil war, and the Comprehensive Peace Agreement for the second civil war), the underlying civil conflict, with the democratic deficit at its vortex, remains unresolved.

Interestingly, the election of Ellen Johnson Sirleaf as Liberia's new President in 2005, and her subsequent inauguration on January 16, 2006, witnessed the eruption of a wave of optimism, both in Liberia and in the international community, that the Sirleaf administration

would provide the requisite leadership that is imperative for shepherding the processes of democratic transition and consolidation. In this vein, the international community, for example, has invested in various democracy promotion programs and projects. In the case of the United States, Liberia's neo-colonial patron, it has launched several programs, including capacity building for the legislature and the judiciary, support for the elections commission, and the promotion of human rights, good governance, and the strengthening of the participatory and advocacy roles of the media and other civil society organizations (United States Agency for International Development, 2009: 1). In 2009, for example, the United States spent over \$23 million on its various democracy promotion programs and projects in Liberia (United States Agency for International Development, 2009: 1).

Against this background, the purpose of this chapter is fourfold. First, examines the roots of the crisis of democracy. Second, probes the dimensions of the crisis. Third, it interrogates the process of democratic transition—the efforts to address the perennial crisis of democracy—that has been set into motion by the Sirleaf regime. Fourth, the chapter suggests ways in which the crisis of democracy in Liberia can be addressed.

### **Brief Literature Engagement**

Since the emergence of the “third wave of democratization” in Africa in the late 1980s, one can see the development of scholarly interests in various issues pertaining to the efforts in various states on the continent to transition from authoritarianism and the crises of social and economic underdevelopment to democracy, including deepening and consolidating the process. Scholarly interests have found expression in the publication of books, monographs, book chapters, and journal articles on the travails of democratization in the region. Against this background, the chapter reviews and critiques the emergent corpus of the scholarly literature in this regard.

In his study of the democracy and development problematique facing the African continent, Ake (1996) lays the responsibility for the continent's perennial problems of authoritarianism and social and economic underdevelopment at the doorsteps of the postcolonial state and the unjust global political economy. In the case of the former, he argues that the postcolonial state has retained the major features of its colonial progenitor, including its authoritarian and anti-people centered

development core. Similarly, the various mechanisms of the unjust international political economy, including the trading system that is based on “unequal exchange,” have marginalized Africa, and deprived the continent of receiving fair prices for its exports. In terms of addressing these challenges, Ake insists that liberal democracy, which has been imposed by the United States and the other developed capitalist states as the only pathway to rescue African states from the doldrums of authoritarianism and socioeconomic underdevelopment, is not viable. This is because, even at its best, liberal democracy is inimical to the idea of the people having effective decision-making power (Ake, 1996: 130). Alternatively, he proffers social democracy as the best framework for addressing the continent’s problems with authoritarianism and underdevelopment.

Treading on the path of Ake (1996), El-Khawas (2001) interrogates the failure of the postcolonial state and the factors that precipitated the “third wave of democratization” on the African Continent. He contends that the various civilian and military regimes that have adorned the continent’s governance landscape failed to alleviate poverty, unemployment, and oppression, and failed to provide their citizens with such basic services as health care, housing, and education. In addition, given the exigencies of the end of the cold war, Western governments, which had so far served as the external patrons of the continent’s various authoritarian regimes, refused to support them as they had done in the past. Thus, these authoritarian African regimes became vulnerable to popular pressures and demands.

Ndegwa (2001) probes the challenges that African states are encountering as they endeavor to make the transition from authoritarianism to liberal democracy. The lacunas include the enduring economic crisis and its resultant mass discontent; the continuing weaknesses of public institutions; the persistence of patrimonialism and personal rule as the pivots of the governance architecture; and the vagaries of external conditionality. Moreover, he contends that Africa’s transitional states are confronted with the daunting task of renegotiating the nature of the state and the public sphere and the nature of the nation (who belongs, and who does not) (Ndegwa, 2001: 12).

On his part, Ndulo (2003) suggests ways in which African states could overcome their transitional challenges, and ultimately deepen and consolidate democracy. At the core is the imperative of developing a democratic governance architecture that, among other things, gives space to all groups, thereby avoiding conflict and political instability (Ndulo, 2003: 317). The constituents of the democratic governance tapestry should

include the design and implementation of an effective constitution, transparency, fairness, the devolution of power from the central government to the local ones, the holding of regular free and fair elections, and the effective representation of all of the major groups in the polity.

In contradistinction, Radelet (2010) paints a very optimistic picture of the travails of democratization on the continent. He argues that since the 1990s, 17 emerging countries in sub-Saharan Africa have left behind violent civil conflicts, the dictatorships of the past and economic stagnation, and are already achieving steady economic growth, falling poverty, stronger leadership and deepening democracy (Radelet, 2010: 87). Similarly, six other African states are showing signs that they may be on the steady path to exorcising the “demon” of authoritarianism and socioeconomic underdevelopment. He attributes the successful transition to these countries’ pursuance of various policies, including the establishment of a democratic and accountable government and the implementation of what he calls “sensible economic policies” under the direction of a new genre of leaders (Radelet, 2010: 87).

The literature reviewed provides two contrasting assessments of the travails of democratization in Africa in terms of formidable challenges, if not pessimism on the democratic project on the one hand, and of optimism on the other. How does the Liberian case study relate to these two major contending perspectives? As the study and its associated repository of evidence would show, the process of democratic transition in Liberia, which has been underway since 2006, is thus far an admixture of progress and setbacks. Drawing from the frameworks provided by Ake (1996), the study examines the root causes of the crisis of democracy in Liberia, and the trajectory for addressing the crisis. In addition, the studies by El-Khawas (2001), Ndegwa (2001), and Ndulo (2003) would be used to supplement the analytical and prescriptive frameworks provided by Ake (1996).

### **Conceptual Framework**

The study is anchored in one major concept—democratization—and two ancillary ones—democratic transition and democratic consolidation. Democratization is defined as the process of empowering citizens so that they can exercise their cultural, economic, environmental, political, religious, and social rights and freedoms. In other words, the process of democratization is a multidimensional phenomenon that encompasses the broad spectrum of issues related to human security.

Democratic transition is the process of a country moving from the state of human insecurity—characterized by, among other things, authoritarianism, mass abject poverty, and the lack of access to health-care—to one of security, as evidenced by the efforts to address the various dimensions of the human condition. Various indicators could be used to assess the progress a country is making in terms of transitioning from authoritarianism or semi-authoritarianism to democracy. These include the state of the respect for political rights and civil liberties, the level of poverty, unemployment, the availability and access to education, health care, clean drinking water and acceptable sanitation, and the state of food security.

Democratic consolidation is the condition characterized by a country making significant progress and gains in its efforts to address the vagaries of human insecurity. As the final stage on the continuum from authoritarianism to democracy, the same indicators that are used to measure the transitional progress can also be employed. However, the difference is that at the stage of democratic consolidation, the statistics for each indicator would need to be at the high end. For example, in the case of the respect for political rights, the statistic or score for a country, using Freedom House's measurement, would need to be between 1 and 2.

The conceptual framework departs from the dominant definitions that are provided for these terms in the scholarly literature. The rationale is that the literature defines these terms exclusively within the context of liberal democratization and democracy. Hence, the benchmarks are exclusively political in nature.

## **The Roots of the Crisis of Democracy in Liberia**

### *Background*

One of the major shortcomings of the current discourse on the travails of democratization in Africa is that it focuses primarily on the internal causes of authoritarianism and underdevelopment, thereby neglecting the critical role that is played by external factors. While the internal factors are important, they only constitute one cluster of conditions. The external conditions, the other half, are important because they shape and condition the operation of the domestic political economies of African states, including Liberia. As Branwen Gruffydd Jones (2008: 180) argues, "The current condition of structural crisis in so many of



Africa's neo-colonial states must be situated in the imperial history of global capitalism."

In this vein, the crisis of democracy in Liberia is a by-product of the confluence of internal and external factors. That is, the obstacles to democracy in the country are rooted in the Liberian state and its relations with the world capitalist system and American neo-colonialism. In the case of the former, it is important to examine the development of the state-building project in Liberia and the specificities of the country's peripheral role in the "international division of power and labor," and its patron-client relationship with the United States. This is because the Liberian domestic political economy straddles not one but two levels of articulation: between the world capitalist system and the peripheral social formation as a whole, and within the social formation (David, 1984: 58).

### **The Domestic Roots**

#### *The Repatriation Project*

The Liberian state has developed in two major phases: the settler stage (1820–1926) and the peripheral capitalist phase (1926 to present). The settler stage commenced with the repatriation project that was designed to send freed blacks back to Africa, their ancestral homeland. The project was propelled by the fear of the American ruling class that blacks, who were being freed as a consequence of the beginning of the disintegration of the slave-based system in the late 1700s, posed a threat to the bourgeoisies' hegemonic position in the emergent capitalist political economy. As Smith (1972: 3) asserts, "The United States Government believed that the 'subsequent' emancipation and education of blacks coupled with their high birth rate would in due course enable them to dominate the U.S."

Accordingly, constrained by both domestic and global factors, the American government decided to outsource the repatriation project to the American Colonization Society (ACS), whose membership included some of the prominent members of the American ruling class, including House Speaker Henry Clay, Justice Bushrod Washington, and Treasury Secretary William Crawford (Beyan, 1991; Kieh, 2008). After conducting various exploratory missions in Africa, the ACS commenced the repatriation project in 1820, with support from the US government in the form of \$100,000 and military escort and support (Beyan, 1991; Kieh, 2008).

When the repatriates arrived on the Grain Coast (now Liberia), beginning in 1821, they encountered several indigenous polities such as the Bassa, Golai, and Vai that were firmly in place and replete with their own cultural, economic, political, and social systems (Beyan, 1991; Sawyer, 1992; Kieh, 2008). The indigenes entertained the hope that the repatriates, their brothers and sisters who had returned from slavery in the United States, would join them in their respective state-building projects. However, conditioned by what Brown (1941: 10) calls a “slave psychology,” the repatriates felt that they were superior to their indigenous kin and kith, because the former had lived in the United States, albeit in slavery. Hence, the repatriates perceived themselves as purveyors of Western civilization and American Christianity, with the duty to “civilize and Christianize” the indigenes. This hubris, as well as the land grabbing campaign undertaken by the ACS and the repatriates, set into motion a series of conflicts and wars between the repatriates and the ACS, on the one hand, and various indigenous polities on the other hand. Given the military support that was provided by the United States, the settlers and the ACS succeeded in taking the land of the indigenes, primarily through the threat, and the use, of military force.

#### *The Settler State Phase (1822–1926)*

By 1822, the ACS established a colonial state that was similar to the ones constructed by the various colonial powers in Africa. Characteristically, the state was authoritarian and anchored in an embryonic capitalist material base. As a derivative, the political system was quite antidemocratic. For example, power was concentrated in the hands of the Board of Directors of the ACS, who, like European monarchs, ruled the colony on the basis of so-called “divine right.” The Board delegated its power to its colonial agent and other functionaries, who conducted the day-to-day affairs of the colony. The agent, among other things, exercised both executive and judicial powers. In order to enforce the asymmetrical power relations between the ACS, on the one hand, and the repatriates, the Congos (the “recaptives”) and the indigenes who resided under the jurisdiction of the colony, on the other, the ACS promulgated and enforced a plethora of repressive laws, such as the “respect for authority law,” which was deeply rooted in the feudal order and its system of chattel slavery. The law made it mandatory for citizens to unquestionably obey “authorities,” who they did not elect (Kieh, 2008: 39).

The economic system was anchored in the embryonic capitalist mode of production. The relations of production were based on a caste cum class structure. Under this arrangement, social groups were defined by two theoretically distinct, but in reality overlapping, characteristics (Burrowes, 1982: 27). Very often, the obvious but static caste distinctions on the basis of skin color and ancestral origins coincided with class differences defined by the relationship of each group to the major means of production and the state (Burrowes, 1982: 27). From 1822 to 1839, the upper stratum was occupied by the colonial agent and other functionaries of the ACS (Burrowes, 1982; Kieh, 2008). In terms of skin color, they were white, and class-wise, they were primarily lawyers and doctors. The middle tier was occupied by the light-skinned repatriates. They were the offspring of often-coerced relationships between white slave owners and black enslaved mothers. In class terms, they were merchants. Although they had some differences with the ACS, however, mostly, they served as collaborators from their stations as junior managers in the colonial bureaucracy. The lowest rung was multi-layered: The dark-skinned repatriates, who were self-employed farmers and artisans, the Congos (the recaptives), and the indigenes, who lived under the jurisdiction of the colonial state, occupied the bottom of the caste and class system (the latter two were free laborers and indentured servants).

By 1839, the ACS decided to combine all of its colonies in Liberia, and to relinquish everyday control of the unified colony to the light-skinned repatriates (Beyan, 1991; Kieh, 2008). However, the political economy and its major associated features remained intact. One of the few changes was in the relations of production: The light-skinned repatriates moved to the upper tier, the dark-skinned to the middle stratum, but the Congos and the indigenes remained at the bottom (Kieh, 2008).

By 1846, the light-skinned repatriates began to agitate for independence. Therefore, a year later, they declared Liberia as an independent state. The constitutional convention comprised eleven delegates, all members of the settler or repatriate stock predominantly from the light-skinned wing (Kieh, 2008). In other words, the indigenes, who were the majority, were not represented at the convention. Similarly, the constitution was not processed-led—it did not evolve from consultations with all of the major sections of the society (Kieh, 2008). Instead, the delegates, with the help of Simon Greenleaf, a professor of law at Harvard University, designed a constitutional order based on the experiences of the United States and some of its states (Kieh, 2008). In other

words, the 1847 Liberian constitutional order was not derived from the cultural and historical experiences of the country. Instead, they reflected the realities of the United States. The 1847 Constitution had several undemocratic provisions, including the denial of citizenship to the indigenes, who were in the majority (however, the indigenes were granted full citizenship in 1947), the prohibition against women from running for elected offices (this was changed in 1947), limiting the right to vote to property owners, and imposing financial requirements for candidates for the presidency and the legislature (Kieh, 2008).

The emergent settler state was, largely, the continuation of its colonial progenitor: It maintained the core attributes, including discrimination, the centralization of power, repression, and the anti-people and antidevelopment proclivities and orientation. Consequently, the political economy had several major features. The mode of production remained embryonic capitalism. The relations of production continued to be based on the intersection of skin pigmentation and ancestral origins, and the individual's relationship, to the means of production and the state. In this vein, the light-skinned settlers occupied the upper tier until 1892, when they were replaced by the dark-skinned settlers; and the Congos and the indigenes remained in lowest rung. Characteristically, there were various conflicts between the light-skinned and the dark-skinned settlers, on the one hand, and the light-skinned and dark-skinned settlers and the Congos and the indigenes, on the other hand. The former revolved around the control of state power, and the latter around the failure of the state to address the human needs of the subalterns. In the political sphere, the governance architecture was "apartheid like," because it discriminated against the indigenes by prohibiting them from participating in the political process. Interestingly, although the indigenes were denied political participation, however, they were forced by the state to pay taxes and to perform sundry public works tasks. Within the context of the quasi-apartheid system, there was the "practice of liberal democracy" among the settlers, as evidenced by the holding of regular competitive multi-party elections, and the exercise of political rights, and the enjoyment of civil liberties.

Hamstrung by the limited size of the settler state, beginning in 1857, various governments undertook campaigns of territorial expansion. The targets were the various indigenous polities that were located in the hinterland of the country and functioned as independent and autonomous polities. Again, through the use of military force, the settler state was able to conquer the indigenous polities and expand the ambit of the settler state by 1904, thereby incorporating these states that had thus far

been independent into the expansive settler state (Sawyer, 1992; Kieh, 2008). However, this development did not occasion major changes in the political economy in terms of the relations of power: The settlers (the combined light and dark-skinned) remained the hegemonic political and economic stock, as was reflected in their domination of the government and the economy. Based on this, the control of state power rotated among the various factions and fractions of settler stock.

### *The Peripheral Capitalist Phase (1926–Present)*

In 1926, Liberia's incorporation into the world capitalist system, which commenced in the early 1870s, was finalized. Thus, the country became an appendage of the global political economy. The pivotal development was the penetration of the country's economy by private foreign investment beginning with the Firestone Plantations Company, an American multinational corporation, in the rubber sector (Bridgestone bought Firestone in 1975). The major resultant effect was the transformation of the caste cum class system that had served as the anchor of the domestic political economy to a class-based one. Although, class became ascendant as the dominant mode of the relations of production, the ethnic current remained (Kieh, 2008). In this vein, there was the co-existence of class and ethnicity.

The incipient peripheral capitalist state had several major characteristics. Politically, the governance system was based on liberal democracy, as evidenced by, among other things, the holding of regular multiparty elections. Economically, metropolitan-based multinational corporations from the United States and various European states controlled the economy (van der Kraaj, 1983). Accordingly, the "economic life blood" of the country became dependent upon private investment.

However, by 1955, the Liberian peripheral capitalist state assumed an authoritarian orientation as a result of the crackdown against the political opposition that was waged by the Tubman regime. Thus, political rights and civil liberties were suppressed by the government. In addition, those who dared challenge the government were arrested, imprisoned, subjected to dehumanizing treatment, and even killed (Wreh, 1976). Essentially, a *de facto* one-party system was established as the vehicle for political participation.

Each succeeding administration—Tolbert (1971–1980), Doe (1980–1990), and Taylor (1997–2003)—maintained the authoritarian peripheral capitalist state. Although, the country had a multiparty system

during the Doe and Taylor regimes, the state employed various machinations, including intimidation, threats, and imprisonment, to make it difficult for opposition political parties to operate. Similarly, political and civil liberties were routinely suppressed and violated, in spite of the fact that they were constitutionally guaranteed. In the economic domain, the mode of production remained peripheral capitalism, as reflected in the country's role as an export enclave for the production of raw materials such as iron ore and rubber to feed the industrial and manufacturing complexes of the core states.

### **The External Roots**

#### *The World Capitalist System*

The world capitalist system sets the parameters within which the Liberian state and its domestic political economy operate; and this is done in several major ways. Structurally, Liberia is in the peripheral tier of the system. Consequently, it is a weak and dependent state that has a marginal role in the operation of the global political economy. The marginal role revolves around serving the needs and interests of the metropolitan states and their multinational corporations. In order to perform this role, the dominant players in the global political economy support a regime to manage the Liberian state that would at best sanitize the "political space" without tackling the vexing problems associated with basic human needs, and the broader issues of class inequities and social justice. By shaping and conditioning the Liberian state in this manner, the world capitalist system contributes to the asphyxiation of what Ake (1996: 130) refers to as "real democracy" in Liberia.

Operationally, some of the various major modes of the global political economy are also used to stymie the establishment of "real democracy," and the promotion of people-centered development in Liberia. In the case of debt servicing, in 1985, for example, Liberia spent \$38 million in payments made to various core states such as the United States, and the International Monetary Fund and the World Bank. The servicing of the debt represented the diversion of funds that could have been used for education, health care, public transportation and public housing, and investment in research and development.

Another mode is what I call "predatory private investment"—the exploitation of Liberia's natural resources and labor so as to facilitate the accumulation of capital by metropolitan-based multinational

corporations and other businesses. From 1973 to 1976, for example, LAMCO, an American and Swedish owned multinational corporation in the mining sector (iron ore), accrued \$485 million from an initial investment of \$250 million (van der Kraaj, 1983). LAMCO paid the Liberian government \$100 million in royalties (van der Kraaj, 1983). This meant that the bulk of the profits were siphoned off to the United States and Sweden to help augment the standard of living of the citizens of these two countries.

In the area of trade, under the “international division of labor,” Liberia, as a peripheral state, was assigned the role of producing raw materials—iron ore, rubber, gold, diamonds, and timber—to help promote the industrial development of the metropolitan powers. In any event, under the “system of unequal exchange,” Liberia was paid less for its raw materials, but was required to pay more for the manufactured goods from the United States and other core states. This contributed to “terms of trade” problems for Liberia. Furthermore, as a mono-crop economy, Liberia was vulnerable to the recurrent vicissitudes and the associated shocks of the global market. This cyclical phenomenon impacted Liberia’s export earnings, the primary source of revenues for funding social and economic development. In particular, during the so-called “bust phase,” the decline in the prices of Liberia’s exports meant that the state had decreased revenues to invest in human development projects such as the building of schools and hospitals.

Overall, the relationship between the peripheral Liberian state and the world capitalist system was mediated by a dialectical tension: To paraphrase Andre Gunder Frank (1969), “The development of the core states and the underdevelopment of Liberia were parts of the same process—two sides of the same coin.” In other words, it was essentially a “zero sum game,” in which the resources that Liberia needed for its social and economic development were siphoned off to help promote the development of the United States and other core states.

#### *American Neo-colonialism*

Using its neo-colonial relationship with Liberia as the umbilical cord, the United States contributed to the crisis of democracy in Liberia. This was done through the interactions between the two countries. In the economic realm, several modes are instructive. In terms of private investment, American multinational corporations and other businesses like Firestone exploited Liberia’s natural resources and workers for the purpose of accumulating profits. In turn, these profits were siphoned

off to the United States to help the development of the United States, and the improvement of the living standard of its people. In order to do this, the United States supported various authoritarian regimes in Liberia that ensured, among other things, that the workers were kept in check. For example, from 1926 to 1980, Firestone denied its workers the right to organize unions to bargain for their rights. When the workers went on strike, the Liberian government mobilized the full battery of its coercive instruments to rain terror on them in defense of American capital.

In the area of trade, the United States contributed to Liberia's "terms of trade" problems by requiring Liberia to pay more for American manufactured goods, but to receive less for the sale of its raw materials to the United States. The resulting adverse impact on Liberia's foreign exchange earnings hamstrung the country's ability to invest in projects that would have helped address basic human needs such as education and health care.

In addition, the United States required Liberia to service the debt it owed the latter at various time intervals. This meant that revenues that were needed to help promote social and economic development in Liberia were used to service official American debt.

In the case of foreign aid, instead of using it as a vehicle to help promote social and economic development in Liberia, the United States used it as "economic oxygen" to help sustain its various client regimes. For example, during its tenure, the Doe regime received about \$500 million in American aid, in spite of its horrendous human rights record (Freedom House, 2011).

Politically, the US government condoned the horrendous human rights record of its various client regimes, as well as their undermining of the quest for democracy. Several cases are noteworthy. When the Doe regime sent armed troops to invade the University of Liberia on August 22, 1984, during which scores of people were injured and killed, the US government, in spite of its pro-democracy rhetoric, refused to condemn the action (Kieh, 2011). Also, when the Doe regime launched a "scorch the earth" campaign against the Gio and Mano ethnic groups in 1985, following the abortive coup led by the late General Thomas Quiwonkpa (a member of the Gio and Mano ethnic groups), the US government failed to issue a condemnation against the regime (Lawyers' Committee for Human Rights, 1985). Even when the Liberian people tried to remove the Doe regime from power through the electoral process, the US government acquiesced in the former's commission of fraud as a way of staying in power. In a shocking testimony before the



US House of Representatives' Sub-committee on Africa and Global Health, Chester Crocker, the then US Assistant Secretary of State for African Affairs, argued, "The elections in Liberia portend[ed] well for the development of democracy in Liberia, because of Doe's claim that he won only a narrow 51 percent election victory—virtually unheard of in the rest of Africa where incumbent normally claimed victories of 95 to 100 percent" (Crocker, 1985: 3).

### **The Portrait of the Liberian State**

The confluence of domestic and external factors in shaping the development of the Liberian state led to the designing of a portrait of the construct. In terms of its nature, the Liberian state represents the cultural and historical experiences of the settlers or Americo-Liberians or the repatriates. Moreover, this is reflected in, among other things, the design of the various national symbols—the flag, the national emblem and the motto ("The Love of Liberty Brought us Here").

Like all authoritarian peripheral formations, the Liberian state has a multidimensional character—criminalized, exclusionary, exploitative, negligent, prebendal, predatory, and repressive, among other things (Kieh, 2008, 2011). During a particular juncture, particular dimensions of its character are ascendant (Agbese, 2007). For example, when the subalterns demand that their basic human needs be addressed, the negligent and repressive dimensions came to the fore, while the others, although present, were somewhat dormant. The mission of the Liberian state is twofold. The core mission is to create propitious conditions for the accumulation of capital by metropolitan-based multinational corporations and others businesses. The secondary purpose is to enable the members of the dominant faction or fraction of the local ruling class that controls state power at a particular historical juncture to accumulate capital. Moreover, the mission of the Liberian state is reflective of the construct's "Janus-faced" orientation: On the one hand, the state creates enabling conditions for the members of the external and local wings of the ruling class to privately accumulate wealth, but on the other, it visits deprivation and neglect on the subaltern classes.

The political economy is premised on the peripheral capitalist mode of production. Under this system, the primary function of the Liberian economy is to produce raw materials to help promote development in the United States and other core states, and to serve as a market for the consumption of manufactured goods from the metropolis.

Characteristically, an interesting dynamic has ensued: Liberia produces what it does not consume, and consumes what it does not produce. The relations of production are based on classes—ruling (local wing consisting of state managers and local entrepreneurs, and an external wing comprising the owners of foreign-based multinational corporations and other businesses) and subaltern—petit bourgeois (intellectuals and entertainers), working, the peasantry, the unemployed, and the *hoi polloi*. Economic and political power and the associated skewed distribution of wealth favored the members of the ruling class. The struggle to manage the state was an epic battle between and among various factions and fractions of the ruling class. In particular, given the state's lack of autonomy, it therefore became the “executive committee for managing the business” of the faction, or fraction, that controls state power at a particular juncture (Marx and Engels, 1998). In this vein, the “state became akin to a buffet service in which the ruling faction or fraction of the local ruling class and its relations ate all they could eat” (Kieh, 2009: 10).

### The Dimensions of the Crisis of Democracy

#### Cultural Dimension

The cultural dimension of the crisis of democracy in Liberia was manifested in ethnic privileging and “scapegoating.” In the case of the former, from 1847 to 1980, the state privileged the settler or Americo-Liberian stock—the minority—economically, politically, and socially, to the disadvantage of the indigenes (the amalgam of 16 indigenous ethnic groups, the majority). As Sawyer (1992: 1) observes, “The question of settler dominance—the primacy of Liberia’s settler society over the indigenous African communities—[was] the central issue in Liberian society [up till 1980].”

During the Doe regime, ethnicity was used instrumentally as a vehicle for garnering support and legitimacy for the junta, which had lost the support of the majority of the Liberian people due to its horrendous performance. In this vein, the Doe regime orchestrated a conflict between the Krahn (Doe’s ethnic group) and the Gio and Mano ethnic groups based on the “us versus them” syndrome. The conflict had its genesis in the failed November 1985 coup that was led by General Thomas Quiwonkpa, a leader of the 1980 military coup and a one-time confidante of Doe (from the Gio and Mano ethnic groups). Using the

abortive coup as a veneer, the Doe regime embarked upon a campaign of terror against the members of the Gio and Mano ethnic groups, in which scores of them were killed (Human Rights Watch, 1997).

As for the Taylor regime, pressured by the rapid loss of popular support, the government sought to use the Krahn and Mandingo ethnic groups as “scapegoats” for the problems facing the country. In this vein, the Taylor regime arrested and imprisoned members of these two ethnic groups. In one case, Hassan Bility, a journalist and a member of the Mandingo ethnic group, was arrested, detained and subjected to dehumanizing conditions, based on the accusation that he was a major player in the Mandingo-orchestrated plot to overthrow the Taylor government (United States Department of State, 1999).

#### *Economic Dimension*

Several major indicators reflected the fact that the majority of Liberians were living perilously on the margins. For example, in terms of real income, in the 1970s, real wages in the agricultural sector decreased by more than 50 percent, those in the mining sector by more than 40 percent, and those of civil servants by 33 percent (Kieh, 2008: 101). In Monrovia, the capital city, approximately 60 percent of the working people earned wages below the official poverty line of \$125 a month established for a family of four (Tipoteh, 1986: 126). During the 1980s, the wages of public sector employees plummeted by 41.7 percent as a result of two IMF imposed “structural adjustment programs” (Kieh, 2008). During the Taylor regime, the salary of an average civil servant precipitously decreased from \$200 per month in 1989 to \$15.00 in 2003 (Kieh, 2011).

In terms of unemployment, by the close of the 1970s, 48 percent of the eligible labor force was unemployed (Ministry of Planning and Economic Affairs, Liberia, 1986). By 1980, the rate rose to 50 percent (Ministry of Planning and Economic Affairs, Liberia, 1986). By the close of the decade, the figure stood at 36.2 percent (United Nations Development Program, 1990). By the end of the Taylor regime in 2003, the rate of unemployment burgeoned to 85 percent (United Nations Development Program, 2006).

The inequities and inequalities in wealth and income underscored the undemocratic nature of the domestic political economy. In the 1970s, for example, 4 percent of the population owned and controlled about 60 percent of the wealth. By the end of the 1980s, about 6 percent of

the population cornered about 70 percent of the wealth (Kieh, 1997). During the Taylor regime, the few continued to appropriate a disproportionate share of the national wealth. Similarly, during the 1970s, the upper class, consisting of about 4 percent of the population, controlled about 61 percent of the national income (Ministry of Planning and Economic Affairs, Liberia, 1986). In the same vein, in the 1980s, the ruling class—constituting about 6 percent of the population—received about 66.5 percent of the income (Ministry of Planning and Economic Affairs, Liberia, 1986). By the end of the 1980s, Liberia's Gini Coefficient was 0.53 (Peters and Shapouri, 1997: 15). With the precipitous decline in the salaries of civil servants, coupled with the high rate of unemployment, the distribution of income was much more skewed in favor of the members of the ruling class. To make matters worse, by 2003, 76.2 percent of the population was living in poverty, with 52 percent experiencing extreme poverty (United Nations Development Program, 2006).

Amid the sordid state of the material conditions of ordinary Liberians, the members of the local wing of the ruling class and their relations used corruption—the embezzlement of public funds, extortion, the receipt of bribes, and sundry other means—as the principal means for the primitive accumulation of wealth. Essentially, the factions of the local ruling class that had control of state power at particular historical junctures used it as the agency for enriching themselves and their relations through the process of primitive accumulation (Kieh, 2009). Under the ambit of the “culture of impunity” that served as the foundation of the governance architecture, public officials who were accused of embezzling public funds were rarely held accountable through trials. In fact, in most cases, especially during the Tubman (1944–1971) and Tolbert (1971–1980) eras, public officials who were accused of embezzlement were simply transferred to other positions within the government.

### Political Dimension

#### *The Constitutional Provisions on Electoral Eligibility and the Tenure of Office*

The political dimension is framed by various issues. The 1986 Constitution has several undemocratic features. There is a class bias in the eligibility requirements for presidential and vice presidential candidates: Only those who have property valued at a minimum of \$25,000 can contest. Also, the notorious “ten year residency clause,” which was designed to prevent the political opponents of various regimes from

running for the presidency, since the reign of repression kept them in exile, was retained as a carryover from the 1847 constitutional order (1847 Constitution of Liberia; 1986 Constitution of Liberia). The long terms of office for the president (six years), the members of the House of Representatives (six years), and the members of the Senate (nine years) undermined the quest for democracy by insulating these elected public officials from the scrutiny of the electorate during reasonable time intervals (1847 Constitution of Liberia; 1986 Constitution of Liberia).

*The Operational Weaknesses of the “Separation of Powers”*

During the Taylor regime, President Taylor engaged in various actions that had the effect of undermining the constitutional order. For example, he publicly denounced the doctrines of the “separation of powers” and “checks and balances,” and asserted that he was the “lone authority in the government” (Radio Veritas, 1999a). As a vivid demonstration, Taylor ordered the members of the executive branch not to submit to legislative hearings as part of the former’s performance of its oversight functions (Kieh, 2011). As Human Rights Watch (2002: 65) observes, “President Taylor’s government functioned without accountability, independent of an ineffective judiciary and legislature that operated in fear of the executive.”

*The “Hegemonic Presidency”*

Another major political conundrum was the “hegemonic presidency” that was characterized by the suzerainty of the president. Originating in the “Barclay Plan” of 1904 (Sawyer, 1992; Kieh, 2008, 2011), and supported by the constitutional design and statutes, the “hegemonic presidency” became institutionalized during the Tubman administration. The subsequent administrations—Tolbert, Doe, and Taylor—retained and sought to expand its ambit. Under this arrangement, the president has extensive appointive powers—what Sawyer (2005: 3) refers to as “sweeping... powers of appointment of executive and judicial officials.” The president also controls the “national purse,” in that he determined the periodic allotments of public funds to all agencies of government through a “centralized warrant system of disbursement” (Sawyer, 2005: 3). During the Taylor regime, President Taylor routinely threatened legislators with removal from office if they did not follow his edicts (Kieh, 2011). Taylor, in addition, interfered with the authority of the courts in 1999 by blocking the implementation of a ruling by the Supreme Court of Liberia in a case against a local bank in which President Taylor had financial interests (Radio Veritas, 1999b).

### *The Violation of Political Human Rights*

Since the political governance architecture was premised on repression, especially following the crackdown on the opposition in 1955, the Tubman, Tolbert, Doe, and Taylor regimes recurrently violated political human rights as the *deus ex machina* for cowing the Liberian people into submission. For example, from 1955 to 1980, opposition political parties were denied the right to register. Even after a probate court judge took the unprecedented and bold step to register the opposition Progressive People's Party (PPP) in 1980, the legislature immediately passed a resolution outlawing the party (Kieh, 2008), thereby returning the country to a *de facto* one party system.

Various laws were enacted for the ostensible purpose of suppressing dissent and the broad gamut of political rights and civil liberties. For example, the revised Sedition Law of 1978 and Decree #88A of 1984 made it a criminal offense to criticize the government and any of its officials. In addition, during the Taylor regime, an assault was launched against the exercise of the freedom of press. In 1997, for example, some staff members of the Inquirer Newspaper were arrested on Taylor's orders (Human Rights Watch, 1999). In March 2000, the Taylor regime closed down the independent Star Radio (Inquirer, 2000). From 1997 to 1999, 26 persons, especially the leaders of civil society, including journalists, were arbitrarily arrested and detained by the Taylor regime (United States Department of State, 1997; United States Department of State, 1998; United States Department of State, 1999). Cumulatively, during the same period, the Taylor regime committed 357 politically-motivated murders (United States Department of State, 1997; United States Department of State, 1998; United States Department of State, 1999).

### *The Party System*

The party system in Liberia was established after the country declared its independence from the ACS in 1847. From then to 1990 (the end of the Doe regime), the party system went through various cycles. The first cycle (1847–1926)—the epoch of the settler state—had various phases. Initially, a two party system was established in 1847 with the True Liberian Party (it later changed its name to the Republican Party in 1857), and the Old Whigs Party (later changed its name to the True Black Man Party). The former represented the interests of the light-skinned repatriated Africans, and the latter, the dark-skinned repatriates (Kieh, 1988). Then in 1869, the True Whig Party (TWP) emerged as the third party representing the interests of a section of the dark-skinned repatriates and the Congos (those who were recaptured en

route to being enslaved). Subsequently, a multi-party system emerged, consisting of political parties that represented the interests of various factions of the settler stock (the repatriated Africans) on the basis of skin pigmentation and class (Kieh, 1988).

The second cycle commenced in 1926 (lasting from 1926 to 1955) with the finalization of Liberia's incorporation into the global capitalist system with the arrival of Firestone, and the introduction of wage labor (van der Kraaj, 1983; Kieh, 2012). The resulting multi-party system consisted of various parties that represented the various factions and fractions of the emergent local ruling class. The TWP was dominant, as reflected in its control of state power beginning in the late 1880s, although it was challenged at various intervals by other political parties.

The third cycle (1955–1980) witnessed the establishment of a *de jure* one party system with the TWP as the sole political party (Liebenow, 1969, 1987; Lowenkopf, 1976; Kieh, 1988, 2008, 2012). The shift from a multi-party system to a single party one was caused by the Tubman regime's crackdown on opposition political parties in 1955 (Liebenow, 1969; Wreh, 1976; Liebenow, 1987). In fact, opposition leaders like DidwoTwe were forced into exile (Wreh, 1976). However, in March 1980, the country became a two party system for a very brief period, after the PPP, an offshoot of the Progressive Alliance of Liberia (PAL), one of Liberia's major national social movements, was registered as a political party (Kieh, 2008). However, barely two weeks later, the TWP-led legislature banned PPP, in contravention of the Constitution of Liberia and the electoral laws (Kieh, 2008). Accordingly, the country reverted to its *de facto* one party system.

The fourth cycle began in 1985, and was anchored by a multiparty system. This cycle has three phases: The Doe, Taylor, and Sirleaf (will be discussed later) eras. During the Doe regime, using the leverage of state power, Sergeant then President Doe made his National Democratic Party of Liberia (NDPL) the dominant party (Sawyer, 1992; Kieh, 2008, 2012). This was done by using the instrumentality of the state to fund NDPL, and the elections commission to manipulate electoral results in favor of the emergent ruling party (Seyon, 1988; Sawyer, 1992; Kieh, 2008, 2012). Under the Taylor regime, there were fourteen political parties with the National Patriotic Party (NPP) as the ruling one (Kieh, 2011).

#### *Elections*

Conterminous with its party system, historically, Liberia has had two major types of presidential and legislative elections: competitive and

non-competitive. In the case of the former, the country had competitive elections from 1847 to 1955 (Liebenow, 1969, 1987; Lowenkopf, 1976; Wreh, 1976; Kieh, 1988, 2008, 2012; Sawyer, 1992). However, two of the presidential elections were noteworthy for their fraudulent outcomes. During the 1923 presidential election, the ruling TWP “won” 45,000 votes, after about 6,000 people had qualified as eligible voters (Buell, 1965: 714–715). This meant that the votes for the ruling TWP by far exceeded the number of eligible voters. Similarly, during the 1927 presidential election, the qualified electorate was 15,000 (Brown, 1941: 62). Of this number, Thomas J. Faulkner, the candidate of the opposition People’s Party (PP), allegedly won 9,000 votes, while President Charles D. B. King, the incumbent, and flag bearer of the ruling TWP, “won” 243,000 votes (Brown, 1941: 62). The Guinness Book of Records listed the election as one of the most fraudulent in the world (Kieh, 2008).

As has been discussed, in 1955, the emergence of a *de facto* one party system simultaneously heralded the end of competitive elections. Then, from 1955 to 1980, the country had a non-competitive electoral system in which the presidential and legislative candidates of the ruling True Whig ran unopposed. However, during the 1955 and 1959 presidential elections, the ruling TWP allowed token opposition as a way of legitimizing these non-competitive elections. For example, during the 1959 election, W. O. Bright was allowed to run as an independent presidential candidate. However, the electoral outcome was characteristically fraudulent: President Tubman, the incumbent and standard bearer of the ruling TWP, “received” 530, 566 votes to 55 votes for the opposition independent candidate (Kieh, 2008: 73).

However, the post-coup period witnessed the re-emergence of competitive elections under the constitutionally sanctioned multiparty system that came into existence in 1985, as an integral part of heralding the birth of the “Second Republic” as well as a new democratic order. The litmus test of the emergent democratic order and its competitive electoral system came during the 1985 election in which Sergeant Doe, the military head of state, was a presidential candidate (Liebenow, 1987; Seyon, 1988; Kieh, 2008, 2012; Sawyer, 1992). Fearful of losing the election, Sergeant Doe banned the Liberian People’s Party (LPP) and the United People’s Party (UPP), offshoots of the Movement for Justice in Africa (MOJA) and the PAL, the two national social movements, and the then two most popular political parties from participating in the election (Sawyer, 1992; Kieh, 2008, 2012). In spite of these draconian measures, Sergeant Doe could not win the presidential election. Accordingly, he used the election commission to engage in various



fraudulent actions that ultimately made him the “winner.” For example, the election commission burned ballots that were cast in favor of Jackson Doe (no relation to Sergeant Doe), the candidate of the Liberian Action Party (LAP), who, by all accounts, won the presidential election (Seyon, 1988; Sawyer, 1992). In addition, the election commission established a 50 member “special counting committee” consisting of members of the Doe-led NDPL to count the ballots for the presidential election (Seyon, 1988; Kieh, 2008, 2012). In the end, the “special counting committee” and the election commission declared Sergeant Doe the “winner” of the presidential election with 50.9 percent of the votes (Seyon, 1988; Kieh, 2008, 2012). The contrived winning percentage for Sergeant Doe met the threshold of “50% plus 1” for avoiding a runoff. Unsurprisingly, the United States, which had been Sergeant Doe’s principal neo-colonial patron, defended the fraudulent election as a novelty in presidential elections in Africa.

In 1997, Liberia held its post-first civil war presidential election, as part of the transition from war to peace. Thirteen candidates representing twelve political parties and one alliance contested (Independent Elections Commission of Liberia, 1997a). Charles Taylor, the principal warlord in the country’s first civil war and the flag bearer of the NPP won a landslide victory with 75.3 percent of the votes (Independent Elections Commission of Liberia, 1997b; Kieh, 2011). One of the major factors that accounted for the electoral outcome was that politics had not been demilitarized (Lyons, 1999; Kieh, 2011). That is, the various warlordist militias, especially Taylor’s National Patriotic Force of Liberia (NPFL), had its military apparatus intact (Lyons, 1999; Kieh, 2011). Hence, ultimately, the majority of the voters, fearing a reversion to war, if Taylor has lost the election, chose to vote for “security” (Lyons, 1999; Kieh, 2011).

### *Social Dimension*

The social dimension of the crises reflected the scope and breadth of the human security deficit in the country. In the area of education, for example, there was the lack of general access to educational opportunities, especially by the people in the rural areas; and the inadequacy of the number of schools, teachers, equipment, and supplies. This contributed to the high illiteracy rate of 62 percent in 2003 (United Nations Development Program, 2006).

Similarly, in the area of healthcare, there was a lack of access. Additionally, there were an inadequate number of health professionals,

hospitals and other health facilities, equipment and supplies. These problems were compounded by the fact that only 45 percent and 26 percent of the population had access to acceptable sanitation and clean drinking water, respectively, in 2003 (United Nations Development Program, 2006). One of the major consequences was that people died from even curable diseases, including water-borne ones.

## **The Sirleaf Administration: Farewell to the Crisis of Democracy?**

### *Background*

President Ellen Johnson Sirleaf assumed the presidency of Liberia on January 16, 2006, promising to end the crisis of democracy by dismantling the vectors of authoritarianism, and addressing the social and economic crises of underdevelopment (Sirleaf, 2006). In this vein, this section of the chapter will assess the performance of the Sirleaf regime in the cultural, economic, and political spheres—the major dimensions of the perennial crisis of democracy. In short, has the Sirleaf regime, over the past nine years, set in motion the process of democratic transition and ultimately democratic consolidation?

### **Performance**

#### *Cultural Sphere*

The Sirleaf government has not taken steps to address the two major conflicts that have militated against the establishment of ethnic pluralism. The settler-indigenes divide, although it has lost its primacy, remains a source of division. Clearly, the Sirleaf government has not helped the situation by its decision to retain the national symbols—flag, national emblem, and motto (“The Love of Liberty Brought Us Here”)—and the “Most Venerable Order of the Pioneers” as the country’s highest award. Clearly, these symbols exclusively reflect the historical and cultural experiences of the settler stock, and hence remain continuing sources of division and polarization.

As for the Krahn versus Gio and Mano conflict that was created by the Doe regime, again, the Sirleaf administration has not taken steps to help resolve these conflicts. Instead, President Sirleaf tried to exploit the conflict between these two clusters to further her political agenda,

especially her re-election bid. For example, in 2010, President Sirleaf's supporters in Grand Gedeh County, the political hub of the Krahn ethnic group, orchestrated the presentation of a resolution asking her to seek a second term of office (*The Informer*, 2010). This was done against the backdrop of the initial unwillingness of the Nimba County, the political base of the Gio and Mano ethnic groups, to support her "second term" bid.

### *Economic Sphere*

#### *The Human Condition*

In the economic sphere, unemployment—especially among the youth—mass poverty, and class inequities and inequalities remain enduring challenges. Moreover, chronic mass poverty continues to subject the majority of Liberians to living precariously, as they struggle on a daily basis to even have a decent meal. In 2007, for example, 63.8 percent of the Liberian population or 1.7 million people lived below the poverty line (Liberian Government, 2008: 2). Of these, 1.3 million lived in extreme poverty, equivalent to 48 percent of the national population (Liberian Government, 2008: 2).

#### *Corruption*

Amid the dire economic conditions, there is rampant corruption in the Sirleaf regime. Several cases are noteworthy. In 2008, Willis Knuckles, the minister of state for presidential affairs (chief of staff to President Sirleaf), and a confidante of President Sirleaf was accused of influence peddling and the resulting pocketing of money in a scandal that came to be known as "Knucklegate" (Dolo, 2008). Pressured by the massive public outcry against the scourge of corruption in her regime, President Sirleaf appointed a special investigative commission headed by Elwood Dunn, a Liberian academic (*The Star Newspaper*, 2008). After several months and the spending of thousands of dollars from the public coffers, the Dunn Commission submitted its report to President Sirleaf. However, since then, she has taken no action on the matter. Clearly, this has contributed to the continuation of the "culture of impunity" that has been an enduring feature of the Liberian political landscape since the Tubman era. In essence, those who are politically well connected are not held accountable for their actions.

In 2011, the former inspector-general of police, a confidante of President Sirleaf, was accused of embezzling money earmarked for the

purchase of uniforms for the police (allAfrica, 2013). Since then, the case remains unresolved. Similarly, during the same period, the former chair of the Liberian Telecommunications Authority, another confidante of President Sirleaf, was accused of embezzling \$5.2 million (allAfrica, 2013). Again, the case has not been resolved. The prevalence of corruption with impunity in the Sirleaf government prompted the then Auditor-General of Liberia to assert, “The Sirleaf government is three times more corrupt than the Bryant administration” (Sieh and Butty, 2007: 1). Similarly, even the US government, the regime’s chief external patron, observes, “Corruption and impunity are endemic through all levels of the [Liberian] government” (United States Department of State, 2009: 1). To make matters worse, President Sirleaf has failed to demonstrate the requisite political will to bring those accused of engaging in corruption to justice. This has surprisingly led Frances Johnson Morris, the then Chair of the Anti-Corruption Commission, to assert, “The Executive Branch of Government, which is charged with the responsibility of enforcing laws and mustering the political will in the fight [against corruption], is found wanting with respect to transparency and accountability in matters of financial management” (Sieh and Butty, 2007: 2).

### *Political Sphere*

#### *Constitutional Reform*

In the area of constitutional reform, the Sirleaf administration has not taken steps to expunge the various undemocratic provisions from the constitution. For example, the tenure of office for the president remains six years; it is also six years for the members of the House of Representatives; and nine years for the members of the Senate. This continues the antidemocratic trend of insulating these elected public officials from the scrutiny of the Liberian electorate at reasonable time intervals.

Also, President Sirleaf tried unsuccessfully to manipulate the notorious “ten year residency” provision for eligibility to seek the presidency to her advantage: Since she had not been resident in Liberia for ten years (prior to 2011), she would therefore had been ineligible to seek a second term of office (the ten year clause was suspended during the 2005 election). But rather than support the elimination of the provision, which James Fromoyan, the former Chair of the National Elections Commission, has correctly referred to as “a provision that has been

used by past regimes to present their opponents from contesting the presidency” (Binda, 2010: 1), President Sirleaf instead got the National Legislature to reduce the time frame to five years so that she could be eligible to contest (The Analyst, 2011). This was a ploy designed to prevent some of her major competitors for the presidency from being eligible, since they had not lived in Liberia for five years (prior to 2011). The measure was put to the electorate for final approval in a national referendum on August 23, 2011, about two months prior to the 2011 presidential and legislative elections. To President Sirleaf’s greatest surprise, the electorate rejected her plan to reduce the residency requirement for presidential aspirants from ten to five years. In order to avoid needless conflict, including violence, the Election Commission made the political decision to ignore the “ten year residency requirement in the constitution,” so as not to prevent candidates from contesting the presidency.

### *Political Human Rights*

In terms of the respect for political rights and civil liberties, although the Sirleaf government’s record is the best when compared to its contemporary predecessors—Tubman, Tolbert, Doe, and Taylor—, the legacy of authoritarianism still remains ensconced in Liberia’s governance architecture. This is reflected in the fact, for example, that Freedom House has rated Liberia as partially free in its annual survey of world freedom for each year during the tenure of the Sirleaf government (see table 2.1). For example, during its first year in office, the regime subjected journalists from various media outlets to various forms of harassment and abuse through the actions of some of its security agents (Seaklon, 2006). In a poignant summation of the various acts in violation of the freedom of the press, Jerue (2006: 1) asserted,

**Table 2.1** The index of political human rights in Liberia during the Sirleaf administration, 2006–2010

<i>Year</i>	<i>Political rights</i>	<i>Civil liberties</i>	<i>Status</i>
2006	3	4	Partially free
2007	3	4	Partially free
2008	3	4	Partially free
2009	3	4	Partially free
2010	3	4	Partially free

*Source:* Compiled from Freedom House, *Freedom in the World: Comparative and Historical Data, 1972–2010* (Washington, DC: Freedom House, 2011).

Journalists have faced some of the worst political plagues, but during her campaign and induction speeches, President Ellen Johnson Sirleaf promised to uphold press freedom and remain a respecter of journalists and recognize the peculiarity of their function in a wholesome Liberia. That seems not to be forthcoming. Her security officers have engaged in flagrant abuses and attacks on journalists in recent times.

*The “Hegemonic Presidency”*

As for the “hegemonic presidency,” President Sirleaf has taken steps to expand its ambit. One major case is that, contrary to her professed commitment to ending presidential domination and its associated undemocratic excesses, President Sirleaf took the unprecedented step in September 2006 of requesting the National Legislature to grant the president the authority to appoint the city mayors (Kennedy, 2006). Various opposition political parties and civil society organizations criticized President Sirleaf for her action (Cheeseman, 2006). In spite of this, the Supreme Court of Liberia shockingly and erroneously ruled that Article 54 of the Liberian Constitution gives the president the authority to appoint city mayors (Bowe, 2008).

The related issue is that the Sirleaf government has taken steps to help further weaken the legislature. The principal action has been the launching of a full-scaled campaign ostensibly designed to dragoon opposition legislators to decamp from their respective political parties and join the ruling Unity Party (UP). This was done through the offer of cash rewards and other perks (Sonpon, 2009). Several opposition legislators obliged. In turn, this enabled the ruling party to have majorities in the two legislative chambers (up to early 2015. The ruling party lost its majorities in the two chambers of the legislature after the Senatorial by-election in 2014). Accordingly, the Sirleaf regime was able to pass any legislation without debate and scrutiny.

*Nepotism and Patronage*

President Sirleaf is continuing the perennial system of patronage and nepotism as well. For example, she has appointed several of her relatives to positions in her government. For example, Estrada Bernard, the president’s brother-in-law, is the advisor to the president on legal and national security affairs; A. B. Johnson, the president’s cousin, served as the minister of the interior from 2006 to 2010, until she was pressured to remove him after he was accused of embezzling millions of dollars in development funds earmarked for the various counties; Fombah Sirleaf,

the president's son, is the director-general of the National Security Agency; Charles Sirleaf, the president's son, is the director of finance at the central bank (LiberianCorruption Watch, 2010). In 2012, Charles Sirleaf was appointed by his mother to the position of Deputy Governor of the Central Bank of Liberia. Robert Sirleaf, President Sirleaf's other son, occupied two major positions to which he was appointed by his mother: senior presidential advisor and chair of the Board of Directors of the lucrative National Oil Company of Liberia (Pesta, 2012) (President Sirleaf was forced to remove him from the leadership of the Board of Directors of NOCOL in 2013, after pressure from both the U.S. and the European Union). Importantly, Robert Sirleaf is the second most powerful figure in the Liberian government, thereby resulting in him being referred to as the "prime minister" of the country (Pesta, 2012). Interestingly, the prevalence of nepotism and corruption in the Sirleaf government led Leymah Gbowee, the Nobel Prize laureate and a strong supporter of President Sirleaf, to publicly disavow the president, and resign her position as the head of the national reconciliation effort (The Telegraph, 2013). Madam Gbowee lamented, "What has changed? Her (President Sirleaf's) sons are on the boards of oil companies and one is deputy governor of the central bank. The gap between the rich and poor is growing. You are either rich or poor" (The Telegraph, 2013: 1).

Moreover, in February 2010, President Sirleaf directed the heads of government ministries and agencies to employ at least two members each of the ruling party (Clark and Wenyu, 2010). In criticizing President Sirleaf's action, Jefferson Elliott, the President of the Liberian Civil Service Association, asserts, "[This] is a return to the 'spoils system,' and an attempt to politicize the civil service and to give it a partisan picture, and it violates section three of the Civil Service Standing Order" (Clark and Wenyu, 2010).

### *The Party System*

Since 2005, Liberia has maintained a multiparty system (National Elections Commission, Liberia, 2005a). When the 2005 presidential and legislative elections were held, there were 30 registered political parties in the country (National Elections Commission, Liberia, 2005a). However, by the 2011 national elections, the number of political parties declined to 25 (National Elections Commission, Liberia, 2011a). Based on the results of both the 2005 and 2011 presidential and legislative elections, the major political parties in the country are the ruling Unity Party (UP), the Congress for Democratic Change (CDC), the National Union for Democratic Progress (NUDP), and the Liberty Party (LP).

A troubling trend emerged in 2010 that reflects the effort by the Sirleaf regime to establish a *de facto* one party system. This is being done in various ways. As noted earlier, the regime has been successful in wooing several opposition legislators to the ruling party, thereby contributing to the weakening of opposition political parties, especially their capacity to be represented in policymaking. In addition, in 2010, the ruling party merged with two opposition political parties—the LAP and the Liberian Unification Party (LUP). One of the resultant dividends for the ruling party was that the merger helped to give it majority in the two houses of the legislature. Like its predecessors, the Sirleaf government has made membership in the ruling party a major prerequisite for one to get employment in the public bureaucracy.

### Elections

In terms of national elections, two have been held since the ushering in of the post-second civil war era: 2005 and 2011. For example, during the 2005 presidential election, 21 candidates representing various political parties, coalitions and alliances, and one independent candidate contested for the presidency (National Elections Commission, Liberia, 2005b; Kieh, 2006, 2013). Ideologically, there were one social democratic party (The New DEAL Movement), two populist ones (Congress for Democratic Change and the Alliance for Peace and Democracy), and the rest were conservative, liberal and centrist parties (Kieh, 2006, 2013). In addition, characteristically, several of the political parties were organized by various individuals as the principal vehicles for the pursuance of their presidential ambition (Kieh, 2006).

The two top vote getters in the first round were George Weah of the Congress for Democratic Change (28.3%), and Ellen Johnson Sirleaf of the Unity Party (19.8%). However, since no candidate received the constitutionally required “50% plus 1,” a run-off was held between Weah and Sirleaf. Sirleaf won with 59.4 percent of the votes to 40.6 percent for Weah (National Elections Commission, Liberia, 2005c).

The outcome led to postelection violence, because Weah, the CDC and their supporters claimed that the results were fraudulent (People’s Daily Online, 2005; Harris, 2006). In Monrovia, the capital city, angry Weah supporters and CDC partisans fought with Liberian and UN police, leaving about 20 people injured (People’s Daily Online, 2005). Interestingly, in December 2005, following a visit to Nigeria at the invitation of President Obasanjo, Weah announced that he had accepted the results of the run-off election—apparently due to tremendous regional and international political pressure.



Importantly, the United States and other major external actors showed considerable interests in the 2005 presidential election. One major example was the fact that the American Ambassador Donald Booth interviewed all of the presidential candidates and their running mates, in clear violation of the sovereignty of Liberia (Kieh, 2013). The flaunting of Liberia's sovereignty notwithstanding, the so-called "vetting process" by Ambassador Booth was a charade, because, from the onset, the United States wanted Madam Sirleaf as the President of Liberia. As Femi Fani-Kayode, the former presidential spokesperson to the Nigerian government asserts, "[Ellen Johnson Sirleaf] was actually the American . . . candidate for that election [2005], and she worked very closely indeed with the Americans, Obasanjo and Nigeria before she was elected to power" (Huhuonline.com, 2010: 1).

In the 2011 presidential election, 16 candidates contested, representing 15 political parties and one coalition (National Elections Commission, Liberia, 2011b). The two highest vote getters were President Sirleaf, the incumbent and flag bearer of the ruling Unity Party with 43.9 percent to 32.7 percent for the main opposition candidate Winston Tubman of the Congress for Democratic Change (National Elections Commission, Liberia, 2011c). However, since President Sirleaf did not receive the constitutionally required minimum of "50% plus 1," there was a run-off election between her and Winston Tubman. However, prior to the election, the CDC called on its supporters to engage in a boycott (Liberians United to Expose Hidden Weapons, 2011). The rationale was twofold. First, that the CDC won the first round and was cheated. Second, the CDC argued that the Liberian National Police used violence against its supporters that had assembled at its national headquarters to stage a peaceful protest against the results of the first round of the presidential election. Notwithstanding, Tubman's name was retained on the ballot. In the end, President Sirleaf was declared the winner with 90.7 percent of the votes, with 9.3 percent going to Tubman (National Elections Commission, Liberia, 2011d).

### **Toward Addressing the Crisis of Democracy in Liberia: Some Policy Suggestions**

Although the Sirleaf regime has taken some encouraging steps to liberalize the "political space" so that Liberians can fully exercise their political rights and civil liberties, much work remains to be done in terms of "exorcising the authoritarian demon" that has had a stranglehold on the

Liberian polity since its founding. In terms of addressing the perennial crises of underdevelopment, the regime is not performing well, as evidenced by the worsening problems of mass deprivation. In other words, the process of democratic transition in Liberia remains hamstrung by the persistence of the authoritarian reflex, and the deepening of the crises of economic and social underdevelopment.

Even if the Sirleaf regime were to succeed in fully instituting liberal democratic reforms, they would not be enough to address the country's perennial crisis of democracy by facilitating democratic transition and ultimately democratic consolidation. The rationale is twofold. While the establishment of liberal democracy would make a major contribution to the processes of democratic transition and democratic consolidation, it would not be enough, because it is not comprehensive. In other words, liberal democracy exclusively focuses on the political dimension of the crisis of democracy. Another weakness is that liberal democracy, as Yidana (2009: 1) aptly observes, is "form driven." That is, liberal democracy emphasizes political procedures and processes, without giving the required critical attention to issues such as power relationships, class inequities and inequalities, and the ways in which they impact the power calculus and politics, social justice, and basic human needs such as education and healthcare. In short, liberal democracy creates a major dialectical tension between its emphasis on the promotion of political and legal equality, on the one hand, and socioeconomic inequality, on the other hand.

In this vein, I proffer the social democratic model as the best pathway for addressing Liberia's crisis of democracy. Ake (1996: 130) lays out the major contours of the social democratic model thus:

Social democracy is] a democracy in which people have real decision-making power over and above the formal consent of electoral choice . . . A . . . democracy that places emphasis on concrete political, social and economic rights as opposed to a liberal democracy that emphasizes abstract political rights. It will . . . invest heavily in the improvement of people's health, education, and capacity so that they can participate effectively.

In short, the social democratic trajectory is comprehensive—it seeks to address the various dimension of human security. By so doing, it provides the compass for addressing the crisis of democracy in Liberia and its associated vagaries of authoritarianism and underdevelopment. Four major domestic actors could serve as the drivers of the establishment of

social democracy in Liberia: The New DEAL Movement, the National Social Democratic Party of Liberia, some of the members of the former national social movements, and a president of the country, who is committed to social democracy. The two political parties and the members of the former national social movements, who are committed to social democracy, would need to embark upon a national educational awareness and consciousness building campaign to educate Liberians about the ideology. In addition, these actors, especially the two social democratic parties, would need to begin the process for formulating and proffering alternative public policies based on social democratic principles. Further, the pro-social democracy forces would need to support a presidential candidate, who is committed to the formulation and implementation of public policies anchored in social democratic precepts. This is absolutely critical because the control of state power is ultimately important to the implementation of social democratic policies in the state arena.

Since the crisis of democracy in Liberia is the consequence of domestic and external factors, ways must be found to address these two broad clusters of conditions. In the internal domain, the initial steps need to be the social democratic reconstitution of the authoritarian peripheral capitalist Liberian state. Basically, this would entail the transformation of the portrait of the construct. For example, the nature of the state needs to reflect a synergy of the historical and cultural experiences of both the settler and indigenous stocks. The character of the state needs to be made pro-people, pro-democracy, and pro-development. The mission of the state should be the promotion of human security for all Liberians, without ethnic and class privileging. The political economy should be anchored in the autonomy of the state, so that it can be independent of the control of various class forces and their factions and fractions.

Also, the state should promote and protect the political rights and civil liberties of all citizens, irrespective of their station. In other words, citizens should be able to exercise and enjoy their political rights and freedoms without the state and its regime serving as obstacles. Of course, the exercise of these rights and freedoms should take cognizance of the rights and freedoms of others—both individuals and groups.

The state's pivotal role in the promotion of national development would be quite essential. This would include the state ensuring equitable ownership of the major means of production—based on a mixture of public and private ownership. The state would further ensure that all citizens have equal economic and social opportunities to improve and advance

their material conditions without hindrances. Given the many conflicts over land ownership, the state would need to take an active role in the formulation of a new fair and effective regime for regulating land ownership, as well as addressing the historically based grievances regarding the illegal acquisition of land by former state functionaries. The development of the infrastructure—roads, bridges, among other things—which has been historically neglected, would be a major area of focus as well. Since the success of development hinges upon skills, the state would need to develop “social capital” by investing in public education at all levels and other types of skills training. In addition, the state would need to develop the full gamut of technical and administrative capacities that is critical to the pursuance of its national development agenda.

An effective welfare system would need to be developed as an anchor to the efforts to address the country’s perennial human development deficit. At the core would be the advancement of the material conditions of the citizens. This should be premised on the foundational pillars that citizens have a right to employment, education, healthcare, housing, and the other basic necessities of life (Kieh, 2011). The rationale is that people are likely to be restricted in what they can do with their political freedoms and rights, if they are poor, ill, or lack the education, which to a greater extent today than ever before, is the basis of employment opportunities, personal fulfillment, and people’s capacity to influence what happens to them (Commission on Social Justice, 2000: 54).

Under the aegis of the social democratic state, the specific derivatives of the crisis of democracy can then be addressed. At the cultural level, steps would be taken to resolve the age-old conflict between the settlers and the indigenes. One of the major ways would be to eliminate all of the vestiges of divisiveness, including the redesigning of the flag and the national emblem, and the reformulation of the motto. The “Most Venerable Order of the Pioneers” should as well be replaced with an inclusive award as the highest national honor. Similarly, efforts should be made to address the Krahn versus Gio and Mano conflict. Broadly, the state should establish a new culture of ethnic pluralism and the respect for diversity, without the state privileging one group to the detriment of the others.

Economically, the state would formulate and implement plans to address the problems of unemployment, wages, and poverty. In the case of employment, the state would work with—and encourage efforts in—the private sector to create jobs. The related issue is that a minimum wage would be established, and steps would be taken to help ensure that workers earn decent wages that can provide for their

sustenance. Through the combination of employment opportunities and the establishment of a “social safety net,” the scourge of endemic poverty would be addressed. Likewise, concrete steps would be taken to deal with corruption, based on the establishment of an effective anti-corruption regime that is replete with laws rooted in the political will to bring culprits to justice.

Politically, constitutional reforms would be undertaken that would seek to address, among other things, the issues of the tenure of office for the president and legislators, and the residency and property requirements for contesting the presidency. In terms of the tenure of office, it should be uniformly established at four years for the president and legislators. This would enable the voters to hold these elected officials accountable through elections at reasonable time intervals. The residency and property requirements for competing for the presidency should be removed.

Sustained efforts should be made to enforce the respect for the political human rights of all citizens, irrespective of ethnicity, region, gender, age, class, religion, and other considerations. In addition, mechanisms would be established to supplement the courts as arbiters of human rights violations. For example, the National Human Rights Commission should be strengthened so that it can help ensure that the human rights of citizens are fully respected by the government, private groups, and individuals.

Another measure should be the strengthening of the various public institutions, especially the legislature and the judiciary. In the case of the legislature, the central purpose would be to strengthen its capacity to effectively perform its oversight functions. As for the judiciary, the thrust would be to enhance its capacity to be a fair and impartial dispenser of justice.

With the legislature and judiciary serving as effective countervailing forces, efforts should be made to dismantle the “hegemonic presidency.” Two specific measures would be important: the reduction of the expansive appointment powers of the president by drawing a distinction between “political appointees” (to be appointed by the president) and the civil service (employment would be gained through competitive exams).

Socially, the state should make major investments in education, healthcare, public housing, and public transportation. Combined with the improvement of the economic conditions of all citizens, Liberians would have the opportunity to earn a decent living through hard work, thereby enabling them to live fulfilled lives. Moreover, as has been

discussed, educated and healthy citizens would be well positioned to take ownership of the democratic project.

At an external level, given Liberia's peripheral status in the "international division of power," it cannot single-handedly extricate itself from the vagaries of the world capitalist system. Thus, Liberia would need to establish cooperative relationships with other African states, as well as others in the "Global South" in forums such as the Non-Aligned Movement and the Group of 77. Using "pooled sovereignty" as one of the major strategies, these cooperative relationships should be designed to use the natural resources and the numbers of the countries of the "Global South" as bargaining tools in their negotiations with the suzerains of the world capitalist system. For example, the countries in the "Global South" should base access to their various natural resources by the "Global North" on the restructuring of the global political economy and its various modes of interactions. The ostensible goal would be to ensure the construction of a "New International Economic Order" that is anchored in fairness.

Clearly, as in the past, the "Global North" would resist efforts to restructure the world capitalist system. This is because it would lead to the "Global North" losing its power and privileged position. As part of its strategy, the "Global North" would employ the classical "divide and rule strategy" in its effort to undermine the solidarity of the "Global South." Hence, there is the recognition that the efforts by the "Global South" to wage a struggle to restructure that world capitalist system would need to take cognizance of this reality, and to plan and take actions to minimize the effects of such divisive strategies. One possible counter-strategy could be to focus the project for restructuring of the world capitalist system on those African and other Third World states that are willing and prepared to join and contribute to the development, maintenance, and strengthening of the various cooperative relationships that would constitute the bedrocks of the project. Meanwhile, Liberia would need to begin and pursue, as much as possible within the strictures imposed by the world capitalist system, the restructuring of its domestic political economy so that it is re-orientated toward serving human needs.

### **Conclusion**

The crisis of democracy in Liberia has its roots in the portrait of the Liberian state, including the historical evolution of the construct, and the world capitalist system and American neo-colonialism. In turn,

these three clusters of factors have led to the development of a portrait—nature, character, mission, and political economy. It is the portrait that has generated the multidimensional crises of democracy—cultural, economic, political, and social.

Although the Sirleaf regime has made some progress in terms of addressing some of the aspects of the political dimension of the crisis, much work still needs to be done in this area. More broadly, the cultural, economic, and social dimensions of the crises need to be addressed. Thus far, the Sirleaf regime has not done a good job in these critical areas. Accordingly, the process of democratic transition is sandwiched between some efforts at political liberalization, on the one hand, and the persistence of the authoritarian reflex and the worsening social and economic crises of underdevelopment, on the other hand.

Importantly, even if the Sirleaf government makes a commitment to the pursuance of the full liberal democratic reconstitution of the Liberian state, this would only help address the political dimension of the crisis of underdevelopment without dealing with the economic and social aspects. Hence, the chapter suggests that Liberia adapts the social democratic model as its compass for addressing its crisis of democracy. The rationale is that such an approach would enable the country to deal with the multidimensionality of its crisis of democracy. In particular, the model would address the critical issues of power relationships, class inequities and inequalities, social justice, and basic human needs such as education and health care.

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## CHAPTER THREE

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### *Two Decades of Liberal Democracy in Ghana: A Critical Political Economy Perspective*

JASPER AVELAZUNO

“Just as the Christians are equal in heaven, but unequal on earth, so the individual members of the nation are equal in the heaven of their political world, but unequal in the earthly existence of society.” *Karl Marx, Contribution to the Critique of Hegel’s Philosophy of Law*

#### **Introduction**

Ghana’s transition to liberal democracy has encountered many challenges along the road. The most recent one is the petition filed by the opposition New Patriotic Party (NPP) at the Supreme Court challenging the results of the 2012 presidential election, in which the incumbent president and candidate of National Democratic Congress Party (NDC), John Mahama, was declared the winner by the Ghana Election Commission. The eight month-long trial of the petition deepened the acrimonious political polarization of the country along NPP and NDC lines. The trial was so viciously and maliciously politicized in the media, with almost every decision of the judges given a political spin and tagged with either NDC or NPP biases, that some leading Ghanaians such as Mr. Kofi Annan, the Asantehene, Otumfuo Osei Tutu, Reverend Professor Emmanuel Asante, and the Justices of the Supreme Court trying the case had cause to express their worries about the rising political tension in the country because of the trial.

Yet Ghana's democratization odyssey since its "founding" elections in 1992 to the disputed 2012 elections is exemplary, at least, by the standards of the minimalist Schumpeterian conception of democracy and liberal or electoral democracy (Diamond, 1999). All the core tenets of this model are present and respected in Ghana: political equality anchored in the right of franchise and periodic elections, reasonably free and fair; civil liberties, freedoms, and human rights guaranteed by a constitution which is respected by all Ghanaians as the fundamental law of the land; rule of law adjudicated by a relatively impartial and independent judiciary; separation of powers between the three organs of government (the executive, legislature, and judiciary), free press, and a relatively autonomous and vibrant civil society. All the six elections Ghana held since 1992 have been relatively peaceful. If Huntington's (1991) two "turn-over" criterion for the consolidation of democracy is correct, Ghana may be considered a consolidated democracy. Two of the six elections led to the turn-over of power from the incumbent party to the opposition: first, the landmark 2000 election that saw the rotation of power between the incumbent NDC and the opposition NPP, when the latter won the election in a runoff and the former graciously conceded defeat and handed over power—the first time in the political history of Ghana. Second, the 2008 election that was won by the opposition NDC and the NPP reciprocated the grace of its opponent and willingly handed over power despite the razor-thin margin of defeat (less than 1% of the total valid votes cast).

Ghana passed another test on the strength of its democratic political stability when the sitting president, John Atta Mills died suddenly in July 2012, a few months to go for the December 2012 elections. In line with the fourth republic constitution, his vice president, John Mahama was sworn into office as president, safeguarding the stability and continuity of the democratic system in highly fluid and risky political circumstances. Besides the looming danger of reversing the progress of democratization in the likely event that the military exploits the power vacuum to stage a coup, factional and power struggles in the ruling party could have delayed the smooth transition, making the above scenario even more ominous. Note that Atta Mills died at the time when factionalism in the NDC was at a breaking point. Rawlings—the founder of the party—and his wife became so estranged from the late Atta Mills that they tried unsuccessfully to take the leadership of the party from him; after which the power struggle between their factions became fierce and bitter (Bob-Milliar, 2012). To pull off such a smooth transition in such extremely inauspicious political circumstances

demonstrates the strength and solidity of the institutional moorings of the democratic system in Ghana.

The peaceful resolution of the 2012 presidential election dispute in the Supreme Court, in contrast to the horrific, bloody violence that characterized similar situations in Cote d'Ivoire in 2010 and Kenya in 2008, further affirms Ghana's international image as a relatively consolidated democracy. Legitimately, there were fears among Ghanaians that the supreme court verdict (regardless of whichever party it favored), was likely to escalate the political tension surrounding the trial into an all-out civil conflict. The verdict was delivered on August 29, 2013. The Supreme Court dismissed the petition and validated the election of John Mahama as president. The NPP 2012 presidential candidate, Nana Akufo-Addo, accepted the decision (albeit while disagreeing with it) and congratulated President John Mahama for winning the elections, illustrating the high level of political maturity of the political elite of Ghana in democratic values and behavior, particularly "learning to lose" in closely fought elections (Whitehead, 2007: 16). The democratic institutions of Ghana have thus been tested twice within the period of a year, and in both cases, they have been shown to be very much in place, robust, and functioning effectively under extraordinarily challenging circumstances. Even though the verdict of the Supreme Court was equally and viciously politicized in the media, just like the trial, Ghana remained peaceful and most of the citizenry seemed to have consigned the trial of the election petition to the dustbin of history, another attitude favoring the consolidation of democracy.

The purpose of this chapter is to interrogate Ghana's democracy from a critical political economy perspective (hereafter, CPE perspective). Using theoretical augmentation and secondary empirical data, the chapter argues that liberal democracy, the model of democracy practiced in Ghana, is by definition (and historically) a "thin," attenuated variant of democracy (Barber, 2003). Because of its organic relationship with capitalism and classical, utilitarian, individualist liberalism—à la Bentham, John Mill, and John Locke (see Macpherson, 1965; Held, 2006: 62, 75)—liberal democracy is afflicted with internal contradictions, making its "lock, stock, and barrel" adoption in Ghana highly problematic. The democratic experience of Ghanaians, particularly the subaltern classes, is not only limited but also contradictory. As captured by the epigraph, on one hand, the Ghanaian subalterns are free and equal in the "heaven" of the "political world," but on the other, they are unequal, oppressed, exploited, and live miserable lives in the economic sphere where they face and suffer grinding poverty. They lack

the basics of life like food, potable water, clothing, and shelter, and are always vulnerable to poverty and death from preventable and treatable diseases like malaria. Ghana may be a dazzling beacon of liberal democracy, a model prescribed by the mainstream democratization literature as the elixir for authoritarianism in Africa, but it is a democracy needing another transition to popular or social democracy in which economic equality and justice are as important as political equality and justice.

In the rest of the chapter, the argument will be fleshed out in the following order: in the next two sections, I situate it in proper theoretical context; first, in Section 2 by discussing liberal democracy, laying out its key doctrines and their contradictions. Second, the main theoretical elements of the critical political economy perspective of democracy are laid out in Section 3. This is then followed by two empirical sections; Section 4 discusses the capitalist imperatives underpinning the neoliberal policies implemented by the liberal-authoritarian government of J. J. Rawlings as the political-economic underpinning of the transition to liberal democracy in Ghana. Some of the outcomes of neoliberalism in Ghana are the deleterious socioeconomic effects it wrought on the subalterns. These are examined in the penultimate section to illustrate the direct contradictions between political equality and socioeconomic inequality in Ghana's liberal democracy. The conclusion pulls the chapter together to restate its main argument and the contribution it makes to the literature on democracy in Africa.

### **Liberal Democracy and Its Internal Contradictions**

Liberal values are not just universal, but are also of intrinsic and instrumental value (Sen, 1999a, 1999b). To function as a human being and live a fulfilling life, the freedoms, rights, and liberties of citizens must be respected and protected. All citizens should also be treated equally before the law, be governed by the rule of law (not the rule man); should have equal political rights irrespective of gender, class, ethnicity, sexuality, race; should be free to express their views; and should have the right to legally acquire property and enjoy it without any interference. Most classical sources of liberalism such as The English Magna Carta, The American Declaration of Independence, The French Declaration of the Rights of Man and Citizen, John Locke's *Two Treatises*, John Stuart Mill's *On Liberty*, and John Rawls' *Political Liberalism* espouse these virtues, though with varying philosophical and ideological orientations (Held, 2006; Zakaria, 2007). Popularly associated with liberal democracy, these

values should make it an indisputably preferred model of democracy. However, this is not the case. Besides not being universally accepted, liberal democracy is criticized not just by Marxists (its traditional critics), but by scholars who, by no stretch of interpretation, can be described as Marxists (see Held, 1993; Schmitter, 1995; Barber, 2003).

The liberal perspective of democracy is founded on the liberal ontology of a society that separates the “political” from the “economic,” the “public” sphere from the “private,” or the “political society” from “civil society” (hereafter, to be used interchangeably). The underlying premise of this separation is to protect the freedoms of the individual from interference by the state, and to guarantee their freedom to do whatever they please, so far as they don’t interfere with the freedoms of other individuals. Essentially, liberal theory and theorists seek to protect the private sphere from the power and interference of the state (Bobbio, 2005; Walzer, 1984). Liberals believe that if individuals are to be free to lead the lives they choose and value, if they are not to be forced by the state to do things against their will, if they are not to be prevented from pursuing their chosen goals, and so on, the power of the state should be limited to the public sphere where it provides certain public goods, like maintenance of law and order. The state should not interfere in the private or economic domain of life where individuals lead the lives of their choosing, interact with each other freely (say, in the free market) to promote their interests, and make rational decisions and choices (see Held, 2006: 59).

It is easy to presume that a liberal state is necessarily democratic and an authoritarian state is illiberal—in addition to being undemocratic. However, the separation of the public from the private has made the issue more complicated because, in practice, the private sphere can be liberalized without the political. Indeed, some liberals prefer the liberalization of the economic sphere as the foundation for liberalizing the political (see Friedman, 2002: 8). The contradictory policies of the IMF and World Bank in Africa, between the 1980s and 1990s, were informed by this way of reasoning: democracy is a luxury that should wait until the economic sphere is liberalized. Thus, the democratization of some sub-Saharan African countries like Ghana came after the liberalization of the economy, using the strong and *visible* hand of the autocratic state, such as the Rawlings military government, to implement structural adjustments programs (SAPs).

Historically, the relationship between democracy and liberalism is, therefore, complex. While liberalism is often associated with, and in some cases, taken for democracy, paradoxically, the two are



not necessarily compatible (Macpherson, 1977; Held, 1993; Schmitter, 1995; Bobbio, 2005; Zakaria, 2007). For instance, there is tension “between the liberal preoccupation with individual rights or ‘frontiers of freedom’ that ‘nobody should be permitted to cross’ and the democratic concern with the regulation of individual and collective action, with public accountability” (Held, 1993: 257). Between the continuum of autocratic and democratic regimes, there are both liberal and illiberal autocracies, and liberal and illiberal democracies.

In the ideal situation where the state is both liberal and democratic, say, the United States, liberal democracy is not any less complicated and contradictory, thanks to the liberal separation between the public and the private. Because of the narrow focus on procedural, political democracy—constitutional and representative government, political equality, rule of law, elections, and so on—and because of the erroneous presumption that all individuals are free in the private sphere (insulated from the state), fully-established liberal democracies are equally afflicted with these contradictions. There is, for example, a contradiction between equality of individuals in the political domain and socioeconomic inequality between them in the economic. The United States, “by many of the standard indicators of inequality, is now the most unequal longstanding democracy in a developed country in the world” (Stepan and Linz, 2011: 841; see also Krugman, 2007: 16). This has raised concerns over the hollowing out of democracy in the country: “[p]rogress toward realizing American ideals of democracy may have stalled, and in some arenas reversed democracy” (APSA Task Force, 2004: 651; see also Stepan and Linz, 2011). Yet, because liberal democracy limits democracy to procedural political processes and protection of political rights on one hand, and on the other, excluding the private sphere from one of the key doctrines of democracy, equality, the United States not only sees itself as the paragon of democracy, but has arrogated to itself the right to promote democracy to other parts of the world (Robinson, 1996).

There is a long history behind the contradictions of liberal democracy. Democracy was not always on the agenda of liberals in England, where liberalism and liberal democracy emerged, and other Western countries where they were later adopted. The most important thing was the insulation of the economic sphere from the interference of the state in order for the elite classes to accumulate and enjoy their wealth freely. Ideologically, the classical sources of liberalism (Magna Carta, Petition of Right, and the Glorious Revolution of 1688) demonstrate this assertion (Wood, 1995: 213). In practice, the property qualification

of the right of franchise and the resistance of liberals to the extension of the franchise to all citizens of adult age and sound minds—universal adult suffrage—demonstrates that liberals were not necessarily democrats. They feared that universal adult suffrage would lead to a situation where the *demos* will use their numerical advantage to launch a revolution with the ballot paper, leading to redistribution of wealth from them to the poor. The evolution of the nation-state and citizenship in Western Europe was characterized by the contradiction of liberal democracy today: “the equality of citizenship and the inequalities of social class develop[ed] together” (Bendix, 1996: 94). As liberalism (not democracy) was the overriding concern of the elite classes, the rights of the citizen were attained sequentially: civil rights first—obviously, because these were the most important to the elite (Wood, 1995: 233); followed by political rights, and lastly, social rights (Marshall, 2009: 149). The Lower classes had to struggle fiercely for political and social rights (Bendix, 1996: 89; Wood, 1995: 227), realizing the latter very late: in the postwar era when the Western welfare state emerged with the economic boom of the time.

Thanks to the US democracy-promotion machinery, liberal democracy is hegemonic in the present neoliberal world order in which it is promoted as the best model for all countries. However, the brief historical and theoretical overview above illustrates what a problematic model it is. The critical political economy approach to democracy sketched out in the next section further elucidates its undemocratic elements and the way in which it is intertwined with capitalism and its oppressive and exploitative power relations in the so-called private sphere.

### The Critical Political Economy Perspective of Democracy

Four interrelated premises undergird the critical political economy perspective of democracy:

1. Historically, liberalism and liberal democracy are inextricably linked to the capitalist order. The liberal separation of the economic and the political is closely linked to the birth of capitalism; first, in England and then in the other Western core capitalist countries (see Wood 2002: 105; 2012: 14)
2. The quality of democracy in a country is measured by not *only* the liberal doctrines on which the political system operates, but also equally by how just the organization of production and

distribution of wealth is. There is no trade-off between political and economic goods, between political and social justice, and between political and economic freedoms. Claims by some liberal scholars that “political goods are a more influential and enduring source of democratic legitimacy” in Africa (Bratton and Lewis, 2007: 3; see also Bratton et al., 2005: 349–351) are only fathomable with a liberal ontology where the political is separate from the economic.

3. The separation of the economic and the political is not just a liberal myth, but underneath the free and insulated economic sphere are oppressive and exploitative power relations that eviscerates democracy of its core virtues of equality and freedom of citizens and active participation in the decision-making processes of state (see Walzer, 1984: 321–322). “We need to look closely at the ways in which wealth,” Walzer enjoins us, “once political tyranny is abolished, itself takes on tyrannical forms. Limited government is the great success of the art of separation, but that very success opens the way for what political scientists call private government” (Walzer, 1984: 321).
4. The liberal democratic state—be it the ideal Weberian state of the advanced Western democracies or the neo-patrimonial state in nascent democracies in Africa—serves the interest of global capital, particularly in this era of neoliberalism where the state is internationalized (Cox, 1987) or transnationalized (Robinson, 2004, 2012). Certainly, a transnationalized state may be democratized nationally, but it might actually be accountable not to its citizens, but to powerful transnational forces like transnational corporation (TNCs) and global governance institutions like the World Bank, IMF, and WTO.

From a critical political economy perspective, the economic sphere must be subjected to the discipline of democratic accountability for the true meaning and ethical virtues of democracy to be restored. Otherwise, democracy in the liberal sense is more about the protection of the material interests of the political and wealthy classes than being oriented toward the total wellbeing (political, social, and economic) of all citizens, regardless of class, gender, race, or ethnicity. As Giddens reminds us, it is true that democracy is not “a panacea for all injustices, evils and dangers” (cited in Held, 2006: 281). Nevertheless, it is equally true that democracy is not irretrievably a socially unjust or incorrigibly an inhumane capitalist system. A reconfiguration of the undemocratic

social power relations underneath liberal democracy, as well as sanitizing it of its “de-democratization” tendencies (Brown, 2006; Stepan and Linz, 2011) and changing the capitalist logic underpinning the management of the economies of liberal democracies, will make it a more just system; in fact, to do so would make it democratic.

### **The Capitalist Logic of Neoliberal Reforms and the Emergence of Liberal Democracy in Ghana**

The re-democratization of Ghana in 1992 did not happen in a political-economic vacuum. In 1983, nine years preceding re-democratization, the country started the implementation of neoliberal economic reforms under the structural adjustment programs (SAPs), designed by the World Bank and International Monetary Fund (IMF). The underlying logic or rationale that has been driving the management of the Ghanaian economy since then is its liberalization and integration into the capitalist global economy. It is not mere coincidence that the “Washington Consensus” (Williamson, 2002) and SAPs emerged in the 1970s/1980s. Nor is it entirely correct (as the Berg Report suggests) that these policies were the panacea for rescuing Africa from its economic crisis; an argument that seeks to depict SAPs as entirely driven by normative developmental concerns (World Bank, 1981; Loxley, 1983). On the contrary, the Berg report and SAPs were products of the global neoliberal counterrevolutions against the postwar social democratic world order which was then plagued by organic crisis. The Right, led by political leaders such as Ronald Reagan of the United States Margaret Thatcher of Britain, and neoclassical economists in their universities launched a revolution (ideational, discursive, and political) to reconstruct the capitalist system (Harvey, 2007). Development theory, policies, and practices changed from the hitherto Keynesian state-led and welfarist ideological orientation to market-led and commodification orientations

SAPs were informed by neoclassical economic management tenets that became popularly known as the “Washington Consensus” (Williamson, 2002). They include adjustment and stabilization policies such as inflation control, reduction of fiscal deficits, currency deregulation, free trade, and privatization (Riddell, 1992; Gore, 2000: 789). The liberal/capitalist rationality of these policies is not difficult to discover: to create the most favorable economic conditions for global capital to accumulate in selective, profitable sectors (mostly the extractive sector)

of African countries.<sup>1</sup> Ghana is the clearest example of this; because the economy was pried open wide by SAPs and the generous incentives the state gave to transnational mining firms, the country witnessed a stupendous upsurge in foreign direct investment into the extractive industry, with dire livelihood consequences for the subalterns engaged in small scale mining (Hilson and Potter, 2005). Though the state was used to implement SAPs, the main thrust of neoliberal reforms was (paradoxically) to “roll back” the state and create an autonomous private sector, governed solely by the mechanisms of the free market, for entrepreneurs to do business. The social implications of a “rolled-back” state were (and still are) grave. Even though the macroeconomic intuition behind these policies was to balance the budget, they often “translate into reductions in social spending, including spending on public health and health care delivery” (Stuckler and Basu, 2009: 771).

Whatever modicum of social protection the postindependence nationalist state previously gave to Ghanaians, especially the subaltern classes—for example, the heavily subsidized health care and educational system—was “rolled back” simultaneously with the state (see Carbone, 2011). The poor were left on their own in the free market, with their life chances subjected to the discipline of the free market (Gill, 2003). The budgetary allocation to social services in Ghana in the 1980s and 1990s clearly illustrates this: for example in 1980 and 1982, 7 percent and 10 percent respectively were allocated to health, but this was cut down drastically to 1.16 percent in 1996 and 1.3 percent in 1997. Similarly, the allocation for education was sliced down from 4.3 percent in 1982 to 1 percent in 1996 and 1997 (Konadu-Agyemang, 2000: 476).

Broadly, various important studies have documented the rapacious social effects of SAPs on the most vulnerable (women and children) in sub-Saharan Africa and beyond (see Cornea et al., 1987, 1988; Riddell, 1992). Scholars have also documented the devastating social effects of debt on the poor and vulnerable in Africa, as indebted states like Ghana use money that should have been spent on providing social services to the poor in servicing debts owed to the World Bank and Western commercial banks (see Lugalla, 1995; Cheru, 2002).<sup>2</sup> Similar studies have been done specifically on Ghana, documenting the deleterious effects of its neoliberal policies on the poor. For example, Konadu-Agyemang (2000: 474–475) points out poignantly that debt servicing which constituted 62 percent of export earnings in the 1990s was “diverting resources from local needs on a massive scale, thus depriving Ghanaian children of their right to education, health, and adequate nutrition.” Tens of thousands of Ghanaians who lost their jobs because of the

retrenchment of the civil service and the divestiture of the state-owned enterprises were pushed into grinding poverty, as most of them could not find jobs in the private sector (Hilson and Potter, 2004: 106). The situation was so critical that the government and the World Bank tried to mitigate it with the Program of actions to mitigate the Social Costs of Adjustment (PAMSCAD), which failed or, at best, achieved very little because of poor planning and implementation (Gayi, 1991, 1995).

Services and amenities critical to life such as health, education, agriculture, and water were affected by privatization, cost-sharing, and cost-recovering policies. All these policies deepened the misery of the poor and vulnerable as their life chances became more dependent on the market and money, two things they had no control over. Those who could afford to pay for them lived decent, healthy, long lives; and those who could not, lived like “supernumeraries” of the human race, where “not even bare survival [was] assured” (Leys, 1996: 34). Until the introduction National Health Insurance Scheme (NHIS) in 2003, access to medical care was governed by the cash-nexus, called “Cash and Carry.” The name speaks for itself: one’s health is based on the ability to pay. Cash strapped, the poor could not go to hospital whenever they were sick, and had to resort to self-medication and herbal treatment (Asenso-Okyere et al., 1998). The class dynamics of health care are clear: the rich can get the best of medical care and the poor may not get any care at all. As one study in the Volta region reports, “the rich usually sought care in hospitals or private clinics, either locally or externally; the middle class either go to the local hospital or health center, or self-medicate through drugs bought from chemical shops; the poor make do with quacks or herbalists” (Nyonator and Kutzin, 1999: 338). To this must be added that most members of the political class and their families, especially when in power, get the best medical care, including care in hospitals, abroad.

Besides their vulnerability to sickness (or even death) because of the “Cash and Carry” system, SAPs also deepened the poverty of poor peasants because of the high cost of agriculture inputs, school fees, and fuel. With the devaluation of the cedi, removal of subsidies on farming inputs and petroleum products, and cost sharing in secondary and tertiary education, the commodification of the livelihoods of Ghanaian peasants was breathtakingly radical. Devaluation increased the cost of consumables and other necessities of life, especially those imported; such as kerosene, medicine, sugar, rice, soap, clothing, and so on (Riddell, 1992: 52). Subsidies were removed on fertilizer, pesticides, and farm tools, and state enterprises providing services to farmers like

the Ghana Seed Company were either divested or had their subventions cut. Suddenly the cost of necessities for life went through the roof while income remained the same or even reduced, depending on the weather, yield, and market (Gibbon, 1992: 66; see also Puplambu, 1999: 344).

Because of resistance against neoliberalism across the world and the advocacy on social protection by organizations such as UNICEF and NGOs such as Oxfam and the Bretton Woods Project (see for example Cornea et al. 1987; 1988), the World Bank and IMF now give attention to some social protection of some sorts in their lending “conditionalities.” Moreover, the pressures of electoral politics, such as the primacy of votes in winning power and the vigorous campaigns for them, have often led political parties to make big promises to the electorate. Knowing the precarious living situation of the subaltern classes, the two dominant parties in Ghana (the NDC and NPP), despite their embrace of neoliberalism, often promise to ameliorate their misery during their campaigns. This has compelled governments of these parties to implement social protection policies like the NHIS (Carbone, 2011), as well as the School Feeding Programme, the Education Capitation Grant (ECG), and the Livelihood Empowerment against Poverty (LEAP).

It will be naïve to argue that, because of these policies, the Ghanaian liberal democratic state has changed radically from its free market ideology. It has not. As recently as October 2013, the NDC government has, through the Public Utilities Regulatory Commission (PURC) hit Ghanaians, especially the subaltern classes with astronomical increases in utility tariffs. In addition to the periodic increases in the prices of petroleum products, electricity has increased by 78.9 percent and water by 52 percent. Paradoxically, wages increased only by 10 percent, yet the government has been blaming workers for the fiscal deficit of the country, citing high public sector wage bill as the major cause. Neoliberalism is still driving the management of the Ghanaian economy, not social democratic doctrines.

The discussion in this section has given a peek into the liberalization of the economic sphere in Ghana, the ideological and economic foundation for building liberal democracy in the country. Therefore, even though these policies and their harmful social impacts were started under the Rawlings dictatorship, they are organically linked to the transition to liberal democracy and the contradictions that it is embedded today. Not only did these policies create a “free” private sphere required for liberal democracy, they also created the “free” individuals who were to interact in this space; and of course, the minimalist state that was to be democratized later in 1992. Moreover, the policies

and their deleterious social impacts did not end after democratization. The liberal democratic state continued implementing them under various programs; for example, the Poverty Reduction Strategy Papers (PRSPs) and the Heavily Indebted Poor Countries (HIPC). Indeed, as recent as April 2015, Ghana accepted a bailout of \$918 million from the IMF under its Poverty Reduction and Growth Trust (PRGT)—more specifically, under its Extended Credit Facility (ECF)—another neo-liberalizing program packaged innocuously as a poverty reduction intervention. However, the real goal—the impact of which the subalterns are already experiencing through the payment of higher utility bills—is to subject their life-chances to the discipline of the market.

### **Free Politically but Handicapped by Material “Unfreedoms” and Inequalities**

In his famous, liberal definition of development as “freedom,” the renowned Indian Development Economist and the 1998 winner of the Nobel Prize in Economics, Amartya Sen, argued that development “consists of the removal of various types of unfreedoms that leave people with little choice and little opportunity of exercising their reasoned agency” (Sen, 1999a: xii). Though Sen is a liberal (unlike mainstream liberals), he believes political, social, and economic goods are needed in equal proportions to promote the basic capabilities of people to live the lives that they value and choose (Sen, 1999a: xii). Any social order in which these goods are so unequally distributed such that a segment of the population is deprived of the basic capabilities to function as human beings (Sen, 1999a: 92), including exercising their agency and autonomy as democratic citizens (Held, 2006: 262–263), and to lead the lives that they value, is an unjust social order. Politically, all citizens may be considered equal in this society because they enjoy equal political rights and freedoms—as is the case in liberal democracies—but it is no less unjust than a society in which political rights are curtailed as a necessary condition for promoting equal distribution of these goods. Strictly, an unjust social order does not necessarily make a society undemocratic, but it does not make it a dazzling example of democracy either; however free and equal the citizens may be politically. Viewed against this background, the Ghanaian subalterns face various material “unfreedoms” which diminish their basic capabilities to lead the lives that they choose and value, despite being free politically; thus, calling into question Ghana as a model of democracy for Africa.



Globally, income poverty has been reducing under the neoliberal world order, and as table 3.1 illustrates, incidence of poverty in Ghana is consistent with this trend. Between the 1990s and 2000s, income poverty has been reducing under the neoliberal economic and liberal democratic systems. This is welcome news. However, because of the free market and individualist logics driving these systems, the reduction in poverty varies in class and location, between rural and urban, and between the ten regions of the country. As some scholars have documented, incidence of poverty is still high among smallholders, particularly in the three poorest northern regions (Konadu-Agyemang, 2000: 475; Whitfield, 2009: 12). But what is clearer in table 3.1 is the variation in location, with the three northern regions, historically marginalized economically, lagging far behind in poverty reduction. There is another good reason to be cautious about reading table 3.1 as good news for Ghana in general and the subalterns in particular. Income poverty is just one dimension of poverty, a multidimensional phenomenon; it is a very limited measure. For one thing, as an aggregate, “money-metric” index it does not capture the true state of poverty in a country accurately because of its narrow focus on income and consumption. And for another, it tells one very little about the real life situation of misery that the poor suffer (Reddy, 2005). Even within the narrow income measure of poverty, the incidence of poverty that merely measures the

**Table 3.1** Summary of poverty incidence in Ghana

	1991/1992	1998/1999	2005/2006
National poverty	51.1	39.5	28.5
Rural	64.0	50	39
Urban (Accra)	23	4	11
<b>Administrative regions</b>			
Western	59.6	27.3	18.4
Central	44.0	19.9	48.4
Greater Accra	25.8	5.2	11.8
Volta	57.0	37.7	31.4
Brong Ahafo	65.0	35.8	29.5
Eastern	48.0	43.7	15.1
Ashanti	41.2	27.7	20.3
Northern	63.4	69.2	52.3
Upper East	66.9	88.2	70.4
Upper West	88.4	83.9	87.9

Source: Novignon et al. (2012).

proportion of the poor does not capture other dimensions conceptualized by Amartya Sen; namely, the intensity of poverty, which is the extent to which the incomes of the poor fall below the poverty line and the inequality of poverty, which is “the inequality existing among the poor” (Esposito and Lambert, 2011: 110).

As one authoritative source points out, “[l]ack of access to public health and education services and public utilities, such as clean water and public security, may be as damaging to a person’s life chances as inadequate nutrition and the absence of some household effects. Yet these aspects of welfare are usually missing when the poor are being counted” (Toye, 2007: 506). In addition, taken at face value, the income poverty figures in table 3.1 tell us nothing about the vulnerability situation in Ghana—the risk of becoming poor in future, whether presently poor or not—a measure which considers various capability factors beyond income and consumption. Using health as a factor, one important research established that despite the 28 percent national incidence of poverty in 2005/2006, vulnerability of Ghanaians to destitution was estimated at 56 percent and 49 percent, depending on whether the estimates are based on the upper and lower poverty line respectively (Novignon et al. 2012: 7).

Income poverty may be reducing in aggregate terms, but most Ghanaian subalterns are still living in atrocious conditions in which they lack basic necessities of life, and are either destitute or at risk of destitution. The Ghana Living Standards Survey (GLSS) captures the quality of life of Ghanaians in a more in-depth and comprehensive manner, by analyzing various elements of quality of life of Ghanaians by location (urban-rural), by region (the ten administrative regions Ghana is divided), and by sex and age. The most current report, GLSS 5 of 2005/2006 illustrates that the subaltern classes live in severe socioeconomic deprivation: are mostly illiterate; earning and consuming less; either unemployed or underemployed, engaged in low-earning farming and other menial self-employed activities; living in crowded rooms with poor hygienic facilities; vulnerable to various illnesses; struggling to cope with the high cost of health services and education, and so on. One of the miseries captured by the GLSS 5 is the poor quality of shelter Ghanaians live in. It reports that “about half of households (55%) in Ghana occupy one room. With the exception of rural savannah, majority of households across localities occupy single rooms (54% to 63%)” (Ghana Statistical Service [GSS] 2008: 65). Considering that the average number of people in a household is four, this is certainly a miserable life with dire social and health implications from overcrowding.

A distasteful picture of inequality is thrown into clear relief if one compares this deplorable living situation to the luxurious accommodation the political and wealthy classes live in the cities and towns of Ghana: Accra, Kumasi, Tamale, Tema, Cape Coast, Sunyani, Ho, Bolgatanga, Sekondi-Takoradi, and so forth. In Accra for example, they live in huge government bungalows or private mansions in prime suburbs such as East/West Legon, Airport Residential Area, East Cantonments, Labone, Roman Ridge, and Dzorwulu; with all the necessary amenities for a comfortable western lifestyle. Juxtaposed with the slums or shacks such as Nima, Mamobi, Agbogbloshie, Alogboshie, Gbegbeyise, Sukura, Russia, Mamponse, Bukom, Sodom and Gomorra, Abuja, Town Council Line, Zamrama Line, Banana Inn, and Chorkor where the subalterns live in squalid conditions, the two classes of Ghanaians live in two very different worlds in the same country. Never mind that they are equal politically!

The GLSS 5 also reports that only 40 percent of Ghanaians have pipe-borne water; the rest depend on wells and natural sources of water like streams and rivers. The subalterns constitute the majority of Ghanaians without access to potable water, and are thus exposed to water-borne diseases like guinea worm infection. The other classes, particularly the political and wealthy classes (and some middle classes), have access to potable water. Savalugu, a town nearby Tamale in the Northern region, epitomizes the communities lagging access to potable water and the imminent danger of waterborne diseases drinking from polluted sources. In February 2007, President Jimmy Carter led a team to Ghana to access the guinea worm situation in the country. The field report tells a sad story of guinea worm infection in Savalugu when the team visited the town.

We flew north to Tamale, and drove to the village of Tingoli, where Guinea worm has been eliminated and good progress is being made on trachoma. There were about 125 latrines built in the village of 2,500, and no flies were evident. We then went to Savelugu, where about 700 new cases of Guinea worm were found in January. Apparently, a turbine pump had failed a year ago and water carriers sold contaminated water in the nearby towns. We visited the hospital area where dozens of little children, some screaming in pain, were being treated by attendants who attempted to expedite the emergence of the worms and applied sterile bandages. One woman, 57 years old, had worms coming from her breast, genitals, and both feet. It was her first worms

since she was 15 years old. It was a horrifying scene of unnecessary suffering. (The Carter Center, 2007)

Closely linked to the poor water services is the poor sewerage and sanitation the subalterns live in. The GLSS 5 reports that “One in ten households use flush toilets, and another one in ten (12%) use KVIPs. Pit latrine is the most common form of toilet, and it is used by 32 percent of households. About a fifth of households do not have any toilet facility, while 24 percent use public toilets” (GSL 2008: 71).

Besides the GLSS, another credible body of research done on the living conditions of Ghanaians is the Afrobarometer Round 2 nationwide opinion survey on the (neo)liberal political and economic reforms in Ghana, conducted by the Centre for Democratic Development (CDD-Ghana) in September 2002. Similar to the GLSS, the research demonstrates the limitations of table 3.1 and aggregate figures of incidence of poverty as a true reflection of the state poverty in Ghana. It reveals a chilling situation of deprivation and immiseration of the Ghanaian subalterns that table 3.1 does not capture. It reports, for example, that

Many Ghanaians cannot afford basic necessities of life such as food, water and medical care. Forty percent of respondents say they have gone without food, and 43 percent have gone without water, at some time during the past year. More than half (54 percent) of Ghanaians report having gone without medical attention at some time during the same period and 39 percent did so regularly. (Gyimah-Boadi and Awuah, 2003: v)

Consistent with the underemployment/unemployment and high vulnerability level of the poor mentioned above, the research reports that 66 percent of its respondents say they do not rely on regular wage or salary for their livelihood; and out of this percentage, 35 percent say they earn their living from petty trade and 26 percent say they depend on occasional informal payment-in-kind arrangements. It also reports that “[m]ore than half (54%) of all respondents say they live from hand to mouth, and only 18 percent are able to save money regularly” (Gyimah-Boadi and Mensah, 2003: v).

More disturbing is the absence or weakness of public safety nets for the subalterns who face this dire deprivation and vulnerability. The Afrobarometer research reports that a “significant numbers of Ghanaians admit having no fallback at all. Two-fifths of the deprived and most vulnerable underclass of Ghanaians (16% of all respondents) say they

have no one to turn to when they are in need of food, and 17 percent could find no one to help meet their need for water” (Gyimah-Boadi and Mensah, 2003: v). In these circumstances, the traditional safety nets are left to shoulder the social burdens of the (neo)liberal economic reforms as the liberal Ghanaian state and its creditors, the World Bank and IMF, are against the state intervening in the economy to give them social protection (MacLean, 2003: 666). Despite these sad findings, the Afrobarometer report is ebullient that democracy is taking roots in Ghana despite these terrible living conditions. The title of the report is instructive: *The growth of democracy in Ghana despite economic dissatisfaction: A power alternation bonus?* More explicitly, it tells us that “democracy has continued to gain ground in Ghana despite continuing economic dissatisfaction” (Gyimah-Boadi and Mensah, 2003: xiii). With its deep liberal roots, Afrobarometer and its scholars do not see any contradictions between democracy and the dehumanising poverty and deprivation in Ghana. Certainly, they are seeing things through the prism of the separation between the economic and the political.

As the preceding discussion illustrates, the deprivation of the subalterns in Ghana is closely linked to the increasing inequality in the country. To the extent that Ghana was not a classless society before implementing SAPs, the interaction between free market reforms and democratization has deepened and made more palpable class inequalities, especially between the high, wealthy classes and the subaltern classes. “Ghanaian society,” as noted by one influential Ghanaian Political Scientist, “was increasingly divided by extreme inequality in the distribution of wealth and income” and “a growing majority was becoming poorer while a small minority was getting richer” (Ninsin, 2007: 97). So conspicuous are the inequalities that any casual observer easily notices them, especially in the cities and towns. In a vivid description of the situation, one observer wrote,

The yawning chasm that separates the Ghanaian ruling class from the vast majority of the population is painfully evident at every turn. Like elites the world over, the Ghanaian bourgeoisie is not averse to conspicuous displays of wealth... in a country where most people lack access to even the most basic necessities. Mercedes and Lexus abound—chauffeur driven to boot—with designer label clad passengers who show a marked disdain for their fellow Ghanaians. Their very presence as islands of wealth in a sea of despair and poverty is distasteful to the onlooker... Whilst the elite can purchase imported food from the supermarkets, there is

increasing poverty and malnutrition amongst the population at large, due to a near-total absence of reasonably priced basic food-stuffs. (Cited in Ayelazuno, 2007: 29)

However, a growing middle class (which this author identifies with) has also emerged over the last three decades of neoliberalism, comprising mostly the “new petty bourgeoisie” (Poulantzas, 1978) and the “professional managerial class” (Wright, 1984). They include, but are not limited to, white-collar workers in public/civil service, NGOs, universities, commerce, advertising, marketing, accounting, banking, insurance, consultancies, and law firms. Businessmen and women who have taken advantage of the opportunities of the free market to open and run successful sole proprietorship businesses also fall in this class. The middle classes are set apart from the subalterns by their lifestyles, such as their preference for Western goods like Sports Utility Vehicles (SUVs) and designer clothing and shoes. They also shop in expensive malls and supermarkets, eat at continental and expensive local restaurants, build or rent houses and apartments in prime areas of the city or town, send their children to private and elite schools, and so on.

This section has illustrated the dark side of Ghana’s democracy, often eclipsed or ignored in mainstream liberal discourses, arguing that this calls into question the conventional wisdom that Ghana is a model democracy for Africa. Critics will say this is all passé; a rehashing of an outmoded Marxist critique of liberal democracy which has been refuted by the overwhelming embrace of liberal democracy by the poor all over the world. This is a false proposition. The undemocratic elements of liberal democracy, spawned by its internal contradictions as delineated in this chapter, have attracted criticisms from influential scholars who are, by no means, Marxists. Robert Dahl, a famous theorist of liberal democracy, has argued that democracy is incompatible with free market, in its utilitarian rendition as advocated by liberals like Hayek and Friedman. The Western democracies have thus rejected a strictly free market economy in favor of “mixed economies” (Dahl, 1993: 77, 81). American mainstream Political Science literature has lately been witnessing publications by influential scholars on inequality in the United States and the way in which it engenders tendencies toward “de-democratization” without democratic regime change as is often the case historically, but rather “de-democratization” within democratic governance (Stepan and Linz, 2011: 842–843; see also Brown, 2006).

Also, to be clear, one does not need to be an advocate of authoritarian rule to argue that democracy is incompatible with atrocious

socioeconomic inequality and dehumanizing poverty, nor does this argument, *ipso facto*, mean that poor people do not enjoy political freedom. These are facile and well-worn out criticisms of the critics of liberal democracy. It gives the erroneous impression that the only alternative to authoritarianism is *liberal* democracy; so democracy equals liberal democracy. However, liberal democracy is just one model among different models of democracy. Indeed, it is not even a monolithic model, for the liberal democracy practiced in the Scandinavian countries like Norway and Sweden, where the state is committed to capitalism with social protection of the poor—the model advocated by some liberals in peripheral capitalist countries (see Sandbrook et al. 2007)—is different from that of the liberal democracy in the United States where such social protection pales into insignificance because of “the uncritical acceptance of a conservative ideology that warned that any attempt to help the less fortunate would lead to economic disaster” (Krugman, 2007: 16). Liberal democracy, indeed, its capitalist, individualist variant, was not necessarily the inescapable destination of Ghana’s transition from authoritarian rule to democracy. It was so, thanks to the neoliberal world order of our time and the change in the rationalities of the foreign policy of the United States and its Western allies like the United Kingdom and France from supporting authoritarianism to democracy promotion (Robinson, 1996).

The relationship between regime type and development, as well as the relationship between development and social protection, are not important here. At issue is not the type of regime propitious of development or the level of development that a country can support social protection policies. What is crucial are the underlying logics, political/ideological and theoretical, driving the development policies of the state. The fundamental question is whether these rationalities aim to promote development with social justice, engendering policy interventions that protect the poor and vulnerable from destitution; or they promote development which produces massive inequality and are insensitive to the plight of the poor as witnessed in the United States. The case of the United States illustrates this clearly: it is a rich country, developed enough for all its citizens to live reasonably decent lives. However, as Michael Moore’s 2007 documentary film, *SICKO* seeks to illustrate, a majority of the poor in the United States cannot afford good health services, but their counterparts in Cuba, an underdeveloped country, enjoy better health care. Social protection or its lack thereof is, therefore, more of ideology than development or scarcity of resources.

### Conclusion

Using the lens of critical political economy, this chapter teased out the contradictions of Ghana's celebrated liberal democracy in the era of neoliberal globalization. Based on theoretical and empirical analysis, the chapter argues that the intertwined relationship between liberal democracy and capitalism eviscerates democracy of its original meaning and virtues as government by the *demos*. Despite Ghana's widely acclaimed image as a dazzling beacon of democracy, most Ghanaians in the subaltern classes experience what Benjamin Barber conceptualizes as "thin" democracy in the United States, limiting democratic citizenship narrowly to the political sphere where all Ghanaians, irrespective of class, gender, ethnicity, and religion are said to be free and equal. However, in the economic (insulated from democratic accountability by liberal theorists), the historical and inherent contradictions of liberal democracy exist underneath the thin veneer of a model democracy in Ghana. Not only is grinding poverty conspicuous, with the subaltern classes living in extremely miserable conditions, but atrocious inequality exists between the wealthy few in the higher classes (comprising the political elite and their cronies and some few self-made wealthy people) and the poor majority (comprising the urban unemployed and underemployed and the poor peasants in the rural areas—conceptualized in this chapter as the subaltern classes), with an emerging middle class in-between the two.

This raises a fundamental question whether democracy need necessarily come to Africa with the price tag of Benthamite or Hayekian liberalism, where social justice is ruled out as part of the democratic experience of Africans. For liberal democrats, there is no alternative, so the answer must be yes. But there are alternative models of democracy, including the Scandinavian social democratic model, which illustrate that liberal democracy and capitalism can be sanitized of the mean individualism of Bentham, Hayek, and Friedman. Whatever good intentions liberal democrats may have for promoting the "thin" variant of liberal democracy in Africa, its close relationship with capitalist exploitation and the contradictions arising from this relationship make it unsuitable for Africa. Africa does not have to adopt liberal democracy lock, stock, and barrel, but can adapt it to its socio-historical context. Central to this project must be to purge (theoretically and politically) liberal democracy of its vulgar individualist values and emphasizes on procedural, political equality. As part of this task, and following the example of critical scholars such as Claude Ake, John Saul, Issa Shivji,



Thandika Mkandawire (see Ake 1993, 1996; Saul 1997; Shivji 2003, 2009) this chapter tried to pry the theoretical space open for a more socially-just model of democracy that takes as its point of departure the inextricable relationship between the economic and political spheres of society in the democratic experience of people.

In light of the grinding poverty and immiseration of Ghanaian subalterns, as well as the widening and obscene inequality in the country, Ghana is not a good model of democracy as often touted in mainstream popular and intellectual liberal discourse. To be such a model, the underlying logic driving the management of the economy must change from mainly protecting the interests of global capital to protecting the wellbeing of all Ghanaians, especially the subaltern classes who need public social nets to survive. The prevailing and deep-seated corruption in the public sector, where political elites, in the midst of dire deprivation of the subalterns, accumulate wealth using their privileged positions must also change. Political office should be seen as a privilege to serve the public and to improve the wellbeing of Ghanaians, not as a business venture to accumulate wealth under the cover of democratic elections. Liberal democracy will then be transformed to “participative social democracy” (Ake, 1996: 132, 137) in which the underlying logic driving the management of the economy is to improve the general wellbeing of Ghanaians, where they live as human beings, living reasonably decent lives; not “supernumeraries of the human race” (Gorz, cited Leys, 1996: 34), living in horrific misery as documented above.

### Notes

1. One does not need to deny the importance of these policies for the sound management of every economy, capitalist, socialist, or mixed, to make this argument. The logic driving the sound management of an economy is different from an ideological commitment to promoting the interests of capitalism using these policies as a convenient guise. The dogmatic and strict enforcement of SAPs at the cost of human lives in Africa was more about “free market fundamentalism” than sound management of economies (Stiglitz, 2002).
2. It should be noted that loans to African countries and their indebtedness to the international financial institutions are not any more developmental than are exploitative. As Marx once argued, public debt is one of “the most powerful levers of primitive accumulation” because, like a magic wand, “it endows unproductive money with the power of creation . . . without forcing it to expose itself to the troubles and risks inseparable from its employment in industry or even usury” (Marx, 1976: 919). Marx might be right because, as one scholar has illustrated,

"[f]rom 1980 to 2002, Africa repaid \$250 billion, i.e., four times the debt of 1980. Thus, for one dollar owed in 1980, Africa has repaid four, but still owes another four... Africa pays more in debt servicing than the total of all health and education budgets of the entire region" (Toussaint, 2005: 277–278).

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## CHAPTER FOUR

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### *South Sudan and the Nation-Building Project: Lessons and Challenges\**

CHRISTOPHER ZAMBAKARI

#### Introduction

On January 9, 2005, the signing of the Comprehensive Peace Agreement (CPA)<sup>1</sup> brought an end to the brutal civil war that engulfed Sudan before its independence in 1956. The CPA established the semi-autonomous Government of Southern Sudan (GOSS), in the southern part of the Republic of Sudan. This was effectively transformed into the Government of the Republic of South Sudan on July 9, 2011. The root causes of the war included political, social, and economic marginalization of the peripheries, the role of religion in the state, self-determination, the distribution of power, forced Arabization and Islamization, mismanagement of diversity, national crisis of identity, and the institutional legacy of colonialism. The ensuing conflict devastated a significant part of Africa's largest country and deprived Southern, Western, and Eastern Sudan of stability, growth, and development. Consistent with the mandate of the CPA, in January 2011, South Sudan exercised its right to self-determination and effectively voted to secede from North Sudan. More than two million people died and four million were uprooted due to the civil war.

The signing of the CPA in 2005 was the beginning of a long march to peace. Now that political independence has been achieved, it is necessary to reflect on the nation-building project that lies ahead. This

chapter is divided into three sections. Section 1 provides an overview of Sudan's history, the institutional legacy of colonialism that animates the violence in Sudan, and reflection on one way to reform the colonial state in Sudan. I argue in this section that the current rise in ethnic violence across South Sudan and the Border Regions is due to the failure to reform the colonial state inherited from Great Britain in the late twentieth century. The section also explores subsequent failure to reform the state by all the regimes in Northern Sudan that have ruled Sudan since 1956. Section 2 focuses on issues driving political violence and grievances of the marginalized areas. The problem is illustrated by looking at the surge in political violence in the Border Regions<sup>2</sup> as reflective of the dilemma that faces both North and South Sudan in a post referendum era. Lastly, I argue that the way out of the current predicament in the Border Regions, and the way to build a more inclusive political community in the North and South that respects unity in diversity, is contained in the conceptual framework known as the New Sudan, as articulated by the Sudan People's Liberation Movement/Army (SPLM/A). I further argue that a successful nation-building project will depend on how the GOSS and the Government of Sudan (GOS) manage to build states that are more inclusive and address the citizenship question.

### **Postcolonial Violence**

Over the past 50 years of independence in Africa, no event has captured the minds and imaginations of activists, scholars, and policymakers while also challenging the conscience of the global community like political violence has. Every postcolonial African state deals with the question of building an effective plural society and managing diversity within an inclusive framework. This is because Africa is the most diverse continent in the world, populated by thousands of nationalities, rich cultural heritage predating recorded history, and vibrant plural societies. This was pointed out by the Chair of African Development at the London School of Economics and Political Science (LSE), who noted in his inaugural speech that the African continent consists of "57 sovereign nations, seven time zones, thousands of languages and at least seven climates, with about a billion inhabitants 14 million not mutually consistent proverbs" (Mkandawire, 2010: 2). The management of these diverse nationalities has proved daunting over the past five decades. Violence has been a direct outcome of the mismanagement of this diversity.

The many failures to fuse all the nationalities into a nation have led to the proliferation of ethnic violence across the continent, numerous civil wars within countries, and ethnic cleansing throughout the regions. The main issues that link Côte d'Ivoire, Nigeria, Liberia, Sierra Leone, Ethiopia, Somalia, Burundi, Rwanda, the Democratic Republic of Congo, Uganda, Kenya, South Africa, all the way to the event that led to the breakup of Africa's biggest country, Sudan, is that of citizenship and nativity (Zambakari, 2011b; Mamdani, 2011; Manby, 2009; Adejumobi, 2001; Abdullah, 2003), the institutional legacy of the late colonialism (Idris, 2001; Mamdani, 2009; Beshir, 1968), and numerous failures to reform the political system in the postcolonial period (Armah, 2010; Ekeh, 1975; Nzongola-Ntalaja, 2004; Mamdani, 1996; Deng, 1998). The dilemma and political challenges for postcolonial Africa are the questions regarding who has the right to participate in the political system. Who has the right to rights? Who belongs and who does not belong in the political community? These questions center on the legitimacy of having a Native Authority to advocate for one's rights. They revolve around the issue of belonging, and the rights and entitlements that go with civil citizenship.

In Sudan, the CPA<sup>3</sup> of 2005 brought an end to the brutal, intermittent civil war (1955–1972; 1983–2005) that engulfed Sudan well before its independence in 1956. It created a new political dispensation and landscape in South Sudan. In fulfilling the mandate of the CPA, a referendum on self-determination<sup>4</sup> was conducted in January 2011, and 98.83 percent of South Sudanese effectively voted to secede from north Sudan (The Southern Sudan Referendum Commission (SSRC), 2011). The General Assembly of the United Nations admitted the Republic of South Sudan into the community of nations as the 193rd member of the United Nations on July 14, 2011 (United Nations News Centre, 2011b). The challenges ahead for South Sudan are the same as those faced by all African states; it must build a more inclusive political community that respects unity in diversity, upholds the rule of law, practices democracy in governance, and undertakes economic development. Given that Sudan<sup>5</sup> is the microcosm of Africa's promises and problems—contained within its boundaries are all major African language groups and nationalities (Lobban et al., 2012)—the problems of Sudan are reflective of the larger continental political crises facing African countries in the twenty-first century (Garang, 1992; Beshir, 1968; Deng, 1990; Zambakari, 2012c).

This chapter seeks to contribute to the on-going debate on political reform and the nation-building projects in Africa. It will answer



questions: what are the factors that account for the surge in postcolonial violence in Sudan and how can one make sense of this violence? What are the political conditions that enable the perpetuation of conflict and ethnic violence in the Sudan? Drawing from historical scholarship on political violence around the world and in Africa, this chapter historicizes the political crisis of identity and citizenship in Sudan. It contextualizes the issues driving the violence in the postcolonial period in Africa by locating the genesis in the history of state formation and in the failure to reform the colonial state after independence.

The rest of the chapter is structured as follows: overview of Sudan, Indirect Rule in Southern Sudan, Tribalized Power in a Tribalized Society, Native Authorities, Fusion of Powers, Proliferation of Ethnic Homelands in Post CPA Period, the Citizenship Crisis, and lastly, the Conceptual Framework of the New Sudan as an alternative reform of the colonial state in Sudan and in Africa. The first part of the chapter locates the crisis in Sudan in the historical context of colonialism. It looks at the organization of power and locates the genesis of postcolonial violence across Sudan. In the following section, I look at the crisis of citizenship and present a case study of the fate of the people in the Disputed Border Regions. The crisis in the Border Regions is reflective of a larger crisis faced by the state in postcolonial Africa: the problem facing Internally Displaced Persons (IDPs), refugees, migrant workers, and immigrants. In the last section, the conceptual framework of the New Sudan is presented as an antidote to the colonial legacy and governmentality.

### **Sudan: An Overview**

Sudan is the largest country on the African continent with an estimated 2,505,810 sq. km. It is approximately one-third of the size of the United States, or about a million square miles; it is equal in size to the United States east of the Mississippi. According to some estimates, the country has 600 ethnic groups who speak over 400 languages (Fadlalla Ali, 2004). These estimates were revised in 2005 as 500 different ethnic groups, speaking 130 languages (Garang, 2005). It shares a border with nine states: Egypt to the North, the Libyan Arab Jamahiriya to the North-west, Chad and the Central African Republic to the West, the Democratic Republic of the Congo to the South-west, Uganda to the south, Kenya to the South-east, and Eritrea and Ethiopia to the East.

The land has an ancient history, dating back to 2600 BC. After the British occupation of Egypt in 1882, the British took over Sudan from 1898 and ruled it in conjunction with Egypt until 1955. This arrangement of the joint British and Egyptian government ruled the Sudan from 1899 to 1955. Egypt was supposed to share the governance of Sudan, but in practice, the structure of the Condominium ensured full British control over the Sudan. Khartoum, the capital city,<sup>6</sup> is located at the confluence of two great rivers: the Blue Nile and the White Nile. The first carries with it all the residue and richness from Lake Tana, passing through the highlands of Ethiopia. The second (White Nile) is a source of life for inhabitants along its path, flowing from Lake Victoria along the Kenya-Uganda and Tanzania borders.

The Nile is a source of life for inhabitants along its path, flowing from Lake Victoria along the Kenya-Uganda and Tanzania borders. Sudan is rich in mineral wealth, with an abundance of crude oil, natural gas, gold, and chrome, and agricultural products such as long staples of cotton, sugar, gum Arabic, wheat, maize, sorghum, and various tropical fruits. In addition to this, it also has large cattle ranches throughout the country and exports a surplus of cattle, sheep, and camels to the Arabian Gulf countries.

In 1956, Sudan became the first country administered by Great Britain to become independent after World War II. "The Sudan's Civil War, also the first in postcolonial Africa, began with the Torit Mutiny, a few months before independence was attained on January 1st 1956" (Johnson, 2003: 1). Since its independence, Sudan has been ruled by a series of unstable parliamentary governments and military regimes. The current Republic came into being in 1916, during the early part of the Condominium Rule. In order to enforce dominance upon a newly colonized mass, the British government established separate administrations for the southern and the northern regions. It was much easier to keep both regions separate to facilitate tighter control. Fear of a unified country compelled the British to establish strict rules in the two regions, which ultimately led to the two regions behaving like two countries instead of one nation.

In order to effectively rule, the British introduced a concept initially devised in Asia, and perfected in Nigeria and Uganda—Indirect rule (Mamdani, 2009; Idris, 2001; Collins and Deng, 1984; Deng, 2010). It was this single tactic that proved to be decisive for the creation of ethnic federations with associated Native Authorities. Indirect rule made possible the ethnic relevance of conflicts among the "natives" and the

“settlers,” or “non-natives.” Indirect rule *defined and remade the subjectivity of the ruled, and then divided the mass of peasantry in order to effectively rule over it* (Mamdani, 2012). It thus framed in totality the existence of the colonized, the power structure within society, and resistance to power.

After splitting the North from the South and the East from the West, the British decided to establish their governing body in the north. The past 50 years have seen little reform of the system introduced by the British in the early twentieth century in Sudan. For South Sudan, the promise of independence faded quickly and repression of the South became the only goal for subsequent regimes in Khartoum from 1956 up to the signing of the CPA in 2005. Discrimination in policy can be seen in how government positions were allocated right after independence. The government in Khartoum embarked on yet another countrywide project called the “Sudanisation” of civil and public service, which resulted in only 6 out of 800 posts going to South Sudan. When the Constitutional Committee was appointed by the National Assembly, only 3 out of 46 seats were allocated to the South (Bassiouni, 2010; Beshir, 1968; Mamdani, 2009). The government in Khartoum turned to political projects of nation building that sought to unite the country by force, first as enforced Arabization, and later, as enforced Islamization. The outcome was a worsened political and social crisis first in South Sudan, and then it spread to all other marginalized regions.

According to a leading Sudanese intellectual, “marginalization in all its forms, discrimination, injustice and subordination, constituted the root causes of the conflict that could not be addressed in a piecemeal fashion by dishing out handouts and concessions to the disgruntled and rebellious groups whenever a conflict erupted in a particular region” (Deng, 2010: 18–19). The exclusion of the majority from playing an active role in the governance of the country is another issue that lies at the root cause of the crisis in Sudan. To illustrate the stable exclusion of the vast majority in Sudan from governance, a comprehensive study of the period after independence (1956–2000) showed that the elites in northern and Central Sudan controlled 60–80 percent of Ministerial positions though it only represents 5 percent of the total population, estimated to be around 32 million then (Alex, 2005: 464–465).<sup>7</sup> Most economic indicators, federal and states’ actual expenditure (% GDP),<sup>8</sup> regional revenues and expenditures per capita as percent of value for the North between 1996 and 2000, infant mortality rate and life expectancy by region, and literacy and primary school enrollment, show a consistent pattern in the period after independence, indicating that

peripheries suffered an acute crisis of marginalization and economic strangulation (Alex, 2005: 464–478). North and Central Sudan have better indicators while all marginal regions are worst off economically and acutely disenfranchised as a result of government policy. Power is highly centralized in the hands of a minority in Khartoum (London School of Economics and Political Science (LSE), 2010: 38).

This reality inspired the rebellions in the south. At the Koka Dam Conference in 1986, the Chairman of the Sudan People's Liberation Movement/Army (SPLM/A), Dr. John Garang, acknowledged the problem facing South Sudan specifically when he pointed out that the “Southern Problem” was less southern in nature but more Sudanese in character. The socioeconomic disparity and structural inequalities characteristic of North and South Sudan generated armed movements that sought and demanded redress of historical wrongs (Zambakari, 2012a: 13). The terrible condition in the South and all peripheral regions in Sudan led Garang to conclude that “under these circumstances the marginal cost of rebellion in the South became very small, zero or negative; that is, in the South it pays to rebel” (Garang, 1992: 21). The national problem was related to the type of state inherited at independence. It was epitomized by a certain organization and centralization of power at the center that left the peripheries poor, underdeveloped, and underrepresented. The Old Sudan simply was “the dwarf of the Arab World” and the “sick child of Africa” (Garang, 1992: 126).

In 2005 Garang summarized the historical reality in South Sudan during the inauguration of the signing of the CPA when he said: “There has never been any tarmac road in the Southern Sudan since creation, since the days of Adam and Eve, and this is an area the size of Kenya, Uganda, Rwanda and Burundi put together” (Garang, 2005). The solution to the fundamental problem was “to involve an all-inclusive Sudanese state which will uphold the New Sudan. A new political Sudanese dispensation in which all Sudanese are equally stakeholders irrespective of their religion, irrespective of their race, tribe or gender” (Garang, 2005). The New Sudan Vision was in fact the reason d'être of the SPLM from its inception (Nyaba, 2010: 142). There was no “Southern Problem” but rather there was a national problem in Sudan (Garang, 1992: 125–129). This broad definition and analysis of the problem led to the problem being one of exclusion and marginalization at the center, rooted in a particular type of state.

The solution demanded a reform of the state itself. Garang understood that the problem of Sudan was related to the form of power that ruled in the country. The problem was political and demanded

a political solution. This ability to contextualize the problem of violence in Sudan and articulate a comprehensive solution by developing an inclusive solution made the New Sudan Concept attractive in all peripheral regions in Sudan.

The importance of Garang's leadership, ideological platform, and his New Sudan Vision was acknowledged by Hassan al-Turabi, leader of the Popular Congress Party and architect of the National Islamic Front (NIF), who noted that Garang was "the man around whom all the political forces and the Sudanese have built consensus for the first time in Sudan's history...his departure will greatly affect the issues he has raised and on which the Sudanese have agreed with him" (International Crisis Group (ICG), 2005: 7). Garang's understanding of the national problem informed the Conceptual Framework of the New Sudan (Garang, 1992), the CPA, various rebel movements in Western Sudan, Engassana, the Border States (Zambakari, 2012a), and the current Constitution in the Republic of South Sudan.<sup>9</sup>

The violence in Sudan has already cost the lives of millions of people. There is no sign that violence has ended. Instead, throughout the interim period and shortly after the referendum (2009–2011), 4,534 people have been killed in various clashes<sup>10</sup> in the South (Zambakari, 2012b), thousands displaced in the Border Regions (The Internal Displacement Monitoring Centre (IDMC), 2011; United Nations News Centre, 2011a; United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 2011c, 2011b) and growing proliferation of rebel movements throughout East, West, North, and South Sudan (Small Arms Survey, 2011a, b). How is one supposed to make sense of the intractable nature of the conflict in Sudan, the various rebel movements starting with Anyanya I and II, then the SPLM/A, and the many uprisings currently taking place in Darfur and the crisis over the Border Regions. What is at the root cause of the violence in all these places? Despite the overwhelming vote for secession in South Sudan, violence continues to flare, people continue to die, and societies remain in a state of perpetual war (Zambakari, 2012c). How does one account for the conflict that has engulfed South Sudan in the post referendum period?

The next section lays out the background to these ethnic conflicts by arguing that rather than seeking the answer in the struggle over oil or resources, the conflict is best understood as one over citizenship in the civil and customary sphere. At the root cause of the rise in ethnic conflict in postcolonial Africa is the question of ethnic belonging and the right to privileges conferred by belonging to the state both in the civil realm and customary sphere. This section will look at the technology

of rule used in Sudan, how that has come to shape the nature of resistance in South Sudan, and how it manifests at the local level.

### **Indirect Rule in South Sudan**

Indirect rule as a technology of colonial governance explains both the organization of power in postcolonial Africa in the larger context and Sudan in a more specific context. It explains how power was organized in urban and rural areas. Today the Sudanese crisis is primarily a political crisis resulting from a failure to de-ethnicize the tribal sphere and reform the mode of governance inherited at independence. At the heart of the crisis is a particular state that discriminates between its citizens and failures by subsequent regimes to reform the institutional legacy of colonialism, which fuels the crisis of identity (Idris, 2005; Abdullah, 2003; Deng, 1995).

Indirect rule was pioneered by British officials first in Asia, and then it was exported for the conquest of Africa in the nineteenth century. Its main theoretician was Sir Henry Sumner Maine, who was called upon to work as a legal member of the viceroy's cabinet in India after the Great Mutiny of 1857. In a series of lectures, published manuscripts, and his seminal work *Ancient Law* (1960), Maine dismantled the ideological foundation that undergirded the utilitarian and Christian evangelical mission to civilize and proselyte in Asia (Mantena, 2010: 4–5). Maine then advanced his theory of nativism and claimed that the best way to govern was by acknowledging the historicity of the colonized and thus harnessing the agency of the local for the colonial project (Mamdani, 2012, see Ch. 1–2). At its core, indirect rule divided a majority into minorities, turning the tribe into an administrative mechanism that enabled a minority to rule over a majority. This system (more pronounced in northern, central, and western Sudan) proved decisive, and the failure to reform it led to the longest civil war in the postcolonial period. Through indirect rule, the British managed to segment various groups in Sudan into distinct tribes with defined tribal homelands. The British did not introduce ethnicities in Sudan, but they exacerbated the existing differences they observed and ethnicized the groups they found in Sudan. The administration of indirect rule was not based on locality, but on group identity or tribalism. In this sense, tribes became politicized, and an administrative tool of governance. This form of governance led to group discrimination based on ethnicity and privilege of one group at the expense of another.

### Tribalized Power in a Tribalized Society

The continuous struggle and debate about how to best govern native races led to the publication of several documents by colonial officials in Africa (Lugard, 1929; Hailey, 1944; Smuts, 1930) and in Sudan (MacMichael, 1923; Maffey, 1927). The most important was the *Milner Report*, which stipulated the earliest plan for dealing with the problems in the Sudan. According to the *Milner Report*, "Government policy for the whole of Sudan, including the South, was to leave the administration as far as possible in the hands of the Native authorities" (Beshir, 1968). What exactly was this mode of rule where governance was entrusted to the Native Authorities? What was the implication of this policy where the administrative apparatuses were handed to the "agencies of the natives," Native Courts, Native Treasury, and Native chiefs? To answer these questions, it is necessary to turn to the authoritative document, which outlines the effect of these colonial institutions on African politics in the late nineteenth and twentieth centuries. The book that offers an insight into the politics of the late colonialism in Africa is *Citizen and subject: contemporary Africa and the legacy of late colonialism* (1996) by Mahmood Mamdani.

### The Native Authority

In the late twentieth century, two major shifts occurred in the British colonial mode of rule. It was in India, more than anywhere else, where the British tested a different form of rule: indirect rule. This would follow from two major crises, and the outcome of this test was instrumental in how Africa was ruled in the late nineteenth century and early twentieth century. For the British, the lesson was located in the 1857 Sepoy Mutiny and the 1865 uprising in Jamaica at Morant Bay. The most significant and important British scholar, Henry Maine, laid down the conceptual framework in his seminal work, *Ancient Law* (1960), followed by a series of lectures (Maine, 1876, 1914) that provided an intellectual foundation for major policymakers in the British colony, outlining the central role of the natives' agency and how this agency needed to be harnessed in order to effectively rule.

Maine defined the settler by history while framing the native by geography (Mamdani, 2012). The British Empire made a dramatic shift in its mode of rule after the crisis in India: from civilization to conservation and from progress to law and order. Lastly, Maine's contribution

was a “mode of rule undergirded by set of institution: racialised and tribalised historiography, bifurcation between civil and customary law” (Mamdani, 2012: 7), administration that distinguished between natives and non-natives: privileging natives while discriminating against non-natives. From this point onward, the central feature of the British colonial policy was simple: *first define and remake the subjectivity of the ruled, and then divide in order to effectively govern* (Mamdani, 2012). At the heart of the new technology of rule in British Tropical Africa was an agency that came to be known as the Native Authority or Native Agency. The anatomy of this institution is important, since it came to play and continues to play an instrumental role in Sudanese politics today.

### Anatomy of Local Power

In Sudan, the British divided every ethnic group based on a census that categorized the population according to races in urban areas and tribes in rural areas. It identified a homeland for each ethnic group and identified within each homeland an institution through which the Empire ruled (Mamdani, 2009: 147–152). In Western Sudan, Darfur was divided into three different administrative units. The entire region was re-tribalized and within each tribal homeland a particular ethnic group was designated native, and the rest were deemed non-native. The South also underwent administrative changes.

The British sealed-off the South from the North by instituting the Closed District Ordinances, passed between 1920 and 1946. These ordinances sealed off the Provinces of Darfur, Ekuatoria, Upper Nile, and parts of Northern Khordofan, Gezira, and Kassala (Beshir, 1968: 41). In 1925, The Permits to Trade Order was passed, putting into force that “no person other than a native was allowed to carry on trade without a permit permitting him to trade in the south” (ibid: 42). These legal ordinances furthermore restricted the movement of labor, containerized inhabitants of a region, linked them to a soil of ancestry, and limited economic incentives that could lead to development (ibid: 41). This technology of colonial statecraft contained and isolated North Sudan from South Sudan, politically but more importantly socially and economically. It was left to the Native Authorities power to determine who was native and who was non-native.

The overarching power remained British but the face of that power was localized and carried an African mask. The seat of the Native Authority was located in the rural areas, the local state with its



corresponding apparatuses to rule over the constellation of tribes. Each Native Authority was equipped with a Native Treasury, Native Court, Native Administration, and a Tribal chief, in whom all instances of power was conferred. In *Citizens and Subjects*, Mamdani offers a description of this local authority. The authority of the chief thus fused in a single person all moments of power: judicial, legislative, executive, and administrative. This authority was like a clenched fist, necessary because the chief stood at the intersection of the market economy and the nonmarket one (Mamdani, 1996: 23). One of the leading colonial administrators, who wrote the *The Dual Mandate in British Tropical Africa* (1929), Lord Lugard, described the Native Authority as follows:

The Native Authority is thus de facto and de jure ruler over his own people. He exercises the power of allocation of lands, and with the aid of the native courts, of adjudication in land disputes and expropriation for offences against the community.

According to Lugard, the Native Authority, the agency that ruled over the Native population, had to remain exclusively native in character and composition and any mixture with foreigners or aliens had to be resisted since it weakened the power of the Native Authority. The authority of these chiefs did not depend on other complementary systems of governance, checks and balances, or accountability toward the governed. The chiefs had the backing of the imperial power when necessary. For Lugard, these native chiefs were “an integral part of the machinery of the administration” (Lugard, 1929: 203). In order for the system to function efficiently, duties of the chiefs and those of British officials were never to overlap and had to be kept separate. The native was governed under the auspices of his own Native Authority. Foreigners, aliens, and non-natives were governed under a different administrative and legal system: one, native in character and, the other, civil. The anatomy of local power was carefully organized to rule despotically over the peasantry.

### **Fusion of Power**

When it comes to the organization of power itself, Lugard took nothing for granted. It is worth quoting in full his recommendation for how this Native Authority was to be organized in order to appreciate the depth and far-reaching consequences of the introduction of a despotic

power in a context where there had previously existed multiple centers of power that checked each other.

In countries of great size, like the African dependencies and India, it is obviously unavoidable that judicial and executive powers should be exercised by the same officer, and that some of the officers who exercise small judicial power should not possess recognized legal qualifications. The separation of these functions would seem unnatural to the primitive African, since they are combined in his own rulers, and a system that involved a delay caused by reference, even in minor cases, would be detested.

The hallmark of the despotic tribal power was the fusion of power—legislative, judicial, and executive—in one chief, who passed by-laws, enforced those by-laws, and managed the judicial system all at once. This chief governed and oversaw land tenure of subjects within a tribal homeland. The chief had the power to levy taxes, institute forced labor practices, arrest subjects who failed to comply with customary rules and by-laws, and hold trials for all offences within the tribal homeland. The outcome was a Native Authority, organized, framed, and made to rule despotically without checks in the name of custom and tradition. Lugard left nothing to chance. He covered corporal punishment as well and how it was to be handled. First, it needed to be administered by respective Native Authorities. Since the African was considered primitive and backward with retarded mental faculties for whom deterrence such as imprisonment did not work, it was thought to be a disservice to apply a civil treatment to the colonized. Even in prison, the African developed camaraderie and made the prison facility his home, Lugard added.

In the current postcolonial African context, while corporate punishment and forced labor practices have been outlawed, the practices remain an integral part of the mode of governance in the customary realm and remain unreformed. So serious is the political crisis unleashed by this colonial legacy that every attempt to reform the state takes on an ethnic or religious form. Resistance is shaped in ethnic and religious terms. Each ethnic group mobilizes under the tutelage of the Native Authority and defends its territory.

Today in South Sudan, the embodiment of the failure is reflected in a legislation introduced in 2009 called the Local Government Act.<sup>11</sup> This act created a hybrid system incorporating a Customary Law and Council into Local Governance. This is an institutional legacy from British mode of rule in Africa: Indirect rule, which functioned on a dual system: one governing over the urban city dwellers and another,

over the peasants in the countryside. Considering that the majority of the population in Sudan consists of peasants, the Native Authority is the local government, a small government within a big government, a small state within the larger state. Even when done with the intent of satisfying certain disenfranchised groups, this policy produces enormous violence and instability within a country. It preempts the creation of a truly inclusive state and focuses on a mode of governance that produces many smaller “nation-states” within the larger state.

### **Proliferation of Ethnic Homelands in Post CPA Period**

Historically, South Sudan was composed of three historical provinces: Bhar el Ghazal Region, Upper Nile, and Equatoria. Today, the South consists of ten states: Eastern Equatoria, Jonglei, Lakes, Northern Bahr el Ghazal, Unity, Upper Nile, Warrap, Western Bahr el Ghazal, and Western Equatoria. Given that power was decentralized under British rule and the mass was governed through a constellation of ethnic powers, each ethnic group tended to see itself as a separate nationality, a nation within a nation. Resources could only be accessed by an affiliation to a tribal homeland. The most important resources for cattle-herding societies are land, pasture, and water. Participation in politics took on an ethnic color as well. To be represented in governance, one had to belong to a tribe, an administrative unit with its defined boundary (Zambakari, 2012c). Government representatives are recruited from home areas. This administrative technology is not unique to Sudan. It is, in fact, one that is fairly common in Africa.

The creation of Ethnic Federalism, a constellation of tribes with corresponding local governments, can be seen in the case of Nigeria (The Federal Republic of Nigeria, 1999), which has a provision in its constitution, called the Federal Character,<sup>12</sup> in addition to the Ethiopian constitution (Haile, 1997: 19–20; Mamdani, 2005: 16–17), which stipulates that each tribe *must have* a homeland. In South Sudan, this is referred to as “One County–One Tribe Rule” (Zambakari, 2012c: 10–12). In all these cases, the law has emerged as the tool that distinguishes between two types of persons: those said to be natives, and thus entitled to political rights and access to resources, and those considered non-native, for whom political rights and access to resources is withheld.

Rather than seeing the institutional legacy of colonialism define, divide, and rule behind the current proliferation of ethnic tribal homelands in South Sudan, the governments in both Khartoum and Juba

have not reformed this mode of governance but rather, have enacted legislations that enforce the colonial mode of rule in law and through the legal institutions of the state (North Sudan) and remained neutral by staying out of sensitive matters that touch on the question of ethnicity: access to land and the right to participate in the political process (South Sudan). Advocates of the, One-County-One Tribe mode of organizing the mass of peasantry both in Khartoum and Juba, argue that this continuous subdivision has a purpose. It resolves the crisis within the country by assigning a tribal homeland to each tribe. The assumption is that the political map must follow the cultural map of a region at the national level and at the county level. This requires that those cultural and political boundaries coincide, and that the state should be a nation-state—that the natural boundaries of a state are those of a common cultural community (Mamdani, 2005).

Furthermore, the case study that illustrates the tendency for a proliferation of states, counties, and homelands is best seen with the Eastern Equatoria State (EES), which had two main districts: Torit and Kapoeta. Kapoeta is home to the Toposa and Didinga. It was the first to subdivide into three counties: North (Didinga), South (Buya), and Eastern (Toposa/Nyangatom). Torit then subdivided into three more counties: Magwi (Acholi and Madi), Ikotos (Dongotona and Lago), and Lafon/Lopa (Lopi and Pari) (London School of Economics and Political Science (LSE), 2010). Today, Eastern Equatoria has eight counties and increasing. The division is not arbitrary or accidental, but reflects reality on the ground, local and national politics above, and real grievances at the local level. The capital of a county is located in the dominant tribe's homeland, which gives the tribe both political representation and access to resources; land being the most important resource. The outcome has been a sustained cycle and proliferation of ethnic violence that cuts across class, wealth, and ethnicity throughout the region.

### **Citizenship and the Crisis in South Sudan**

With the Republic of South Sudan inaugurated on July 9, 2011, the main threat to peace has shifted from the conflict with the North to local violence in the Border Regions and within South Sudan itself. This violence continues to take the lives of the Sudanese. The number of South Sudanese that have died in South Sudan between 2009 and 2011 exceeds 4,534 (Zambakari, 2012b). Inter-tribal violence, armed conflicts, and intra-tribal clashes are the three leading factors accounting

for the majority of deaths. The violence in Sudan has already cost the lives of millions (1955–2005) and there is no sign that violence at the local level and in the border regions has ended. The problem is exacerbated by two other matters that complicate the situation in South Sudan further: IDPs and refugees returning from neighboring countries or from outside of Africa altogether. A look at UN statistics reveals the magnitude of the problem (table 4.1).

The South Sudan Relief and Rehabilitation Commission (SSRRC) reported that 21,000 people are stranded in deplorable living condition in IDP camps around Khartoum. These people sold their property and businesses off when it was announced by the GOSS that they should return to the South. In the case of Abyei, the region that connects the South to North of Sudan, violence has already cost hundreds of lives. Two months before South's declaration of independence, the regime in Khartoum attacked Abyei in May 2011 (United Nations Office for the

**Table 4.1** Numbers of IDPs and refugees in Sudan

<i>Number at a Glance</i>	<i>Source</i>
IDPs <sup>1</sup> in Sudan	
In Darfur: 1.9 million	U.N.–November 2010
In S. Sudan: 612,452	OCHA <sup>3</sup> –November 2010
In N. Sudan: 1.7 million <sup>2</sup>	UNHCR <sup>4</sup> –December 2009
In E. Sudan: 68,000	OCHA–October 2010
<b>Total: 4.28 million</b>	
Sudanese Refugees	
From Darfur: 275,000	UNHCR–January 2010
From Southern Sudan: 138,270	UNHCR–February 2009
<b>Total: 413,270<sup>5</sup></b>	
North-South & Three Areas Returnees	
IDPs: 2 million	UNHCR–November 2010
Refugees: 330, 000	OCHA/RCSO <sup>6</sup> –February 8, 2010
October 30, 2010 to February 8, 2011	<b>Total : 255, 623</b>

<sup>1</sup> Internally displaced persons (IDPs).

<sup>2</sup> Figure includes approximately 400,000 IDPs living in four sites recognised by Sudanese authorities. Most IDPs in northern Sudan live in informal settlements in and around Khartoum.

<sup>3</sup> U.N. Office for the Coordination of Humanitarian Affairs (OCHA)

<sup>4</sup> Office of the U.N. High Commissioner for Refugees (UNHCR)

<sup>5</sup> According to UNHCR, as of February 13, 248 Sudanese refugees had returned to Southern Sudan since October 30, 2010.

<sup>6</sup> Represents International Organisation for Migration (IOM)-verified returns at point of arrival; does not include 7,665 registered but unverified returns to the Three Areas.

Source: Figures obtained from a report published by USAID/Bureau for Democracy, Conflict, and Humanitarian Assistance (DCHA) and the Office of U.S. Foreign Disaster Assistance (OFDA), Fact Sheet #2, Fiscal Year (FY) 2011 (United States Agency for International Development (USAID) 2011).

Coordination of Humanitarian Affairs (OCHA), 2011b; Deng, 2011), then followed by an occupation of Southern Kordofan and then finished up by waging a brutal war in Blue Nile State (United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 2011a; United Nations News Centre, 2011a). Lastly, the number of South Sudanese living in the North ranges from 1.5 million to 2 million and a large number will not return to the South due to the difficult living conditions in the South and current instability in the region (Integrated Regional Information Networks (IRIN), 2011; The Internal Displacement Monitoring Centre (IDMC) and Norwegian Refugee Council (NRC), 2011: 1; Downie, 2011). These are the realities as they stand: proliferation of ethnic violence and armed movements, a Disputed Border Regions pending consultation, millions of IDPs stranded throughout the country, and over half a million refugees yet to find a permanent home.

The Disputed Border Region in Sudan, Southern Sudan, and Western Sudan offers a unique insight into the plight of IDPs, refugees, and non-indigenous people who have no tribal homeland. It can be said that this crisis is reflective of the nature of the postcolonial state in Africa after independence. This crisis has been extensively documented elsewhere (Mamdani, 2001; Mkandawire, 2002; Nzongola-Ntalaja, 2004; Hagg, 2007; Mengisteab, 2007). Today in Africa, the colonial state penalizes those that are most dynamic and brand them as aliens, non-indigenous, or foreigners. This is the primary driver of violence, the demand that each tribe has a homeland; each ethnic group has a Native Authority and the need for the political map (boundaries) of the region to reflect the cultural map (nationalities). A look at neighboring countries, Democratic Republic of Congo (DRC), Uganda, Ethiopia, and Central African Republic, all show that this policy and mode of organizing the mass of peasantry leads to a cycle of violence that only breeds more violence. The modern economy moves people around and migrant workers, immigrants, and refugees are all dynamic groups who seek shelter, jobs, refuge, and a way to have a decent life. The colonial state is particularly harsh and discriminatory toward those most mobile and those most dynamic. The cases of the Banyarwanda in Uganda and in Eastern Congo, the Ghanaians in Nigeria, and the Burkinabe in Ivory Coast are illustrative of these tendencies in the postcolonial period. In each of the mentioned cases, violence has been the outcome as those defined as natives and indigenous confront those branded as non-natives and non-indigenous. Ibrahim Abdullah succinctly captures the dilemma of what he calls “indigeneship” in the

African context by noting that while citizenship rights are available to all nationals in African states, “indigeneship” is the exclusive rights reserved for indigenes (Abdullah, 2003: 114). To be an indigene is to be “the son or daughter of soil.” If all indigenes are citizens, not all citizens are indigenes.

For the Disputed Regions, the question is less about oil, despite the fact that most of the oil reserves are located in Abyei and South Sudan. The crisis centers on the demand for political rights that enable representation in local governance, access to a tribal homeland, grazing land, and water for both pastoralists and sedentary/agriculturalist communities. For thousands of years the pastoralist and nomadic Misseriya have cohabitated and shared the land. While the Ngok Dinka lived in the region, the Misseriya had a seasonal pattern of migration where they spent part of the year in the North and, during the dry season, they moved around in search of pasture and water for cattle. With South Sudan voting to secede, the question then becomes about what to do with the inhabitants, nomads, and pastoralists in the Border Regions. What happens to the Misseriya and the Ngok Dinka? Should they be considered Northerners or Southerners? What happens when IDPs and refugees return to South Sudan? Where will they live? Should they be confined to already demarcated states with respective counties or should they too fight to have their own counties? How about immigrants; what happens to immigrants who do not have a county? If right to land and political representation follows an ethnic system whereby everyone has a homeland, then what happens to immigrants that have neither a homeland in Sudan nor representation in the form of a Native Authority? The history of postcolonial violence shows that without a political solution to these crises, violence will persist and the death toll of mostly civilians will continue to rise.

Most scholarship on Africa places emphasis on the Berlin Conference and the partition of Africa (Betts, 1966; Chamberlain, 1999; Pakenham, 1991). However, it was the second partition of Africa, at independence in the 1960s, which saw Africa sliced up into more countries than were done at the Berlin Conference. This is because colonial powers tended to unite countries through force. In the conquest of Africa, “France created two great political units in Africa: French Equatorial Africa and French West Africa. Britain created two great federations—the Central African Federation and the East African Federation, and it created Sudan” (Mamdani, 2011). The tendency in academic history writing is to place the blame on the Berlin Conference while romanticizing independence.

Colonial economy tended to move people across borders. The movement of migrant workers created an epic political problem for colonial powers throughout Africa. In Sudan, the British response was to recreate tribal homelands for peasants. The case that best illustrates the point is Darfur and its subdivision and allocation of land to the cattle nomads of the south while depriving the camel nomads of the North. In Western Sudan, one finds two kinds of nomads: camel nomads in the north and cattle nomads in the south. "Cattle nomads might combine cattle grazing in the vicinity with semi-permanent agricultural settlements, while camel nomads were totally mobile, with no fixed settlement. Camel nomads everywhere had a transient relationship to land. Their lack of settlements (villages) meant that they had no *dar*, a tribal homeland" (Mamdani, 2009: 197). The outcome was disenfranchisement of one group by allocation of land to it while depriving another group of the same asset; providing political recognition and rights to one group while excluding another group of similar rights.

Sudan has always been home to large population of migrant workers, immigrants from East and West Africa, as well as traders from North Africa and across the Mediterranean. Historically, political and economic conditions moved people from one region to another. Migration has always taken place across Africa both voluntary and forced. In the pre-colonial period, the Shilluk migrated voluntarily from the South to North and then to the West of Sudan. It was from among the Shilluks that the Sultanate of Funj arose with its capital at Sennar. The Sultanate later raided slaves from the South in order to build an army of slaves. The rise to power of two Sultanates in Western Sudan—the Kingdom of Funj and the Kingdom of Dar Fur—gave rise to a demand for slave labor for the state. The political history of the Sultanate of Funj begins in 1504, and that of Dar Fur in 1650. Both Sultanates relied heavily on slaves from the South. The ancestors of the Arabs in Northern Sudan today were slaves from the South (Mamdani, 2011). With regard to Abyei, Southern Kordofan, and Blue Nile, the CPA was specific and contained a provision that made for popular consultation so that those regions could have public referenda to determine their status and fate in the Sudan: whether to become part of GOSS or the GOS. None of these referenda has taken place; instead, the debate focuses on the oil in Abyei as the sole cause of violence. For those who live in those regions, oil is a smaller issue compared with the larger questions: that of citizenship and belonging. Historically, Sudan never had a demarcated border with its neighbors and people moved freely between regions and states.



The British colonial project, and Khartoum's subsequent policy of forced Islamization and Arabization, shaped and changed the very nature of the organization of resistance in Sudan through the mechanism of law. This project defined individuals and grouped them into categories. This policy, laid by the British in the early twentieth century and inherited in the postcolonial period in Sudan, also explains the cycle of violence in Darfur in the West of the country and the deadlock over the Border Regions with Abyei being the most contested area. So explosive is the dispute over Abyei that it is instructive to compare it to yet another explosive unresolved dispute, the dispute between India and Pakistan over Kashmir. Abyei has already proved to be a destabilizing force for North and South Sudan.

Without reaching a region wide consensus that will settle the underlining issues over political participation, access to pasture, and land, Abyei might end up turning into Sudan's "Kashmir." The problem in Abyei between the Ngok Dinka and the Misseriya, the conflict between the Camel Nomads of the North in Darfur against the agriculturalists in Southern Darfur, and the demand for tribal homeland in South Sudan, all revolve around the same issues: political representation, access to pasture for cattle, and claims to a tribal homeland which will advocate on behalf of the tribe. Without resolving the underlining issues, the violence will not subside, but instead, the frequency, the intensity of the new waves of violence will be far more deadly given that the region is heavily armed and the central governments do not have a monopoly over arms or effective control over the militias and armed groups across Sudan.

### **New Sudan: A Way Forward**

At a conference organized by the Dakar-based, Council for the Development of Social Science Research in Africa (CODESRIA) in Nairobi, to discuss the Consequences of the South Sudan Self-Determination Referendum, the Minister of Higher Education and Scientific Research, Dr. Nyaba, made the observation that South Sudan carries within it the seeds of its own destruction. This same observation was echoed by H. E. Mr. Ezekiel Gatkuoth, former Head of Mission for the Government of South Sudan to the United States in Washington, DC, at a conference organized at Fordham University in New York.<sup>13</sup>

There is the awareness that the split of South Sudan from Northern Sudan is not the end of the road or the final answer. The rise in ethnic

conflicts in South Sudan testifies to the daunting task of building an inclusive political community that respects the diversity within Sudan. With the secession of the South, the emphasis in the North has been to consolidate the Arab identity while silencing all marginal identities within the North. The opposite phenomenon is taking place in the South where the elites have moved quickly to shape the identity of the country as African, secular and Black. Sharif Harir noted that this struggle for national identity has been one of the contributing factors to the violence in Sudan. He wrote, "This multiple denial of a Sudan which is uniquely Sudanese and not an appendage to Arabism, Islamism or Africanism lies at the root of the political problems of the Sudan" (Harir, 1994: 14). Garang took this vision a bit further in his analysis of what constituted the problems of Sudan and offered a model of nation-building, rooted in the concept of unity in diversity, the respect for human rights and rule of law, equitable distribution of national resources, devolution of power from the center to historically marginalized regions, and the embracing of multiple identities. Sudan is a melting pot of ethnicities, religions, and languages. There will be no lasting peace in Sudan if some groups feel marginalized, intimidated, and territorially besieged.

Despite the independence of the South, South Sudan is still linked to the North socially and economically. So inextricably linked is the South to the North that it can be argued that the South cannot find peace if the North is unstable, and vice versa. The difficulty can be seen in the attempt to solve the problem in Abyei. The referendum on self-determination did not undo relationships forged historically over thousands of years and it did not change the social and cultural fabric of Sudan. As South Sudan looks forward to building a nation among diverse nationalities, the question facing most African countries is also facing South Sudan. How does South Sudan build a nation that will take into consideration diversity within the country? What is to be done with all the different groups who live in South Sudan and in the Border Regions? Is there a way to accommodate IDPs, migrant workers, immigrants, and refugees within the current model of building a nation? On a larger point, does Africa have a model of a successful nation-building project that has proven to be durable, stable, and peaceful? This section argues that a model of a successful nation-building project that is peaceful and accommodates diversity within an inclusive framework currently exists in South Africa. The theoretical model available in South Sudan comes from the concept of the New Sudan. Both of these models are antidotes to the colonial legacy of fragmenting the mass into tribal units for administrative purposes.

Leading opposition parties in Sudan, along with the SPLM/A, met to discuss the future of Sudan at the Koka Dam Conference in Ethiopia in 1986. The meeting had significant and symbolic meaning in that it brought together all political forces in Sudan except two parties: Democratic Unionist Party (DUP), the Khatmiya-based political organization, and the Muslim Brothers (Garang, 1992: 113). At this conference, Garang laid out the blueprint of the concept that came to be known as the New Sudan or the Second Republic. First, there was a departure from the provisions of the Addis Ababa Agreement signed in 1972, which had focused exclusively on what was termed the “Southern Problem.”

The SPLM/A redefined the problem from that of Southern Sudan to the problem of Sudan. This broader definition and analysis of the problem led to the problem being one of exclusion and marginalization at the center. The solution to the fundamental problem, according to Garang, was “to evolve an all-inclusive Sudanese state which will uphold the New Sudan; a new political Sudanese dispensation in which all Sudanese are equally stakeholders irrespective of their religion, irrespective of their race, tribe or gender” (Garang, 2005). The vision of the New Sudan is not unique to Sudan. Further South, in 1994, another African country demonstrated that there was indeed an antidote to the colonial system of indirect rule. South Africa made a similar political shift in its definition of citizenship by broadening it and including all the members of the society into an inclusive political community that embraced the diversity rather than ostracizing it.

South Africa, like Sudan, had the option to perpetuate an endless civil war or reach a political settlement; it opted for the latter. The terms of the settlement are instructive in settling the crisis in the disputed regions and all marginalized areas in Sudan. The solution in North and South Sudan demands similar political imagination to what was displayed in South Africa. This imagination was noted by a Senior Research Specialist in South Africa:

It was the fact that the contending political forces imagined the future of what South African citizenship might look like after apartheid, and that this imagination was shaped by the historical particularity of state formation in South Africa, by both its limits and its possibilities. (Pillay, 2010: 35)

This political imagination, crucial in propelling South Africa forward, was summarized in South Africa’s Freedom Charter of 1955.

The Charter presented a vision of South Africa that is similar to what Garang envisioned for Sudan and declared “that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people” (African National Congress (ANC), 1955). In 1994, Mandela reiterated the concept and premise of the “New South Africa.” He identified what appears to be the Achilles heel of the nation-building project throughout Africa in noting that the challenge today for political leaders was “to build a nation in which all people—irrespective of race, color, creed, religion or sex—can assert fully their human worth; after apartheid, our people deserve nothing less than the right to life, liberty and pursuit of happiness” (Mandela, 1994). Mandela also warned that failure to properly manage diversity within an inclusive framework was a recipe for disaster that destroys the human capital and the potentials of citizens.

Garang made a similar observation much earlier in 1986 when he told those gathered at the Koka Dam Conference that Sudan is composed of many nationalities: Arab tribes, Nuer tribes, Dinka tribes, Zande tribes, Toposa tribes, the Nuba, Fur, Beja, and many more. The immediate task and challenge for Garang back then, as it was for Mandela, was to fuse these nationalities or tribes into a nation (Garang, 1992: 127). The solution to the crisis of citizenship was summarized in the concept of the New Sudan. The New Sudan vision, as presented at the Koka Dam Conference on March 20, 1986, was a conceptual framework for a country that is inclusive of all its multiple ethnic groups, pluralistic, and embracing of all nationalities, races, creeds, religions, and genders. It was a country in which all Sudanese were equal stakeholders.

In South Africa, the African National Congress realized that victory was not possible. It also acknowledged that apartheid South Africa was a racially exclusive state.

In South Africa, the solution was not in “reracializing” the post-apartheid state through a demand for a black majority, but rather, deracializing and reforming the state. The limit of the South African transition is that it managed to deracialize the civil services and the state at the center, but it continues to uphold the customary sphere without reforming it in the name of tradition. Such is the limit in South Africa, but that is a problem that it is working out as it moves forward. The CPA was signed in full recognition that there was no decisive military victory in Sudan.

The lesson of South Africa is “it recognised that all belonged and that the creation of a single political community was the goal. Race,

ethnicity, and history defined the answer in the past, but will not define it in the future” (Pillay, 2010). For North and South Sudan, those who will pay allegiance to the national flag, those who choose to have a common future that is not bound by the past, those Sudanese who chose to live side by side as friends and neighbors, will have to put the past aside and work for a peaceful common future. The lesson of South Africa is that the living must be prioritized over the dead. South Africa belongs to South Africans. North and South Sudan belong to North and South Sudanese.

### **Journey to the Permanent Constitution**

This section discusses the constitutional process currently underway in South Sudan and its impact on democracy. The Republic of South Sudan follows a federal system of government. There are currently ten states: Central Equatoria, Eastern Equatoria, Jonglei, Lakes, Northern Bahr el Ghazal, Unity, Upper Nile, Warrap, Western Bahr el Ghazal, and Western Equatoria (GOSS, 2012). Each state is subdivided into administrative counties. Each county<sup>14</sup> is made up of Payams.<sup>15</sup> Each Payam consists of Bomas.<sup>16</sup> John Garang and the SPLM/A advanced the federal system in response to one of the problems of Old Sudan: a highly centralized political system that deprived peripheral regions of access to resources and participation in governance. The country has the Transitional Constitution of the Republic of South Sudan (TCRSS),<sup>17</sup> which was promulgated in 2011 ahead of the referendum on self-determination.

TCRSS “is a very comprehensive document that covers a broad range of rights for all South Sudanese and specifically includes an Affirmative Action Clause for women.<sup>18</sup> It provides rights to women, as well as the right to have access to health care and education for all South Sudanese. More importantly, it does away with the legal ethnic distinction that is a common feature of many African constitutions” (Zambakari, 2012d).

The TCRSS provides key provisions about citizens’ right to vote, freedom of movement and residence, and right to own property.<sup>19</sup> These provisions all touch upon the fundamental problem of citizenship and its relationship to political violence in the postcolonial period. The Constitution is progressive in many ways and provides substantial rights and protections to citizens of South Sudan. It is inspired to a larger extent by the vision of the New Sudan, as articulated by

Garang. It recognizes that Sudan is a diverse country made up of many nationalities and is a “multi-ethnic, multi-cultural, multi-lingual, multi-religious and multi-racial entity where such diversities peacefully co-exist.”<sup>20</sup> With regard to right to participate in the political process and vote, Article 26(1) states that:

Every citizen shall have the right to take part in any level of government directly or through freely chosen representative, and shall have the right to nominate himself or herself or be nominated for a public post or office in accordance with this Constitution and the law.<sup>21</sup>

Article 26(2) states that “every citizen shall have the right to vote or be elected in accordance with this Constitution and the law.”<sup>22</sup> With regard to the freedom of movement and residence, Article 27(1) states that “every citizen shall have the right to freedom of movement and the liberty to choose his or her residence except for reasons of public health and safety as shall be regulated by law.”<sup>23</sup> Article 28(1), which covers the right to own property, states that “every person shall have the right to acquire or own property as regulated by law.”<sup>24</sup>

The Constitution thus makes no legal distinction between citizens. It does not enshrine ethnicity in law. It provides for freedom of movement throughout the country. It provides the right to own and dispose of property. From this perspective, the document is truly a remarkable achievement. The questions remain about the implementation of those provisions. Like most constitutions in Africa, it does not address the question of nomads. This becomes problematic because it leaves out people who live in the Disputed Border Regions and neighboring countries. With a large population of nomads, pastoralists, and trans-boundary communities, the question of citizenship for this vulnerable group was left out of the constitution.

### Broadening the Political Space

In March 2012, the parliament passed the South Sudan Political Parties Act of 2012.<sup>25</sup> It was later signed into law by the President on March 24. The ruling party, SPLM is the *de facto* party. Despite boasting of 24 political parties (Kameir, 2011), South Sudan needs to accommodate dissent and open up political space alongside other national reform that is much needed if democracy is to be given a chance to

grow. Most of the current political parties are organizationally weak. The constituents for each party are confined to specific ethnic groups that rally behind a charismatic leader. The country still lacks leadership that is issue-focused and less ethnically driven. The difficult task rests with the SPLM, which has to implement democratic and decentralized governance, provide inclusive citizenship that brings into the national framework diverse nationalities, ethnic groups, and religions, build a developmental state, and address the proliferation of ethnic violence. Without a wholesale embrace of a one-party state or blind romance with multi-party system, South Sudan should develop a system of governance rooted in its socio-historical context, one that responds to its needs instead of being uncritically imported from abroad.

### **Democratizing the Constitutional Process**

A permanent constitution is being drafted ahead of the general election scheduled for 2015. The critics have been quick to point out the many flaws of the Transitional Constitution and demand that those deficits be fixed before the new constitution is promulgated, hopefully before the next national election.

The TCRSS has been widely criticized for excessive power delegated to the executive branch (Garang J. A., 2013; Awolich, 2013; Kameir, 2011). These powers include Presidential Powers to “remove elected governors of the ten states and dissolve the elected parliaments and appoint new members.”<sup>26</sup> This concentration of executive powers “contravenes the autonomy of the states and contradicts the tenets of true democracy and decentralization” (Kameir, 2011: 19).

While the constitutional process is underway, it is important to locate some of the provisions that cause great concern among civil society organizations as well as various political forces in South Sudan. This includes the term limit for the President, permanent constitution process, decentralization vs. federalism, the structure of parliament, expansion of the National Legislature’s Membership (Kameir, 2011: 25–26), as well as judicial autonomy for state organs. The TCRSS has no term limit for the President and state governors. This is problematic as the tendency in the region has been for executives to want to stay in power for life. A provision can be included so that the temptation to stay in power forever can be averted. The Permanent Constitution Process is outlined in the TCRSS. However, the Constitutional Review Commission (CRC), which is charged with drafting the Constitution,

and the National Constitutional Conference (NCC), in charge of approving the Permanent Constitution, are both appointed by the President. The process is driven by the executive branch of government and thus, less representative of the will of the people (Kameir, 2011: 19). Without addressing the excessive power of the President, it is difficult to check the powers of the executive in other constitutional matters. El Wathig Kameir, a political consultant with the African Development Bank notes that “it is considered to be inappropriate to give a legislative mandate to a body with unelected members. The domination of the National Legislature by one political party renders it unrepresentative of all South Sudanese political interests” (Kameir, 2011: 20).

The federal system in South Sudan requires a balance of power between the central government and state organs. The separation of powers that enables checks and balances requires that state governments be granted autonomy in legislative, judicial, and executive matters. Article 162 of the TCRSS, which establishes the legislative and executive organs<sup>27</sup> of state government, denies state governments judicial powers, thus restraining their autonomy and contravening federal principles (Awolich, 2013: 4). Failure to grant independence to state organs places significant restrictions on the functioning of state and local organs and denies these institutions a degree of independence from the central state. The distance between the center and periphery leads to inefficiency in service delivery, corruption enabled by multiple layers of government, and unnecessary bureaucracy that adds additional expenses.

Two other issues are worth discussing when talking about the current structure of power in South Sudan. The TCRSS introduced an upper chamber of parliament whose members are elected by the assemblies of each of the ten states. The size of the parliament and ministerial portfolios are two other problems facing the new nation. There are currently 29 ministries with often overlapping functions. The current bicameral National Legislature consists of 332 seats in addition to the 50 additional seats added by the Council of States. With its estimated population of less than nine million, South Sudan boasts one of the highest ratios of Members of Parliament (MPs) to the population when compared to countries in East Africa. For every million inhabitants South Sudan has 42.4 MPs (Deng, 2012). This has led scholars to point out that this is unnecessary overrepresentation of the population. South Sudan also has the second highest number of ministries per one million people (Garang J.A., 2013: 1). A reform and restructuring of the parliament will enable the formation of a flexible government that will enable it to be more efficient and effective in responding to the needs of its citizens.



While theoretically there is a federal system in South Sudan, power has not been devolved to the states or local administration. Instead, power remains highly concentrated at the center. South Sudan is facing serious problems linked to the failure to implement a transparent administration with a decentralized form of government. The current system of governance falls short of a true federation; a good decentralized system is characterized by an inclusive framework and devolution of powers both political and fiscal to the states (Kameir, 2011: 23). The challenge for the new Republic is to move from a system of highly concentrated power at the center to a decentralized system that moves decision-making power closer to citizens, enabling them “more opportunities to hold the government accountable; improves political accommodation of various (tribal) groups; provides effective service delivery and maintenance of law and order” (Kameir, 2011: 24).

The twenty-first century government structure must meet the demands of modern life as well as remain lean, flexible, and responsive. The current system is hugely inefficient, expensive, and unnecessary, given the needs of the South Sudanese people that continue to be neglected.

These issues have to be resolved in the Permanent Constitution if a durable democracy is to be fostered in South Sudan. Without resolving the many issues, South Sudan will be plagued by the same problem seen in many countries in East Africa and democracy, will once again become illusive.

### **The Role of Women in the Nation-Building Project**<sup>28</sup>

The TCRSS stipulates that at least 25 percent of the seats and positions in each legislative and each executive organ of the state<sup>29</sup> need to be allocated to women as part of the affirmative action designed to redress historical injustices created by history, customs, and traditions.<sup>30</sup> This is not confined to legislative and executive organs, but also extends to the judiciary,<sup>31</sup> Council of Ministers,<sup>32</sup> Independent Institutions, and Commissions.<sup>33</sup>

The minimum of 25 percent that is required by the Constitution has not been met. This points less toward the Constitution and more toward the political will to implement the provisions already included in the TCRSS. Amending the Constitution will not solve the problem of exclusion faced by women in South Sudan. Only a prolonged political struggle for the rights of women can ensure that the imbalance is redressed. Political rights are an outcome of a political struggle and not a gift from above. To think of fundamental rights as a handout of seats in various

organs of government is to reduce the struggles and gains made politically by women throughout South Sudan to a mere allocation of positions. It ultimately defeats the purpose of a political struggle for rights. Only a truly inclusive, democratic process that includes all stakeholders can deliver a durable democracy in South Sudan (Zambakari, 2012d).

The role of women, the role of youth, and the need for a broad-based approach to include all the diverse nationalities in South Sudan is not only pragmatic; it is a necessity for stability and durable peace. The New Sudan Framework, the *raison d'être* of the SPLM/A, called for a new dispensation that was designed to “to involve an all-inclusive Sudanese state which will uphold the New Sudan; a new political Sudanese dispensation in which all Sudanese are equally stakeholders irrespective of their religion, irrespective of their race, tribe or gender” (Garang, 1992). The current failure in fulfilling the minimum of 25 percent of women in leadership positions in South Sudan, as well as the lack of consultation with the many political parties, points toward lack of political will to implement the provisions (Zambakari, 2012d).

In no country have rights been a gift from above. In those countries where magnanimous rights have been granted as a handout from above, it has been difficult to safeguard those rights. In most cases in Africa, rights have been defined in the narrowest sense, thus reducing them to political rights instead of civil and social. Is it a surprise then, that the imported right theory, and borrowed paradigms have had the disastrous effect both of stifling social movements and redefining rights to the narrowest possible sense? The bottom line is that discussion about rights must be expanded beyond only political rights. To settle for political rights as the only rights available is to forfeit the civil, social, and economic rights essential to social democracy (Zambakari, 2012d).

### Conclusion

British policy exemplified by the Closed District Ordinances in Sudan led to ethnic cleansing, the forceful removal of people, and resettlement into tribal homelands. Subsequent regimes in Khartoum have inherited this methodology of rule and applied it against the marginal regions in Sudan since 1956. Colonial practice in Sudan led only to one outcome: cultural genocide of those without a tribal homeland. The example of South Africa embedded in the concept of the New Sudan demands a double shift; first the reform of the state and the criteria for citizenship followed by the reform of the realm of the customary.

One solution is to reform the colonial state in both the North and the South, which statutorily defines groups, in racial and ethnic terms and ascribes rights based on whether a person is native or non-native, thus discriminating against those considered non-indigenous. Moving from exclusion to inclusion is a shift from descent-based rights to residence-based rights. It is a move away from race and ethnicity as criteria for rights to a citizenship-focused framework. This broadens the bounds of lived community in Sudan.

One way out of the citizenship crisis is to change the criteria for how citizenship is defined, lest the political right of citizenship is turned into an ethnically defined membership in a Native Authority. This challenge requires that a person's primary residence be used rather than the origin of the person, while incorporating other methods for assigning citizenship based on marriage, birth in the territory, and descent from a national of Sudan. For the Border Regions, this will require a policy agreed upon by the GOS and the GOSS, which allows for dual citizenship for the people of Abyei, Southern Kordofan, and Blue Nile. Over an agreed upon period, both governments can provide incentives for the people in these regions to either opt to become citizens of Sudan or South Sudan. By allowing consent and voluntary selection of where people want to live, violence can be prevented and the nation-building project could be given a chance to succeed.

The proliferation of ethnic violence is best understood as an indispensable component of the process of state formation and the technology of governance deployed to colonize African colonies in the late nineteenth century. To move forward and prevent future violence requires political imagination to rethink an alternative future based on a common future rather than a common past and descent. The solution for both governments in North and South Sudan is found in Garang's conceptual framework of the New Sudan, which is consistent with the other successful case in the African context—South Africa's transition from apartheid to democracy.

The lesson of South Africa is the creation of a single political community, including the diversity within the country. The New Sudan vision is the most progressive attempt at reforming the colonial state in Sudan. It theorizes a political reform of the colonial state in Sudan, the building of an inclusive community where citizens will not be discriminated against based on race, color, creed, religion, ethnicity, or sex. Race, ethnicity, and history defined the solutions in the past; but race and ethnicity will not define solutions in the future.

As the two Sudans look forward to building inclusive nations, both countries must guard against a tendency to abstract and impose uncritically the system of liberal democracy from a different socio-historical context that is not rooted in the people's experience. South Sudan must learn from its neighbors, including the failures of Sudan, to build a modern democratic nation that is inclusive of the diversity within its borders. In this regard, South Sudan must ensure that it consults its population on important matters at the national and local level. It must avoid the habits of circumventing agreed legal procedures in constitutional matters. The experiences on the African continent show "that where liberal democracy has thrived, social democracy has perished a slow death" (Zambakari, 2012d).

For Sudan and South Sudan, those Sudanese who would pay allegiance to the national flags, those who choose to have a common future that is not bound by the mistakes of the past, and those who make the choice to live side by side as friends and neighbors, will have to put the past aside and work for a peaceful common future.

### Notes

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1. *The Comprehensive Peace Agreement (CPA) Between The Government of The Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army* (2005)
2. The Border Regions mentioned in the Comprehensive Peace Agreement for special status include Abyei, Southern Kordofan, and Blue Nile.
3. CPA also created administrative layers of governance: federal, Southern Sudan, state, and local levels of government (Kalo, 2010: 54). The Government of National Unity (GNU) was created by the Interim National Constitution (INC). The CPA enshrined legislative and executive powers throughout all levels in the GNU to the SPLM/A and NCP. The NCP dominated the government in Northern Sudan, South Kordofan, and in the Blue Nile States, while the SPLM/A dominated the government of South Sudan along with all the ten states in the South (Kalo, 2010: 54). The agreement included other important provisions on wealth sharing, role of religion in the state, and armed forces. It divided revenue from oil 50/50 between the Government of Sudan (GOS) and the Government of South Sudan (GOSS), exempted Southerners from Sharia Law, and mandated that it only apply in the North and only to Muslims. It recognized two standing armies: Sudan Armed Forces (SAF) and Sudan People's Liberation Army (SPLA), and a third, Joint Integrated Unit (JIU). Other important provision included

- “separate banking, currencies, and governmental institutions in the North and South respectively” (Brosché, 2009: 2–4).
4. CPA Chapter I: Machakos Protocol, Machakos, Kenya, signed on July 20, 2002.
  5. In this paper Sudan refers to pre-secession Sudan. The Republic of Sudan refers to North Sudan and the Republic of South Sudan refers to South Sudan in the post CPA era.
  6. After July 09, 2011, Khartoum remains the capital city for North Sudan while Juba is the capital city of the Republic of South Sudan. There is an ongoing discussion about moving the capital city out of Juba but as of the date of the writing of this paper, Juba remains the capital in South Sudan.
  7. The exception was the period between 1986 and 1989, period known in Sudan as the second democracy, when Sudan experimented with a democratic system of governance. The share fell to 47 percent of the total.
  8. This is an aggregation of government expenditures.
  9. See Transitional Constitution of the Republic of South Sudan, 2011, Part I, Article 1(4), Article 26(1), Article 26(2), Article 27(1), Article 28(1). The Constitution contains key provisions about citizen’ right to vote, freedom of movement and residence, and the right to own property. These provisions all touch upon the fundamental problem of citizenship and its relationship to political violence in the postcolonial period.
  10. The three leading factors are inter-tribal conflicts, various armed incidences, and intra-tribal clashes. Jonglei, Warrap, Unity, Lake, and Upper Nile states are the most affected areas.
  11. (*Laws of Southern Sudan: The Local Government Act, 2009* 2009).
  12. Chapter II: Fundamental Objectives and Directive Principles of State Policy Paragraph 14 Section (3) of the 1999 Constitution of Federal Republic of Nigeria and third Schedule, Item C-Federal Character Commission Section 7(1) and Paragraph 8 Section (1). Chapter II: Fundamental Objectives and Directive Principles of State Policy, Paragraph 14 Section (3) states “The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few State or from a few ethnic or other sectional groups in that Government or in any of its agencies.” Paragraph 7 Section (1) establishes the Federal Character Commission and states “The Federal Character Commission shall comprise the following members: (a) a Chairman; and (b) one person to represent each of the states of the Federation and the Federal Capital Territory, Abuja.” Paragraph 8 Section (1) empowers the Commission and states “In giving effect to the provisions of Paragraph 14 section (3) and (4) of this Constitution, the Commission shall have the power to: (a) work out an equitable formula subject to the approval of the National Assembly for the distribution of all cadres of posts in the public service of the Federation and of the States, the armed forces of the Federation, the Nigeria Police Force and other government security agencies, government owned companies and parastatals of the states.”

13. The Department of African and African American Studies at Fordham University convened a one—day conference on Sudan's Post-Referendum Challenges and the future of its two regions on April 9, 2011, in New York City.
14. (*Laws of Southern Sudan: The Local Government Act, 2009* 2009).
15. Ibid.
16. Ibid.
17. (The Transitional Constitution of the Republic of South Sudan 2011).
18. (The Transitional Constitution of the Republic of South Sudan, 2011, Part II, Sec. 16(1–5)).
19. (The Transitional Constitution of the Republic of South Sudan, 2011).
20. (The Transitional Constitution of the Republic of South Sudan, 2011, Part I, Article 1(4)).
21. (The Transitional Constitution of the Republic of South Sudan, 2011, Article 26(1)).
22. (The Transitional Constitution of the Republic of South Sudan, 2011, Article 26(2)).
23. (The Transitional Constitution of the Republic of South Sudan, 2011, Article 27(1)).
24. (The Transitional Constitution of the Republic of South Sudan, 2011, Article 28(1)).
25. (*Political Parties Act* 2012).
26. (The Transitional Constitution of the Republic of South Sudan, 2011, Ch. II, Art. 101 (r)).
27. (The Transitional Constitution of the Republic of South Sudan, 2011, Part XI, Ch. 1, Article 162(1&2)).
28. This section is an excerpt from two previously published articles: Zambakari, C. (2012). The role of women in nation-building in South Sudan. *Pambazuka News* (Issue 578, accessible from <<http://www.pambazuka.org/en/category/features/80972>>); Zambakari, C. (2012). Understanding challenges of South Sudan: A rejoinder. *PAMBAZUKA NEWS* (606), Available at <<http://www.pambazuka.org/en/category/comment/85433>>.
29. (The Transitional Constitution of the Republic of South Sudan 2011), Part XI, Ch. I, Sec. 162 (7).
30. (The Transitional Constitution of the Republic of South Sudan 2011), Part II, Sec. 16(4a).
31. (The Transitional Constitution of the Republic of South Sudan 2011), Part VII, Sec. 122 (6).
32. (The Transitional Constitution of the Republic of South Sudan 2011), Part VI, Ch. III, Sec. 108 (3).
33. (The Transitional Constitution of the Republic of South Sudan 2011), Part IX, Ch. II, Sec. 142 (3).

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## CHAPTER FIVE

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### *Progress and Challenges of Liberal Democracy in Uganda*

GODFREY B. ASIIMWE

#### Introduction

In 1986, the National Resistance Movement (NRM) leadership took over power in Uganda and sought to entrench a no-party political system. Additionally, the NRM's initial preferred electoral system was of individual merit and open competition through lining-up behind a chosen candidate. NRM's stated rationale for the initiatives was to consolidate unity, peace and nationhood. This strategy was not new, but reminiscent of the one-party systems that were adopted by most postindependence African countries, including Uganda. This was tantamount to the imposition of unity through authoritarian suppression of diversity and dissent. Competitive multi-party politics; the first-past-the post and winner take-all which were the linchpins of liberal democracy were considered to have led to divergent out-comes, which were at variance with consolidating nationhood, peace and good governance. However, the political landscape in Uganda was characterized by contradictions like diversity contestations, repression, misrule, conflicts, and wars. Under competitive politics, specific contradictions included changes in the rules of the game, unlevelled ground, election rigging, and monetization. Such could be attributed to the inappropriateness and inapplicability of the liberal model in Africa or lack of a conducive framework for its proper operation. Nonetheless, during

both the absence and presence of liberal democracy, there were contradictions in Uganda's political scene. In any case, there were also positive aspects of liberal democracy.

There have been three multi-party phases during the 50 years of postindependence Uganda, beginning with 1962–1967; 1980–1985 and from 2006 to the 2011 elections. We show that in Uganda, there was no conducive framework for the proper operation of multi-party politics. There were no free and fair elections, and what existed was a combination of perverse militarism, repression, and a lack of commitment to the fundamental tenets of liberal democracy. While contradictions of liberal democracy included challenges—notably sectarianism—there were also positive aspects, for instance, the rigor of holding governments accountable. This chapter places emphasis on the present NRM government, and maintains that President Yoweri Museveni also lacks a genuine commitment to the fundamental tenet and operations of a liberal democratic dispensation.

### **The Colonial Architecture and Introduction of Liberal Democracy**

In Africa, the colonial political architecture artificially constructed “nation states” for colonial expediency. As a result, most of the new states and political institutions are still evolving toward nationhood and sustainable political stability. Pre-colonial units that were largely configured along identities like ethnicity, kinship, and language were haphazardly combined to form “nation states.”<sup>1</sup> The complex combination of diversities into states was governed through coercion and policy designs, notably, indirect rule, divide and rule, assimilation, and different regional development schemes. For the most part, the colonial state did not institute democracy in the new states through, for instance, elections. Colonial administrative policies had the effect of undermining some of the pre-existing inter-ethnic linkages and relations through assimilation, integration, exchange relations, intermarriages, and blood brotherhoods, to name a few. In the puzzle of colonial governance and diversity management, were other identities like religion, race, gender, and class. Even within the new class structures, colonial patterns of production, division of labor, distribution, and formal education enhanced differences between and within peasants, workers, and the elite. Colonial policies instead fostered ethnic, regional, linguistic, racial, and class fragmentation that eased colonial governance.

Within the artificially created territorial confines *cum* “states,” political re-alignments of the diversities and the resultant competition often raised ethnic consciousness. This would lead to political mobilization along parochial platforms and identity sentiments. Subsequently, there was a persistent interlacing of identities like ethnicity, regionalism, religion with common citizenship, and crosscutting identities like classes. It was into this complex matrix that later, in the 1950s, liberal democracy and written constitutions were grafted as the appropriate models for democratic rule of the new “nation states.”

The introduction of liberal democracy was in preparation of the colonies for a smooth transition to self-rule. Colonial undemocratic rule was compounded by adverse Second World War conditions and the following stifling economic recession which accelerated African nationalism with cases of militancy. Prior to World War II, colonial rule was hardly democratic and participatory, but rather, top-down, centralized, or ethicized. As Wiseman rightly notes, for much of the period in British colonies, there was an absence of electoral experience for Africans (Wiseman, 1990; Cowen and Laakso, 1997). The Colonialists were compelled to introduce liberal democracy and elections to Africa as they left (Adejumobi, 2000).

Orthodoxy assumed that the liberal democratic model, with its competitive political parties, was the best for generating policies, accountability, and “good governance.” However, Africa generally and Uganda in particular have continued to show deficits in democratic governance and political stability under the liberal democratic model. In this context, the applicability of liberal democratic institutions like competitive multi-party politics in African contexts has been questioned (Lindberg, 2005, Gero and Baseda, 2007). The liberal democracy model often proved superficial, with some concepts that seemed to be at variance with the traditional political ethos that had over-time evolved *in situ*. In this context, Adejumobi rightly notes that African democratic principles and practices were consensus, dialog, and collectiveness as opposed to individualism, atomization, and the majoritarianism of the western capitalist political system. Concepts like voting and political majority versus minority were foreign (Adejumobi, 2000: 62). Consequently, diverse identities like class, region, religion, and primordial identities like ethnicity often superseded policy considerations in the arena of competitive politics. In this framework, the capture and retention of state power often entailed exclusion, marginalization, and repression of opponents. In turn, marginalization and exclusion engendered contestations that were resolved more through repression, rather than democratic processes.

However, within the bequeathed intricate political architecture, the liberal democratic model can provide parameters for political development and assessment (Salih, 2003; Salih and Nordlund, 2007). Competitive political parties, for instance, provide alternative policy options and constant checks and balances for healthy governance (see Hague et al., 1998; Ozler, 2008). In Uganda, competitive politics helped to expose and engage grand corruption tendencies by inner-circle elements within the ruling parties. This often led to contestations that usually result in the strangulation of multi-party politics and dissent, and hence usher political instability into Uganda. How, therefore, can competitive liberal democratic model be operationalized in contexts like that of Uganda to ensure good democratic governance? To what extent can the liberal democratic model take root and be sustainable within an autocratic framework?

### **Rise of Political Parties within Uganda's Factionalism**

Colonial policies of divide and rule and indirect rule circumscribed the formation of political parties in Uganda. Ethnic, religious, class, race, and regional cleavages were the manipulations of the colonial identity that reproduced policies like divide and rule in Uganda. Subsequently, major political parties reflected the preponderance of sectarian cleavages, notably religion, ethnicity, region, and class identities (see Mamdani, 1976: 205–227; Karugire, 1980: 144–169; 1996; Mudoola, 1996). Mudoola succinctly notes that ethnicity was so pervasive and counter-productive in Uganda's politics that it put institutional building and structures under strain (Mudoola, 1996: 92).

The unique interlacing of ethnicity and religion with and over class identities were particularly reproduced in Africa's political landscape. Political parties were being shaped and refueled by this sectarianism, rather than being its primary cause. But how was the liberal democracy's multi-party system going to operate and ensure political stability within such a factionalized context? A combination of primordial and class identity interests within the configuration of liberal democracy's political parties, competitive politics, elections, and winner-take-all engendered contradictions. These often reproduced sectarianism and spiralled into contestations, conflicts, and political instability. However, the alternative monolithic models that were adopted by postindependence governments were exclusive to manage the diversities. Furthermore, the monolithic systems were characterized by



centralized power that was often misused and abused. An inclusive and democratic model was, therefore, the way forward.

In Uganda, religious and ethnic consciousness pre-dated the formation of political parties. In fact, it was religious sectarianism that led to the formation of parties like the Democratic Party (DP), rather than the DP causing religious sectarianism. The prominence of the religious factor emanated from the colonial antipathies of the competing French (Catholics) versus the British (Anglicans) over Uganda, which was subsequently mirrored in the two major political parties. The triumphant British colonial establishment became overtly dominated and in favor of the Protestant faction. This was reflected in positions like chieftainships, who were largely Protestants, for instance, in Kingdoms of Buganda, Ankole and Toro, even in cases where Catholics were dominant (see Mamdani, 1976: 216).<sup>2</sup> Protestantism circumscribed the identity and operations of Buganda's *Kabaka* (King) Frederick Mutesa and his Mengo government.

The Uganda National Congress (UNC) was formed in 1952 by mainly the Baganda middle class, while the DP later emerged and was dominated by the Catholic Baganda due to their marginalization and frustrations over the Protestant dominated colonial and Mengo establishments (see Mamdani, 1976: 208–220). In 1955, the Baganda Protestant petty-bourgeoisie led by Eridadi Mulira formed the short-lived Progressive Party (PP) with the largely narrow objective of demanding for the return of the *Kabaka* who had been deported by the colonial government. In response, after the 1958 Legislative Council elections, the Uganda People's Union (UPU) was formed by the non-Baganda to counter Buganda's parochial demands. In 1959, there was a split of the UNC along the lines of ethnic polarization, with Ignatius Musazi's wing—considered Buganda—versus Milton Obote's faction—reflecting the rest of Uganda. This was followed by the formation of a largely Baganda movement *cum* party, the radical Uganda National Movement (UNM), by Augustine Kanya. Baganda dominated parties like Ignatius Musazi's break-away wing of UNC, Eridadi Milira's defunct Progressive Party (PP) and Godfrey Binaisa from the United Congress Party (UCP) joined the UNM.

Buganda's tenacious parochial stand toward the Legco during the run-up to independence precipitated a merger between the UPU and Obote's UNC wing in 1960 to form the Uganda People's Congress (UPC). The new UPC party was, however, not devoid of sectarianism, as it was largely Protestant in leadership and membership, in addition to being largely non-Baganda. Its leader Obote's Luo ethnic group areas

in northern Uganda became UPC's major power base. The sectarian paradox in the womb of Uganda's liberal democracy came to the fore with the triumph of DP in the first nation-wide direct elections to the Legislative Council of March 1961. Karugire writes thus:

The victory of the DP and the accession of Kiwanuka (Benedicto) to power as the first Prime Minister of Uganda woke the protestant hierarchies to the possibility that on the departure of the British, they might be left under the control of a Catholic-dominated government—a government, moreover, that might even temper with the *status quo*—i.e. introduce reforms which would wipe away the Protestant ascendancy thereby altering a system of conducting public affairs that had subsisted undisturbed for some sixty years. (Karugire, 1980: 180)

Subsequently, the British colonial establishment suspended full independence on grounds that Buganda had boycotted the 1961 elections. Thereafter, frantic negotiations took place between two Protestant organizations, namely, Buganda's Mengo establishment and the erstwhile anti-Buganda UPC. The enigma for liberal democracy was having religion take precedence over ethnicity, as Benedicto Kiwanuka of DP was himself a Muganda and UPC was overtly anti-Buganda, yet an alliance was possible. On September 18, 1961, a conference was called in London to facilitate the Mengo and UPC negotiations, which culminated in Mengo's formation of the *KabakaYyeka* (KY meaning King alone<sup>3</sup>) party that forged an unholy alliance with the UPC. In the run-up to the final elections, Karugire observes that

The fearsome machinery of the Kabaka's government stepped up its virulent campaign and many complaints of the violence of the chiefs and of the other KY supporters against the DP leaders and their followers were voiced, but the Protectorate government looked on with benign disinterest. (Karugire, 1980: 187)

From the foregoing, liberal democracy in Uganda contended with another major contradiction of manipulating and rigging elections in the service of a sectarian interest. This was to ensure the ascendance of the protestant faction to the leadership of independent Uganda. Ever-since, the rigging of elections assumed a status of common/normal practice in Uganda's liberal democracy (see Doornbos, 2000).

## **Challenges of Postindependence Parliamentary Democracy, 1962–1967**

Uganda attained independence under a Westminster multi-party political system, led by the UPC/KY unholy alliance. However, postindependence Uganda degenerated into political turbulence characterized by strangulation of parliamentary democracy followed by the establishment of a one-party system, misrule, civil wars, coups, and human rights violations.

A major contestation between the legislature and the executive was over political corruption from 1963 to 1967. The response of Prime Minister Obote was the protection of the implicated inner-circle elite and even their accelerated promotion. The first case was in November 1963, when the opposition took-on the Minister of Information Adoko Nekyon, for allegedly colluding with an international company in a corruption scandal. Nekyon, who was Obote's cousin, hence associated with the first family, was accused of contravening procurement regulations and irregularly granting a lucrative monopoly of the first Uganda Television project to an American Company (Hansad, 1963: 108–112; 137–142). Obote ignored the legislature and Nekyon was left scot-free.

Another jigsaw engagement between Parliament and the executive was from 1965 until 1966. Daudi Ochieng, a KY MP, tried to move a motion calling for an investigation of the Deputy Army Commander, Col. Idi Amin; Nekyon and Minister of Defence Felix Onama. The implicated were all from northern Uganda, Obote's political power-base. The corruption allegations related to gold and ivory smuggling during Uganda Army's military operations in support of Congolese rebels in Eastern Congo.<sup>4</sup> The then UPC Secretary General and Minister of State, Grace Ibingira, mobilized support for the motion against Prime Minister Obote, Amin, Nekyon, and Onama. On February 4, 1966, Ocheng tabled a motion seeking to suspend Amin pending investigations into his account.<sup>5</sup> In the ensuing debate, it was further alleged that after the Ugandan Army's incursions in Congo, Obote, Onama, and Nekyon received large amounts of money from gold and elephant tusks.

In the subsequent developments, Obotere-configured Parliament's anti-corruption investigation to be part of the then-wider complex of political machinations that revolved around ethno-ideological re-alignments. This was aggravated by the UPC—Kabaka' saga over

the return of Bunyoro's "lost counties."<sup>6</sup> Obote was suspicious of the political ambitions of Ibingira, who was seen as the chief architect of the parliamentary standoff against Obote's government "under the guise" of a corruption scandal.<sup>7</sup> This enabled Obote to deflect the corruption accusations and canalize the inner-circle of his party's support toward forestalling the alleged "Parliamentary Coup." From then onward, Parliament's affront against political corruption would be a "political persecution" *cum* "threat" for the survival of a ruling party, and hence had to be counteracted.

Obote was thus able to shield and reward his implicated cronies like Idi Amin, whom he promoted to Major General and appointed army commander in an endeavor to reassert his grip over the army. Parliament's fight against corruption was one of the powder keg ingredients that gravitated into the Kabaka 1966/1967 crisis and Obote's subsequent strangulation of parliamentary democracy. After the crisis, Obote abrogated the independence Constitution, and replaced it with the 1967 Republican Constitution that was distributed through MP's pigeonholes, under which he assumed the over-powerful Presidency.

Under the hostile political atmosphere that followed, now President Obote appointed a Commission of inquiry into the gold and ivory corruption scandal under his own terms, to which Ochieng was supposed to testify. However, on June 1, 1966, Ochieng mysteriously died in Mulago Hospital, ostensibly of stomach pains. Buganda was put under a state of emergency (*Biserabyakabenge*), and Kabaka Mutesa also died mysteriously when in exile.

Subsequently, state-driven defections from the opposition enabled Obote to establish a *de facto* one party authoritarian government, which became a norm in Uganda's body politic. Within the party, the UPC increasingly became undemocratic and in 1965, purged its radical faction of Kirunda Kivejinja, Bidandi Ssali, Dan Nabudere, and Kintu Musoke for their ideological dissent. This was followed by Obote's mishandling of the intra-party ideological dichotomy. Grace Ibingira leading the right wing (believed in capitalism) versus UPC Secretary General John Kakonge led the left wing (believed in Communist ideology, pro-workers, and poor) became a nightmare in UPC's political development.

From the 1966/1967 Kabaka crisis and Obote's subsequent strangulation of parliamentary democracy, the executive in Uganda strove to control the military and coercive machinery. These became the off-stage fulcrum of power; kingmakers thus tilted and distorted the power structure. Under Uganda's Presidential system, the over-powerful

executive could exercise arbitrary power through repression and even extermination of opponents, real or imagined. Anchoring power in the coercive machinery enabled presidents to manipulate, control, and repress other institutions and the electorate unhindered. The presidents also had constitutional powers to make appointments in cardinal institutions and commissions, like the judiciary and the National Electoral Commission (NEC), thus enabling formal and informal influence and manipulation. State control and influence extended to the embryonic press through constraints like the sedition law and resultant self-censorship. Consequently, the principle of institutional independence and checks and balances became anathema. At best, institutions exercised limited or symbolic power over the Presidents thus could not successfully hold accountable the errant inner-circle ruling elite.

Owing to direct and indirect power of the executives, all Parliaments' efforts tailored to checking executive excesses often came to naught. Ugandan parliaments have for long been an arena of contestations with the all-powerful executive presidents seeking to control and influence the legislature. Control, manipulation and influence over the legislature was enabled through excessive formal and informal powers of the executive, domination of parliament by the president's ruling party that came through electoral corruption; political machinations, nominees of "special interest groups" who owe their elevation to the president, which often bolsters the numbers of the ruling party.

Obote pursued exclusive policies, for instance, by undermining the economic base of the largely Baganda coffee producers and their emerging commercial middle classes (see Asiimwe, 2002). With weakened institutional checks and balances, political corruption then increased under Obote's "move to the left" socialist strategy of the 1968–1970, that led to the nationalization of economic enterprises. Under a state controlled economy, the established public parastatals degenerated into "pork-barrels." Obote and subsequent leaders used the public enterprises to reward and re-distribute resources to the ruling party/group inner-circle cronies, relatives, and friends. Behind the smoke-scene of Obote's socialist rhetoric, a "predatory class" emerged unhindered out of the corruption and resource redistribution, thus enhancing the course of state-led "class formation" (see Cohen and Parson, 1973: 63). Through parastatals and central placement of the elite, different regimes dispensed opportunities of advancement and "primitive accumulation" leading to the rise of a simulacrum of "middle classes" (also see Holmquist, 2002).

Meanwhile, Obote kept on suspending general elections, until Amin, whom he had rewarded with promotions, reciprocated by

staging a coup against his mentor in 1971. Amin erased whatever was left of Obote's crippled parliamentary democracy, and replaced UPC one-party rule with impulsive rule by decree. This continued through Amin's murderous regime, which hinged on fantasies of his *rule ad infinitum* encapsulated in his "life presidency" title.

### **Multi-Party System, Phase Two, 1980–1985**

Ugandan exiles under the Uganda National Liberation Front (UNLF), with assistance from Tanzania, removed the Idi Amin dictatorship in 1979. Thereafter, Uganda's political landscape was characterized by a multiplicity of political interests that competed against the background of a weak state and control structure. Based on the trajectory of sectarianism in Uganda's major political parties, the dominant paradigm became unitarism to the extent of denying and suppressing diversity. This led to the creation of the UNLF "umbrella" government that was particularly associated with President Godfrey Binaisa. This monolithic model that was already experimented through postindependence one-party rule resonated well with Yoweri Museveni, one of the major players in the liberation war who was consolidating his niche on Uganda's political scene.

Under the established UNLF umbrella government, competition continued unabated, particularly engineered by the old political parties for control of space in the mucky political arena. This competition was exacerbated by rivalries between the fighting military factions, notably Milton Obote/UPC's *KikosiMaalum* headed by Oyite Ojok and Paul Muwanga versus Yoweri Museveni's Front for National Salvation (Fronasa), which represented the "third force." With the persistence of the old trajectories of sectarianism, the competition had adverse ramifications for security, political and economic stability during the UNLF epoch.

In the post-Amin era, there were some interests and opinions against the return of multi-party politics in Uganda. Owing to polarization, rivalry, and repression in Uganda's body politique, some sections of society became ambivalent about multi-party politics, regarding them as the sole cause of Uganda's turbulence. The Baganda vividly remembered the UPC-KY imbroglio: the 1966/1967 Kabaka crisis and imposition of a state of emergency over Buganda. This left a trail of bitter memories in Buganda about Obote's autocracy, which the unitary politicians conveniently equated to multi-party dictatorship. More so, the

population had gone through Amin's traumatizing dictatorship, under which the old sectarianism sometimes refueled the gruesome state atrocities. New entrants and forces on the political scene wanted a fresh start under which they could meaningfully participate. These included the Museveni/Fronasa group. Such newcomers could not easily make in-roads into a system in which old parties were deeply entrenched with their polarized political bases. UNLF leaders like Museveni were, therefore, strongly inimical to multiparty politics thus formed a "third force," and continued to deride the applicability of the superimposed liberal democracy model in African contexts. He held that

A nation can draw ideas and learn from experiences elsewhere, but only the very foolish (or the very arrogant) believe that there exists a template for a perfect prototype of democracy which has only to be accurately in order for democracy to flourish. Forms of truly democratic organisation will differ from one country to another. (Museveni, 1992: 10)

Nonetheless, pressure from the old interest groups eventually ruptured the UNLF umbrella, thus paving the way for the return of a multi-party political system in Uganda (see Museveni, 1997: 109–120). Museveni's antipathy toward old parties and his predilection to unitarism was succinctly articulated that

Although this umbrella group was full of intrigues and manipulations, engineered mainly by Rugumayo and Nabudere, the UNLF had, nonetheless, been a useful instrument. As a concept, it could have been improved upon and taken further. Therefore, its destruction in the process of removing Binaisa, and the consequent resurrection of the old political parties, was an enormous blunder. Obote returned to Uganda on 27 May 1980. He immediately started to reactivate the UPC and Muwanga announced that party political elections would be held that December. It was from that point that some of us knew that we would eventually have to resort to arms yet again to fight the system, and from then on, we decided to make our position very clear. (Museveni, 1997: 116)

With the eventual rupture of the UNLF's umbrella government, the "third force" initially coalesced around a new party, the Uganda Patriotic Movement (UPM), led by Museveni. Again, Museveni was explicit in saying

Any sane person who was neither greedy for power, nor politically and ideologically myopic, should have seen that the only viable option for Uganda at that time was a broad-based government in which all these factions could have attempted to work together. It would then have been easier to contain the adventures in the various opportunistic groups. We, who were advocating unity, were placed in a dilemma because, given their past history, we could not possibly have joined either the UPC or the DP. (Museveni, 1997: 117)

UPC party functionaries often boasted of their mastery in rigging elections; they exhibited perfection in this regard during the 1980 elections, against what was believed to be DP's victory. As earlier noted, rigging elections was one of the major indicators of the failure of liberal democracy in Uganda, beginning with the controversial suspension of the independence elections. The 1980 elections were the first since the 1962 independence elections. They were conducted under the Military Commission (MC) government, headed by Paul Muwanga and deputized by Museveni. The MC had overthrown Binaisa, and placed UPC's Muwanga at the helm, which enabled him to orchestrate the rigging of the Elections. His major strategy was refusal to amend the electoral law so as to exploit the loopholes. Such was the proviso of the 1967 constitution, stipulating that the appointment of the Electoral Commission was an executive act and was not questionable (see, Republic of Uganda, 1967: Article 47(1)).

Other UPC election rigging methods included gerrymandering of electoral constituencies and holding candidates at roadblocks to make them miss nomination deadlines. According to the Report of the Electoral Commission, in Arua, Moyo, and Lango all candidates for the DP met physical obstacles on nomination days thus were not nominated (Electoral Commission, 1981: 73). UPC had a myriad of "tactics" that also included denial of registration to known UPC opponents, shifting registration centers to places unknown to DP agents, registering UPC supporters at night, dismissal of 14 District Commissioners who were supposed to be returning officers as they were considered to be opposed to UPC, use of state facilities, including the government Paper, *The Uganda Times*, to campaign for UPC, disappearance of some registration books, separate ballot boxes for different parties, late commencement of elections in DP strongholds, losers being declared winners. Other methods were double voting, switching ballot boxes, false counting, hooliganism, and stuffing ballot boxes *en route* to counting



centers. The UPC had its armed youth wing that wrecked unprecedented havoc that included murder, torture, extortion, and rape during the election period (see Karugire, 1996: 98–108; Museveni, 1997: 118–120; Doornbos, 2000; Mutibwa, 2010: 140–142). Yet, the international observers who largely stayed in cities and towns legitimized the 1980 elections as “free and fair.”

Suffice it to present representative cases where UPC losers were declared winners. In Mityana, UPC’s Samwiri Mugwisa was declared winner over DP’s Dr. Christopher Sebuliba who had won with 19,766 votes; in Bushenyi North, UPC’s Dr. Muhangi was declared winner over Francis Bwengye of DP who had carried the constituency; in Iganga East, DP candidate A. Nakendo won with 19,859 against UPC’s candidate P. Mwonda who had scored 19,566, yet the latter was declared the winner. In Iganga N. East, P. Wangola of DP won with 28,000 votes but later in mid-January, Paul Muwanga declared Luwuriza Kirunda of UPC as winner with 18,345 votes. In Kigezi, Robert C. Kitariko of DP won with 18,085 against T. Katama of UPC who was declared winner with 17,827 (Karugire, 1996: 111). Such electoral atrocities and their consequent turmoil cannot be attributed to the *modus operandi* of a multi-party system, but to the unprincipled “dirty politics” of UPC leadership. Thereafter, UPC party functionaries boasted of going to “eat” (*twariire*), denoting the use of politics as a means of material benefit to the exclusion of others.

Both the UPC and DP parties themselves lacked intra-party democracy. Worse still, their leaders continued to opportunistically and recklessly use ethnicity and religion as platforms without cognizance of the delicate architectural design of Uganda as a country. This was aggravated by the inept regime of Idi Amin. Subsequently, sectarianism exacerbated the impact of tyranny and turbulence in Uganda. Against the general frustration about the operation of institutions like the electoral commission, and mismanaged elections, there was a blanket condemnation and loss of trust in liberal democracy. Yet, a leader like Benedict Kiwanuka of DP had honorably handed over power, despite the controversial circumstances during the run-up of the 1962 elections. In 1980, Paul Ssemogerere of DP agreed to participate in parliament after DP’s robbed victory, rather than indulge in dubious machinations.

Subsequently, Museveni, with some of his “third force” compatriots and his Fronasa fighters, launched a protracted guerrilla war against the UPC government on February 6, 1981. Alongside were Yusuf Lule’s Uganda Freedom Fighters (UFF), who joined Museveni to form the NRM; Dr. Andrew Kayiira and his Uganda Freedom Movement

(UFM), which was associated with the DP; The Federal Democratic Movement (FEDEMU under Nkwaga and Uganda Rescue Front (UNRF) of former Amin's Minister Brigadier Moses Ali. In its efforts to contain the raging rebellion, UPC unleashed a reign of terror, particularly in the Luwero Triangle where Museveni's protracted war gained popular support. Like in his first tenure, Obote reduced parliament to a simulacrum of a phony democratic system, until his second overthrow by General Tito Okello Lutwa in 1985.

### **The Operation of NRM's No-Party System in Uganda**

With the failure of the Nairobi peace talks, the NRM overran Okello's military junta in 1986, and ushered in a political system with the lynchpin philosophy of a "fundamental change." NRM specifically blamed the multi-party political system as having perpetrated sectarianism that engendered disunity and the subsequent political conflicts and strife in postindependence Uganda. A new constitution was enacted and promulgated in 1995, which *inter alia*, stipulated that parties were to remain in abeyance during the movement system.

The NRM conceived the Movement as "pluralism-in-unity, in other words, pluralism without factionalism" (NRM, 2000: 10). The NRM justified the suitability of its movement system for Uganda on the fact that the liberal democracy model was a logical outcome of the developed industrial and class systems of the Western countries. For the NRM, such a model could not fit in African contexts where social metamorphosis to full class structures was still unfolding. The NRM said, "Therefore, it is evident that trying to introduce multi-party models in backward, pre-industrial societies in their present state is like trying to push a squire peg into a round hole, as the English saying goes" (NRM, 2000: 9).

For the NRM, it was only classes that could produce principles, and since they were not fully developed in Africa, there could not be principles beyond sectarianism, around which organizations of parties could take place. For the NRM, in Africa, diversity, dissent, challenge, and alternative and competing views should take place within the framework of a monolithic system, otherwise they will cause instability and turbulence. Therefore, the best model was unitarism, guided by a single vision, which alone is the correct vision. However, were one-party states or periods in Uganda more stable and devoid of factionalism? It is note-worthy that a multi-party system operated in Uganda

only from independence in 1962–1967; 1980–1986, and from 2005 to date, and in all cases, under a severely constrained political environment. The rest of the periods Uganda were under monolithic civilian and military dictatorships and the movement system. Suffice it to also note that while in operation, the multi-party system contributed positively, for instance, to checks and balances.

The NRM's no-party, broad-based government, and individual merit electoral system were a departure from the orthodoxy of good democratic governance as stipulated in the liberal democracy model. It is possible that NRM's political and electoral innovations could promote moderate politics and compromises in a deeply divided political spectrum (Reilly, 1999: 5; 2001: 2). Indeed, the erstwhile deep political division along religious affiliation was eased. There was improvement in the independence of the judiciary and the media had some considerable freedom.

However, there were cases of the government's influence over the judiciary, press censorship of criticism, and access by the opposition. Secondly, "Movementism" approximated the one-party system that had been adopted in most postindependence African countries, with poor credentials for diversity management. Despite Museveni's official efforts and anti-sectarian pronouncements, the Movement gravitated into exclusion, thus failed in diversity management. Subsequently, different rebel groups, civil political organizations, alternative policy options emerged in search of political space, forcing the NRM to resort to old methods like suppression of diversity. Gradually, NRM's popularity continued to show a downward trend.

With time, NRM also displayed religious and ethnic inclinations, pointing to failure to shed-off the colonially designed contradictions. The NRM was persistently accused of sectarianism and nepotism in favor of western Uganda groups, especially Museveni's Banyankole ethnic group (see Okuku, 2002; Mubatsi, 2010; Nalugo and Naturinda, 2010; Ssemujju, 2009; Kanya, 2008).<sup>8</sup> While responding to the accusation of sectarianism during the NRM National Executive Council meeting at State House on January 12, 2010, Museveni labored to justify the lopsided appointments by arguing that "Western Uganda was big." NRM's closure of many catholic founded Teacher Training Colleges, rekindled concerns of victimization of Catholics. NRM's sectarian tendencies led to contestations over resources, job appointments, high-level ministerial allocations and the general opportunities within the NRM system. Contestations increased for alternative and competing policies and political space for the excluded. It was the real

and perceived failure of the NRM's inclusiveness that largely refuelled rebel movements, latent anti-Banyankole animosity, and opposition in regions like Northern Uganda. Opposition politician Betty Kanya, for instance, wrote

Does one need to be soothsayer to see that he is leading Uganda to a terrible genocide, with only one community eligible for State House scholarships, lucrative jobs, land allocation, control of security organizations and the country's finances in 20 years? ... Isn't it obvious that time will come, no matter how long it might take, when all his misdeeds will be undone, at great cost to his favoured community? (Kanya, *The Daily Monitor*, January 28, 2008)

The perceived nepotism and unequal redistribution engendered latent tensions against the "benefitting" Banyankole. Such tensions were vented-out at opportunities of political chaos, for instance, during the September 2009 riots that broke out after Kabaka Ronald Mutebi was forbidden from touring Bugerere.<sup>9</sup> It was reported on Friday, September 11, 2009, that people were dragged out of cars at illegally mounted roadblocks and beaten for "looking like Banyankole."<sup>10</sup> One Mukiga resident of Mukono narrated the ordeal thus:

I leave in Mukono where I work as a shopkeeper; I am a Mukiga from Rukungiri. People here cannot tell a difference from Banyankole, Byarwanda, Bakigae.t.c. we are all the same. That is why they attacked me for being a Mukiga. I was forced to close my shop. I kept at home, I was hiding throughout the riot, I would send neighbours to buy for me food or anything I needed with my family. Interestingly my neighbors are all Baganda so they sympathized with me and told me that I may be lynched if I go out. (Respondent from Mukono, Human Rights Network, Uganda, 2010: 32)

### **The Legislature under the Movement System**

After taking over power, the NRM established the National Resistance Council (NRC) as the "Parliament" of Uganda. Elections were under the "individual merit" criterion, which reduced policy options to individual and personality politics with the result of increased monetization of competitive politics as a means to win-over the electorate. High

levels of poverty and monetary pressures refueled commercialization of politics, with most contestants hoping to re-coup their “investment” from the benefits of becoming Members of Parliament. The President enjoyed dominance of the NRC as it comprised mostly of NRM historical members and special interest groups like the army, the youths, workers, Persons with Disabilities (PWD), and one female representative for each district or city. Most of these often sided with the NRM in Parliament, as they owed their elevation to the President.

From 1996 to 2001, an elected sixth parliament under the movement system was in place and functioned with remarkable alacrity. This was precipitated by the privatization of public enterprises that was taking place, and its widespread corruption (see Parliament, 1998; World Bank, 1998; Tangri, 1999; Tangri and Mwenda, 2001; Tangri and Mwenda, 2003, 2006). The sixth Parliament will be remembered for its engagement of the rampant political corruption, as it dared the powerful inner-circle and first family who were implicated. The sixth parliament censored some ministers and forced the resignation of the implicated officials.

### **Rise of Political Groupings within the Womb of the Movement**

Following the rampant corruption of the 1990s, some ruling elite and National Resistance Army (NRA) officers considered the Movement to have veered off-course. Consequently, by the end of 2001, a serious crack was evident within the movement, including signs of dissensions within NRA officers. Contestations emerged between the “true revolutionaries” versus the “deviant” and favored cliques. Subsequently, some elite from western Uganda broke from mainstream NRM and formed alternative political groups like the Parliamentary Advocacy Forum (PAFO) by former ombudsman Augustine Ruzindana and Captain Guma Gumisiriza. Rtd Col. Dr. Kiiza Besigye who was a former minister formed Reform Agenda (RA).

NRM under Museveni strove to re-assert control over diversity and dissent within the major institutions, namely the party, NRA and Parliament. To tighten its grip over the army, a combination of strategies were employed including appeasement through promotions; reshuffles and enhanced intra-military intelligence and turning a “blind-eye” toward corruption by senior officers (see Tangri and Mwenda, 2003). As the trend was, the army continued to be an off-stage anchor

of power; thus, the NRA (later re-named Uganda People's Defence Forces (UPDF)) was made an integral part of Parliament. This was in contravention of the constitutional provisions that made the army non-partisan and subject to civilian authority. When diplomats raised the controversy of the army in Parliament, Museveni replied thus:

The UPDF is in Parliament as a listening post. Why are you worried about it? Many people in Parliament were not there when we fought, so the UPDF links the past and present by exploring their history to enrich debates. (in Kasasira, *The Daily Monitor*, March 30, 2012)

Then, attention was directed toward strangulation of Parliamentary independence and vibrancy. Accordingly, NRM party and state machinery were deployed against the return of specifically targeted MPs. Most independent minded MPs were purged, except Winnie Byanyima, who defeated the state sponsored Ngoma-Ngimein in Museveni's own home town of Mbarara. With the advantages of incumbency, political manipulations, and repression, the NRM/Museveni succeeded in regaining considerable control over parliament. Subsequently, the capacity of parliament to effectively engage the NRM high-level political elite reduced. Thereafter, the President often disparagingly ignored parliament's recommendations; returned, and even promoted the implicated inner-circle political elite, some of whom continued to be involved in more corruption scandals.

### **Politics under the Movement: The 2001–2005 Period**

As noted, by the end of the sixth Parliament in 2001, various political groups had emerged within the womb of the Movement. The 2001 Presidential elections were a contest between Kiiza Besigye (Reform Agenda) and Museveni (NRM). Contestations continued to grow, with many high-ranking NRM politicians even from NRM's western Uganda power base losing in general elections and only returning through rigging, bribery, manipulation, and intimidation.<sup>11</sup>

The 2001 elections recorded the highest forms of violence reminiscent of the 1980 elections, which Museveni himself had strongly condemned and on the grounds of which he had launched the liberation guerrilla war. From 2001, NRM deployed coercion, intimidation, sabotage, hooliganism, clashes, killings, flogging, disruption,

destruction of property, threats, and abductions of opposition and dissenters (see Parliamentary Elections Report, 2002: 19; Presidential Elections Report, 2001: iii; Basime and Mucunguzi, *The Daily Monitor*, March 13, 2001; Kalinaki, 2001). The Human Rights Watch noted;

There are serious Human Rights concerns in the lead-up to Uganda's March 12, 2001 Presidential elections that shed doubt on whether the elections will be free and fair. Not only is President Museveni relying on a biased legal framework, but he is also using the state machinery to obstruct a transparent and fair electoral process. (in Tayebwa and Kiapi, *The Monitor*, March 6, 2001).

In Gulu barracks, voting was extended up to midnight, and a freelance journalist with *Rupiny News Paper*, Komakech Keith together with Besigye's agents namely, Bongomin Charles, Lukwiya Pido, Otim Alex, and Okollo Saul were reportedly arrested by Captain Dawa (Muto, *The Monitor*, March 13, 2001). Ocheger Martin who was Besigye's agent in Bukedia, Kumi District was allegedly shot dead (Xoluo, *The Monitor*, March 13, 2001: 7). At Bunangudugo polling station in Bufumbo Sub-county, Besigye's agent accosted a presiding officer Hamidu Mafabi with a ballot book already ticked in favor of Yoweri Museveni (see *The Monitor*, March 13, 2001; <http://www.hrw.org/hrw/reports/>, accessed June 29, 2013). It was also reported that some foreigners like Congolese were found with applications to register (Kibirige et al., *The Monitor*, March 1, 2001: 3, 5).<sup>12</sup> The NRM party and state operatives down to the Local Council (LC) at the grassroots orchestrated electoral chaos that was reminiscent of the 1980 elections. These elections and political and human rights violations put NRM under a spotlight and tested its liberation pledge of a "Fundamental Change" as it slid back into "No Change." Coincidentally, "No Change" became the Museveni campaign slogan.

President Museveni exercises personal rule that is facilitated by a security system essentially instituted, beholden to, and overseen by him. In this context, the establishment of grassroots networks and infrastructure became arduous for political opponents. The NRM used the party with state apparatus, with an elaborate village to District level LC system that combined administrative functions with championing Movement interests. This was overseen by NRM political appointees like Chief Administration Officials (CAO), security operatives and Movement cadres. Additionally, the army, police, and intelligence organs openly and overtly work for the President and NRM. The police operated under the guise of "keeping law and order" and

was augmented by terrorizing para-military units like Major Kakoza Mutale's Kalangala Action Plan (KAP). KAP was formed by a group of NRM functionaries and gained notoriety for its intimidation and repression of the opposition during the 2001 presidential elections under the pretext of "ensuring sanity." KAP was reminiscent of the old-time UPC para-military groups led by Akena Adoko and Chris Rwakasisi's National Security Agency (NASA). Protests broke out in Tororo against Mutale and his KAP, referring to him as "barbaric." Tigawala Ratib was quoted thus: "Mutale himself gave me six canes at the Municipal Stadium. He assaulted me just because I did not respond to their thumb sign" (in Emodong, *The Monitor*, March 1, 2001).

Ruling party zealots become tools for the survival of "hybrid" regimes,<sup>13</sup> and thus assume an "un-touchable" status for their instrumental role. In this vein, Kakoza Mutale was able to contemptuously rebuff the Inspector General of Government (IGG) when he was asked to declare his wealth as required by the Leadership Code Act. As a result, in May 2003 the IGG recommended his dismissal from the post of Senior Presidential advisor (Government of Uganda, Inspectorate of Government, Report, May 2003). However, President Museveni swore an affidavit in support of Mutale and pledged to re-instate him. Additionally, the presidential legal advisor, Felix Odoi, sued the High Court contesting the IGG's power to direct a President to sack public officials. It was ruled that the IGG could not have more power than the President, hence awarded UGX 12 million in favor of Kakoza Mutale. Thereafter, the President promptly reinstated Kakoza Mutale (Inge, 2006: 20–21).

### **The Transition to Liberal Democracy and Contestations over Right of Association**

The issue of the suitability of political pluralism versus the monolithic movement system became pertinent in Uganda's political discourse and Constitutional making process (Mugaju and Oloka-Onyango, 2000; Republic of Uganda, 1993). There was a proposal for a middle course; retaining the movement through a pluralist political set-up that recognized political parties but avoided "a winner takes all situation" (Barya, 2000). Oloka-Onyango advocated for opening the political space for other political actors (Oloka-Onyango, 2000). There were concerns that NRM's no-party system was not all-inclusive in resource allocation and that it negated dissent and alternative options. To Kasfir,



a closer examination of the movement democracy and its application since 1986 is a reflection of a political strategy to legitimize state power more than being a “novel form of democracy” (Kasfir, 2000: 61).

A combination of external and internal pressure compelled the NRM to open the political space. From the 1980s, the pressure that accompanied SAP reforms in the economic and political spheres was prevalent (see Kiiza et al., 2006). Political liberalization meant respecting constitutional rights and the freedom to associate, which was constitutionally inherent and not granted by the state or vote (see GOU, 1995: Article 20 (1&2)). In contravention of this right, the same Constitution demanded that political parties had to remain in abeyance during the tenure of the movement system. Accordingly, parties were prohibited from (a) opening and operating branch offices, (b) holding delegate’s conferences, (c) holding public rallies, (d) sponsoring or offering a platform to or in any way campaigning for or against a candidate for any public election, and (e) carrying on any activities that may interfere with the movement political system (Constitution of Uganda, 1995: Article 269). As Barya notes, the Movement arrogated itself: “powers and rights to exclude dissenting or alternative views from being organizationally voiced, defended and tested in state power” (Barya, 1998: 7). The NRM government was not committed to the right of Association, as the following position postulates:

Freedom of association is an important component of democracy, but we still have a weak social fabric that is liable to manipulation. . . . Therefore, there are situations in the backward parts of the world where some democratic practices that are taken for granted in the developed world can be counter-productive. (NRM, 2000: 9–10)

Owing to the mounting pressures, the NRM sought to subject the right of association to a referendum, presumably to consult “the people.” However, contestation emerged over subjecting the inalienable right to associate to a vote. The judiciary nullified the referendum, which reportedly angered Museveni to the extent of ridiculing the judges thus: “the major work for the Judges is to settle chicken and goat theft cases but not determining the country’s destiny” (Ssuuna, *The Monitor*, June 30, 2004; *The New Vision*, June 30, 2004). This demonstrated NRM’s lack of commitment to the fundamental tenets of liberal democracy.

### **Multi-Party System, Phase Three: Political Party Operations**

The eventual opening of political space was a protracted process whose landmark was the November 2004 Constitutional Court ruling against some sections of the Political Parties and Organisations Act (PPOA). The Court pinpointed the unconstitutional infringement of some PPOA sections on fundamental civil and political rights, for instance, freedom of association and assembly. In what seemed to be a twist of strategy, on July 12, 2005, Museveni himself launched a “Yes” campaign in favor of the return to multi-party politics. With the opening up, new political parties emerged on the scene. The Forum for Democratic Change (FDC), a merger of the Parliamentary anti-third term group (PAFO) and Besigye’s Reform Agenda became the most prominent of the new parties. The opposition parties tended to narrow focus on removing Museveni, for which they formed a loose coalition named the G6, with thin policy alternatives. So, what challenges has multi-party politics faced under the NRM and how has it impacted on political development in Uganda?

Multi-party politics accelerated competition and challenge to Museveni and the NRM. However, the political landscape continued to display an over-dominating single party, the NRM. The President continued to enjoy incumbency through control of the security apparatus: elaborate NRM/state structures down to the grassroots, which are beholden to him. The elaborate apparatus is aimed at weakening opposition parties through indirect and direct strategies like co-option, harassment, sabotage, repression, or even elimination. Claims of sabotage were, for instance, in Gulu, Hoima, Masindi, and Kisoro (see *The New Vision*, August 9, 2005; *The New Vision*, June 27, 2005; *The New Vision*, July 18, 2005).

The year 2004 was particularly characterized by reports of violations of human rights in un-gazetted places of detention (Safe Houses). There were allegations of emergence of rebel groups like the People’s Redemption Army (PRA), which led to torture and arbitrary arrests of political opponents (see Human Rights Watch, Report, April 2004; Amnesty International Report, 2005; Human Rights Watch, Report, April 2009). The Army, agencies like the Chieftaincy of Military Intelligence (CMI), Internal Security Organisation (ISO), District Security Organisations (DISO), Joint Anti-Terrorism Task Force (JAT), Violent Crime Crack Unit (VCCU), and the Criminal Investigation Department (CID) were reported to be involved in violating human

rights. Kakoza Mutale's KAP was still actively operating under the cloak of an NGO, and for further camouflage and "legitimacy", changed its name to "Civic Education for Development Organisation" (CEDO) (see Karamagi, *The Monitor*, May 3, 2005).

The year 2005 witnessed the siege of the High Court by black dressed armed men ("Black Mambas"). The infamous "Black Mambas," reportedly from a special Urban Hit Squad unit of the Military Intelligence, were on a mission to re-arrest bailed rebel suspects largely from the opposition (see *The Daily Monitor*, November 17 and 18, 2005: 1; *The New Vision*, November 17 and 18, 2005). There was also increased militarization of the police to enhance its capacity to quell riots and dissent, a major ingredient of a police state. Inspector General of Police General Kale Keyihura was quoted thus:

Gen. Katumba and I were made heads in the Force to help build capacity and deal with situations such as riots, terrorism and insurgency. We do not want police that runs away when confronted by an enemy. (in Emodong, *The Daily Monitor*, February 20, 2012)

### **The 2006 Multi-Party and Presidential Elections**

In 2006, the first multi-party elections were held since 1980. Politically, NRM support continued to decline. The credibility of the Electoral processes and independence of the Electoral Commission remained thorny, with Commissioners still appointed by the President. Electoral anomalies included the deletion of eligible voters, transferring voters without their consent and notification, inflated voters' registers, supply of excess ballots, and intimidation by NRM party and state functionaries (see Oloka-Onyango, 1996).

After 2006, more western Uganda political and military elite continued to leave the NRM,<sup>14</sup> which Museveni trivialized with the dismissal of "balekebagende" (let them go). During the campaigns, opposition candidates could not move freely, for instance, up to 23 people were reported to have been arrested while trailing Presidential Candidate Kiiza Besigye (Nalugo and Bogere, *The Daily Monitor*, 2006). The FDC campaign agent in Nyabushozi was reportedly waylaid and beaten unconscious and an army Captain led a group of NRM supporters in closing FDC offices in Kazo, Kiruhura District (Basiime, *The Daily Monitor*, 2006). Some of the up-country opposition FDC offices, for instance, in Kasese were burnt (Briefs, *The Monitor*, 2006: 7).

### **Monetization of Politics and Its Limitations**

As Human Rights activists put state atrocities in the limelight, NRM's credibility was increasingly tarnished locally and internationally. Accordingly, the NRM supplemented repression with increased electoral bribery/buy-offs, with the effect of increasing electoral commercialization and opportunism. Under the guise of generosity-driven "donations" and "gifts," aspiring politicians took advantage of the livelihood-pressured electorate to purchase support in exchange for "peanuts" such as matchboxes, "wetting hoarse throats" with alcohol, and "sugar for children." In the resultant political sub-culture of "obligation dispensing," failure to "donate" could lead to the perceived "stingy" politician's loss of popularity and "legitimacy." This degenerated into a sub-culture that espoused paying for support to the extent that failure to "give" led to loss of popularity and the election. The opposition's meagre resources became a major constraint that tilted the electoral arena in favor of NRM candidates who were better positioned to access state resources. High levels of poverty, monetary pressures, and aspirations remained challenges that encouraged electoral commercialization, that in turn raised the temptation of corruption. This chapter proceeds to explore two major intertwined trajectories that shaped the subsequent elections, namely corruption and people's livelihoods.

One of the factors the opposition used to seek in their efforts to delegitimize the NRM was persistent poverty, unequal access to services and worsening livelihoods of the electorate. It is noteworthy that the presumed magical power of the market and "trickle down" to the benefit of all under the Structural Adjustment Programs (SAPs) did not bear fruit in people's real livelihoods. NRM's wholesale adoption of the neo-classical reductionist model had adverse effects on people's livelihoods (see Kiiza et al., 2006). Uganda's Gini-index showed the gap between the rich and poor as having increased after 1997, reaching 37.4 in 2003, and thereafter, continued beyond 40. Affordability of services, particularly front-line services of education and health, became thorny. All other factors that the economic model "assume constant" had a confounding effect on the operation of the market. The rate of unemployment was increasing and wholesale liberalization undermined sectors like local industry. Entrepreneurship was hampered by high operational costs and the totality of the market failures had a knock-on effect on people's real livelihoods despite the reductionistically recorded and hyped-high economic growth.<sup>15</sup> Suffice it to note that although the opposition took the advantage of winning the

hard-hit electorate, they themselves lacked well-thought out and comprehensive alternative policy options. This was largely due to the weak conceptual rigor and direction in most of the political parties; hence, their campaigns raised more personality than policy issues.

The second factor with a bearing on elections was the increased temptation to corruption and nepotism among well-placed leaders in order to oil their political machinery. During the 2005 presidential campaigns, while Museveni showcased his achievements, notably, “peace” and “economic growth,” the opposition harped on NRM’s corruption.

Political corruption’s contradictory dichotomy between winners/beneficiaries versus losers/spectators engendered contestations that undermined the NRM regime. The losers and victims regarded political corruption as an abuse of “public” responsibility (see Sherk, 2005). For the opposition, corruption became a tool to mobilize the struggling population against the NRM “eaters” (the euphemism of the corrupt). In response, the NRM strove to deflect focus away from political corruption at a higher level and re-configured the anticorruption campaign into “zero-tolerance” against lower level petty and bureaucratic corruption by civil servants and politically unknown officials. According to the NRM, these were the causes of the people’s problems.

The opposition’s campaign had some impact on the popularity of the NRM, even in its power base of western Uganda. Tripp points to the schism that emerged within the western NRM elite, and noted that it was the greatest threat to the ruling party (Tripp, 2010: 59–71). The ability of the dissenting elite to mobilize and form the biggest opposition force in a very short time pointed to a trend of regime degeneration. Contestations continued to grow, with many high-ranking NRM politicians from western Uganda losing in primaries and general elections. Some of those who lost managed to return through rigging, bribery, manipulation, and intimidation.

Museveni was declared the winner, which prompted Besigye to seek legal redress. However, it was ruled that although there were electoral irregularities, they did not substantially affect the outcome, and hence could not warrant nullification of the elections. This judgment was perceived by some sections of the public as politically influenced, which tended to compromise the image of the judiciary as a neutral arbiter. On his retirement, Chief Justice Benjamin Odoki was asked whether his political affiliation influenced his decision, to which he replied:

You see the road between law and politics is narrow. Constitutional law is politics. And elections are political decisions, they are not

legal decisions. So, you are actually discussing a political process when considering these petitions and, therefore, the decision had political implications based on the law. So it is politics, it is not law. Elections are not about law; they are about choice of leaders. They are about governance of the country. (in Kakeire, *The Observer*, April 1–2, 2013)

### The 2011 Multi-Party and Presidential Elections

The performance of Museveni and NRM Parliamentary candidates in elections continued on a downward spiral. As a result, the 2011 Presidential and Parliamentary elections were also held in an environment of intimidation, repression, harassment, and high commercialization. The head of the European Union, Ambassador Vincent De Visscher noted that

I note that particularly the opposition parties still encounter difficulties in campaigning, in holding rallies, time to time harassment, may be intimidation but also access to the media. (quoted in Butagira (a), *The Daily Monitor*, 2011)

On repression, the heavy armament of the police in the run-up to the elections was reported (Butagira (b), *The Daily Monitor*, 2011). The Minister of State for Defence allegedly called on the army to join politics and play a more active role in the February elections (Mugerwa, *The Daily Monitor*, 2011). The Deputy Criminal Investigations Director in the police Mr Moses Sakira was reportedly suspended for allegedly mismanaging case files concerning Besigye (Bagala and Naturinda, *The Daily Monitor*, January 24, 2011). Annet Namwanga a DP mobilizer working with Mulago Hospital was reportedly abducted by unidentified men (Njoroge, *The Daily Monitor*, January 24, 2011).

Meanwhile, bribery increased to unpredicated levels as a tool to supplement harassment. Under the neo-patron-clientele framework, Museveni approximated a “father figure status”; he possessed a fountain of resources with a strong predilection to dispense to his clientele favors at his discretion. Through an *ad hoc* personalized state-house dispensing system, the president “donated” money, vehicles, and cattle to strategic actors like religious, cultural leaders and crowd pulling artistes,<sup>16</sup> more for their potential to mobilize his political-support and interests rather than mitigating destitution. Bishop Niringiye observed that through

gifts, the executive was trying to influence the church (in Njoroge, *The Daily Monitor*, November 6, 2010). As a result, Museveni's State House; the *de facto* fountain of all power and resources was a major drain amidst poverty and poor service delivery.<sup>17</sup>

During the campaign period of 2010, it was reported that "Barely four months after State House took Shs 80.6 billion, the institution now wants an extra Shs 95 billion to take care of the presidency" (Mugerwa, *The Daily Monitor*, December 20, 2010). On January 4, 2011, an "emergency" budget to the tune of U. Shs. 160 billion was approved for State House (in Mugerwa, *The Daily Monitor*, January 5, 2011). While reacting to the passing of the "emergency" budget, MP Peter Mutuluzza pointed out, "President Museveni wants almost Shs19 billion for donations, yet we are not supposed to donate during campaigns—but the funny thing with our leaders, it's as if laws don't apply to them" (Mugerwa, *The Daily Monitor*, January 5, 2011).

As the ruling party political elite "donated" to the electorate, some of the on-lookers were not always blinded by the "election-time" generosity, and hence, it was not a guarantee for victory. The powerful political elite had to incur substantial costs or resort to coercion, manipulation, and rigging, which pointed to limitations within the political-corruption-public interface. Some elite displayed a principled stand against political corruption. It was reported that during the 2010/2011 election campaigns, Bunyoro's opposition FDC chairperson Francis Atugonza refused a 1.5 bn bribe to cross to NRM, from a member of the first family (Bareebe, *The Daily Monitor*, January 11, 2011). During the same campaigns, MPs found unexplained amounts of U. Shs 20 million on their accounts, and those from the opposition mobilized an operation code-named "Return Shs 20 million bribe" (Mugerwa et al., *The Daily Monitor*, January 22, 2011; Mugerwa, *The Monitor*, January 21, 2011).

Although electoral bribery, intimidation, and harassment tilted the arena in favor of the NRM candidates, it did not necessarily improve the image and support for the NRM. The opposition concentrated on "concerns" over people's hardships amidst the affluence of the few benefiting NRM supporters. Hope for change to an alternative system yielded positive results, as the electorate vented their dissatisfaction on NRM bigwigs. Despite the unlevelled ground, many NRM Ministers were defeated by the largely constrained opposition leaders.<sup>18</sup> The loss of ministers was also registered in the NRM stronghold of western Uganda.<sup>19</sup>

With the declaration of Museveni as the winner, the opposition seemed to have lost hope in the judiciary as neutral arbiter in the

Presidential elections. This led to the opposition's change of strategies toward other forms of action-oriented organizations like "Action for Change" (A4C) and civil resistance methods like the provocative car hooting and "walk to work." In retaliation, Besigye's movements were curtailed through preventive arrest. In Parliament, fruitless attempts were made to impeach the President (see Nalugo, *The Daily Monitor*, March 15, 2012). Meanwhile, the NRM state coercive machinery flung into repressive action to contain the opposition. Clashes often led to ruthless arrests, casualties, reported deaths, and endless police summons to and interrogations of the opposition leaders and activists (e.g., see Njoroge and Kasamani, *The Daily Monitor*, February 22, 2012). Police's ruthless excesses tended to discredit the NRM. A historical NRA General and Minister of Justice Kahinda Otafiire seemed overwhelmed as he was quoted thus: "You really look at the way they are doing their things and you are left in shock. Why do you arrest a leader in such a manner yet he has done nothing illegal" (in Lumu and Kiyonga, *The Observer*, July 10–11, 2013). In some cases, enraged rioters fought back, and in one incident, killed Assistant Inspector of Police, John Michael Ariong (Masaba and Nantambi, *The New Vision*, March 21, 2012).

To perfect the repression instrument, the state proposed a Public Order Management Bill, which would enhance its suppression of civil liberties, notably the right of assembly. Relatedly, a Bill to regulate broadcasting, telecommunication, and postal service providers was introduced, which media practitioners opposed (see Gyezaho, *The Daily Monitor*, March 20, 2012). Social websites like face-book and twitter were also targeted due to fear of the possible replication of the Arab-spring course of events. As of now, the political terrain remains unpredictable; liberal democracy is work in progress, and promise of a fundamental change, a red herring.

### Conclusion

Liberal democracy, which was grafted over traditional political institutions continued to reproduce factional contradictions created by the colonial state in Africa. This chapter has shown that in Uganda, sectarianism based on ethnic and religious affiliations were enhanced by multi-party politics. However, the chapter also argues that notwithstanding aspects of inapplicability and contradictions of liberal democratic institutions in Africa, competitive politics and vibrant parliamentary democracy positively contributed to exposing and checking



the excesses of the ruling elite. Competitive politics also had the potential of presenting alternative policy and leadership options. The chapter maintains that in Uganda, liberal democracy operates under enormous constraints and a lack of commitment to its fundamental tenets. Both President Obote of UPC and Museveni of NRM exhibit a predilection for a monolithic political system, ostensibly, as the best for diversity management and the nation state building project. Yet under monolithic systems, Uganda experienced retrogressive authoritarianism, misrule through repression of dissent, abuse of civil rights, suffocation of alternative options, political corruption, and mismanagement of diversities. The chapter concludes that the political landscape in Uganda remains unpredictable, and normal operationalization of liberal democracy is still an arduous task and is still work in progress.

### Notes

1. In present Uganda, major ethnic groups included the Baganda 17%, Ankole 8%, Basoga 8%, Iteso 8%, Bakiga 7%, Langi 6%, Rwanda 6%, Bagisu 5%, Acholi 4%, Lugbara 4%, Batoro 3%, Banyoro 3%, Alur 2%, Bagwere 2%, Bakonjo 2%, Jopadhola 2%, Karamojong 2%, Rundi 2%.
2. Presently, Catholics are 42%, followed by Protestants 37% and Muslims 12%.
3. *Kabaka*, that is King of Buganda Kingdom with headquarters in Mmengo, formed a political party during the run-up to independence to agitate for monarchist interests. KY formed an alliance with UPC, whereby the Kabaka became the President and Obote, the executive Prime Minister of independent Uganda.
4. Obote supported the rebels of Christopher Gbenye and General Nicholas Oleng, who were fighting the government of Moise Tshombe, formerly the secessionist leader of Katanga region. Tshombe was allegedly involved in the murder of independence leader, Patrice Lumumba. Leaders like Obote considered Tshombe a traitor to the cause of African independence, hence supported rebel groups against his government.
5. Ochieng submitted that Amin's bank statement, which had been mistakenly posted in a wrong postal box, showed irregular deposits of US\$1,500 on February 5, 1965; US\$9,000 on February 15; US\$3,000 on February 17; US\$28,250 on February 26 and US\$3,250 on March 2, 1965.
6. During colonization, the British rewarded Buganda with Bunyoro Kingdom's counties of Buyaga and Bugangeizi, for collaboration and as a punishment for Bunyoro's resistance. Against Buganda's will, Obote implemented a referendum for resolving the thorny problem of the "lost counties," which wrecked the UPC/KY alliance.
7. Ibingira had returned from the United States, where he allegedly portrayed Obote as left leaning in order to obtain support. Ibingira was also suspected to

have extended overtures to the disgruntled Mengo/KY faction presumably on ethnic basis and north—south divide. The crossing of the KY MPs to UPC was put in the context of a plot to fight Obote from within through a “Parliamentary coup.” Obote regarded the re-alignment of Buganda (Southerners/Bantu ethnicity) and Ibingira’s faction (Southerners/Bantu ethnic groups) as pitted against him a “communist-leaning” (Non-Bantu Northerner of Luo ethnicity). Obote suspected a wider collusion headed by Ibingira with links to the army through his brother Major Katarwa then Commandant of the Army Training Wing in Jinja, and army commander Brig. Shaban Opolot, an Easterner but married to a Muganda. Ibingira was seen to have enlisted the support of fellow Bantu cabinet ministers, namely, Balaki Kirya (Minister of Mineral and Water Resources); George Magezi (Minister of Housing and Labour); Dr. E. B. S. Lumu (Minister of Health), and Mathias Ngobi (Minister of Agriculture and Co-operatives). Accordingly, during a cabinet meeting on February 22, 1966, Obote ordered the arrested of the “architects.” The acrimony spilled into the Nakulabye scuffle, the Ndaiga murders and Obote’s claims that the Kabaka had ordered arms, thus justifying the Idi Amin led attack on his palace (see Mutesa, 1967; Obote, 1968: 35; Nabudere, 1980: 259; Mujaju, 1987).

8. Also see [http://news.jonzu.com/z\\_middle-east\\_museveni-defends-sectarianism.html](http://news.jonzu.com/z_middle-east_museveni-defends-sectarianism.html); Brig [http://webcache.googleusercontent.com/search?q=cache:VC6UreWG\\_HEJ:www.independent.co.ug/index](http://webcache.googleusercontent.com/search?q=cache:VC6UreWG_HEJ:www.independent.co.ug/index).
9. Bugerere was a territory of the Banyala that was annexed by Buganda, hence considered Buganda territory. Museveni supported the Banyala’s pursuit of self-identity rather than the “subjugating” Buganda sub-imperialism, for which the Kabaka’s tour represented.
10. TNB Reporter, <http://newnation.com/forums/showthread.php?t=163459>, accessed September 7, 2010.
11. During the 2001 elections, for instance, Amama Mbabazi allegedly used military repression to wrest victory from James Musinguzi Garuga whose supporter, John Bosco Twinomuhwezi was reportedly shot in the eye (Mufumba, *The Independent*, March 23, 2010).
12. These allegedly used Kinyarwanda names, like Kabimana Fabiano (21221135), Niyonzima Cosma (145829), Ndagitimana Festo (1458776), Ngeregeze Francis (1458028), and Garubanda Mutabazi (1458075).
13. For the concept of a hybrid regime, see Tripp, 2010.
14. Brig H. Tumukunde, Major Gen. Mugisha Muntu Former Army Commander, Major Kazoora, Minister Jabel Bidandi Ssali, former historical, Minister and East African Community Secretary General, Major Amanywa Mushega and First Deputy Prime Minister Eriya Kategaya.
15. In 1991/1992, income poverty affected 56.4 percent of the population, which improved to 46 percent (UNDP, 2000). According to the Human Development Report, 2000–2007 an average of 51.5 percent of Uganda’s population earned less than \$1.25 a day (\$1 = 2000); 75.6 percent earned \$2 a day and 37.7 percent were below the National poverty line (UNDP, 2009). This was against a modest economic growth of 2.2 percent between 1999/2000 and 2002/2003. The

burden of frontline services like health and education increased with privatization. In health, households spent on *inter alia*, consultation fees, medicine, hospital/clinic charges. Ugandan households spent more than U. Shs. 28 billion on health care in 2002/2003, with an average expenditure of a household at U. Shs. 11,917 (\$6) per month (computed from Kasirye et al., 2004: 31–34). Taking the 51.5 percent of households that earned less than \$1 a day (approximately U. Shs 1,700 \* 30 days = U. Shs 51,000 (\$26) a month), U. Shs 11,917 expenditure on health would be 23.3 percent of its monthly income. Although primary education was supposedly free under UPE, there were hidden costs like uniforms and books that partly account for high drop-out rates. A follow-up of every 100 pupils who joined Primary One in 1999, showed that only 25 reached Primary Seven in 2006 (Businge, C., *The New Vision*, April 9, 2010). Higher secondary school education costs ranged from U. Shs 100,000 (\$50) to U. Shs. 500,000 (\$250) and the minimum cost of tertiary education was U. Shs 500,000.

16. After Eddie Kenzo's performance to NRM supporters during the presidential nomination day, Museveni donated to him a Land Cruiser and coopted him on his campaign trails (see *The Red Pepper*, "M7 Gives Kenzo Shs 100m Car", November 02, 2010). State House also reportedly paid \$75,000 for the private treatment of artist "Bebe Cool" in the United States (*The Red Paper*, "State House Pays Bebe Cool," August 20, 2010).
17. According to the National Budget Framework Paper (NBFP) for 2010/2011–2014/2015, between July 2009 and December 2009, Museveni's expenditure on countrywide tours cost Shs 7.7 billion (US\$ 338m) (Kiggundu Edris, *The Observer*, April 25, 2010).
18. The Ministers who lost included Bagire Henry (Agriculture), Asuman Kiyingi (Lands), Isaac Musumba (Regional affairs), Jennifer Namuyangu (Water), Omara Atubo (Lands), Dujang Simon (Energy), Ojala Emanuel (Labour), Hyuha Dorothy (without portfolio), Baba James (State Vice President), Lokeris Peter (Minerals), Nakadama Rukia (Gender), Wabudeya Beatrice (Presidency), Kirunda Kivejinja (Internal Affairs), Mwesigye Hope (Agriculture) Wakikoona David (Northern Uganda) Werikhe Michael (Housing), Namirembe Bitamazire (Education), Alintuma Nsambu (ICT), Rukundo Sarapio (Tourism), Rukia Chekamondo (Privatization), Aggrey Awori (ICT) (see BBC Monitoring International Reports September 08, 2010; *Sunday Vision*, March 6, 2011: 3; *Uganda Talks*, 2011).
19. Tarsis Kabwegyere (Disaster), Urban Tibamanya (Urban); Richard Nduhuura (Health), James Nsaba Buturo (Integrity); Perez Ahabwe (Local Government), Ephraim Kamuntu, and former state minister Dr. Alex Kamugisha (see Ariho et al., *The Daily Monitor*, 2010; *The Daily Monitor*, September 6, 2010).

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## CHAPTER SIX

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### *Narratives of the Zimbabwe Crisis, National Sovereignty, and Human and Media Rights Violations*

NHAMO ANTHONY MHIRIPIRI

The last Presidential election in Zimbabwe held on July 30, 2013, while declared free and fair by regional election observers from the Southern Africa Development Community (SADC) and the African Union (AU), was however vehemently opposed by the main opposition party—the Movement for Democratic Change (MDC) as marred by election rigging and manipulations. Zimbabwe has been in crisis now for more than a decade, experiencing disputed elections marred by allegations of vote rigging and violence. As a result, sanctions were imposed on the country and, in particular, the Zimbabwean leadership associated with the ruling Zimbabwe African National Union-Patriotic Front (ZANU PF) led by President Robert Mugabe by countries and regional groupings like the United States, United Kingdom, Australia, and the European Union. The regime was accused of systematic human rights violations and abuse, disrespect of the rule of law and rigging of elections, bad governance, and gross corruption. Efforts to make the United Nation's Security Council pass punitive measures on the Zimbabwean government failed, as such were vetoed by China, Russia, and the African representatives.

Condemnations of Zimbabwe largely use the human rights discourse, while Zimbabwe's ZANU PF leadership uses the defense that they are victims of Western imperialism and neocolonialists. The debates

immediately expose the paradoxes in the discourses of national sovereignty, democratic governance, and the protection of human rights in an African post-colony.

During the worst moments in the crisis, speculations were made about the possibility of the United States or the United Kingdom militarily invading Zimbabwe to save “oppressed” Zimbabweans from ZANU PF. After the June 27, 2008 Presidential elections that controversially returned Robert Mugabe to power, the regional and continental grouping SADC and the AU brokered a political settlement between Mugabe’s ZANU PF (which had ruled since 1980) and the former opposition formations of the MDC. Constitutional Amendment 19 created the new posts of Prime Minister and Deputy Prime Ministers to accommodate power sharing between Mugabe, and the leaders of the two MDC formations, Morgan Tsvangirai and Arthur Mutambara. A Global Political Agreement (GPA) was signed by the three parties in the presence of SADC facilitator, former President of South Africa, Thabo Mbeki and a Government of National Unity (GNU) was agreed to on September 15, 2008. The coalition government took office in February 2009 after a post-settlement period of bickering over allocations of key government Ministries including those of Defense, Home Affairs, and Media, Information and Publicity. It is not coincidental that contentious ministries are linked to the security sector and to the media, information and publicity. There were allegations of the security sector’s politicization and perpetration of violence to ensure ZANU PF’s electoral victory. The publicly owned media were equally accused of spreading hate speech against ZANU PF’s political competitors and being openly partisan. Power sharing did not translate into the weakening of ‘old incumbents’ and a victorious repositioning of ‘oppositional’ forces (Shain and Linz 1992).

The Zimbabwean crisis is complex with national, regional, and global dimensions. In the 1990s Zimbabwe’s economy took a downturn after implementation of IMF and World Bank Structural Adjustment programs and poor financial decisions on the part of the government, among other reasons, which led to labor unrest and general discontent among urban people (Bond and Manyanya, 2003; Raftopolous, 2013). The MDC was formed in 1999 at an opportune time to pose a serious threat to ZANU PF. On the regional level, Zimbabwe’s downward slide did not go unnoticed. Nearly all SADC leaders and ruling parties, including South Africa’s ANC, were anticolonial liberation movements that had gained power at independence. They had seen Zambia’s liberation party—United National Independence Party (UNIP)—lose elections in 1990 to Fredrick Chiluba’s Movement for Multiparty

Democracy (MMD), and they suffered unease about similar possibilities in their own countries. These parties were averse to “regime change” and their self-perceptions as “democratic” liberators and “champions of democratization” (Ndlovu-Gatsheni, 2013: 150) were tested in the drama unfolding in Zimbabwe.

There was growing criticism as evidence that ZANU PF relied on violence for political survival mounted, and it became difficult for the SADC leaders to turn a blind eye. South Africa in particular experienced an upsurge of Zimbabwean migrants and refugees, and pressure from Western leaders compelled it to assume both a political and moral responsibility for what was happening. However, Mugabe and ZANU PF’s push for land reform, their anticolonial and antiimperialist rhetoric and pan African self-projection gained them support and sympathies across the continent as a party under siege from powerful blocs for its steadfast popular redemptive agenda (Ndlovu-Gatsheni, 2013). Zimbabwe became and remains a testament of the abrasive debates on which to give priority—the right to development and economic rights, or civil and political rights in their Eurocentric conception (Zeleza, 2006). However, the crisis of 2008 demanded that an agreement of political standards and a Roadmap to new elections be agreed upon, with local monitoring and evaluation systems. At a time when Mugabe and ZANU PF were losing friends even in Africa, SADC became the strategic guarantor of the GPA, which gave the Zimbabwe nationalist leadership a fresh lease of life.

The chapter makes a critical appreciation of human rights in Zimbabwe with specific focus on media narratives of sovereignty, the right to expression, media freedom and security of person. On the one hand is the ruling party-ZANU-PF that justifies human rights violations with the language of “nationalism,” “sovereignty” and “defence of the public will,” while on the other hand are the opposition parties and Civil Society Organisations (CSOs) which insist on the liberal conception of rights and the need to respect individual and associational rights. These narratives are divisive and largely unproductive and would require a consensual understanding of the notions of rights, responsibility, power, and political accountability for the democratic project to take a leap forward in the country.

### **Zimbabwe’s History of Institutionalized Violence**

Lloyd Sachikonye has written a comprehensive book tracing 60 years of state institutionalized violence in Zimbabwe. He posits that over the past

50 years, from colonialism straight into the Zimbabwean post-colony, political violence “has been a major instrument of ascendancy to power as well as a bulwark against contenders for power” (Sachikonye, 2011: 42–43). Versions of Rhodesian and Zimbabwean nationalism have created an ideology to legitimize the recurrent use of political violence. Adversarial nationalism characterized the relationship between the colonial government and anticolonial liberation movements, and in the postcolony, it accounts for the relationship between ZANU PF and its opposition, starting with Joshua Nkomo’s PF ZAPU and Muzorewa’s UANC in 1980, Edgar Tekere’s ZUM, and, eventually, the MDC. State institutions showed lack of political will and cohesion in addressing violence. The army, police, youth militia, and war veterans are selectively encouraged to collaborate with the dominant party structures to fight the opposition. The security services also deliberately ignore violence perpetrated against the opposition parties, critical media, and CSOs. Different writers as well as local and international monitors have recorded systematic and systemic violations of the right to security of person and freedom of expression against individuals, the media, and CSOs (Sachikonye, 2011). The violence noticeably escalates during election times, and recedes soon after, confirming the view that it is centrally coordinated, systematic and systemic, even when militia and vigilante groups are involved. Victims are often members of CSOs such as women’s organizations, trade unions, journalists in privately owned media, students unions, teacher’s associations, residents’ associations, churches, and other pressure groups.

The general violence and selective arrests perpetrated against sections of society, including some MPs and government Ministers, have led to calls for Security Sector Reform (SSR). The two MDCs argue that the security sector was previously used to influence the electoral process, broadly defining the security sector as consisting of war veterans, youth militia, military, and the police. SSR were not an explicit part of the GPA. GPA condemns violence, but does not explicitly blame it on the security sector. The closest mention of SSR refers to the training “for the police and other enforcement agencies directed at the appreciation of the right of freedom of assembly and association and the proper interpretation, understanding and application of the provisions of security legislation.” There is also a desire for the “new Government (to) ensure that steps are taken to make the security forces conversant with the Constitution of Zimbabwe and other laws of Zimbabwe including laws relating to public order and security.”<sup>1</sup> ZANU PF politicians and ideologues are understandably averse to SSR as they perceive foreign

ulterior motives in the call (Mbanje and Mahuku, 2012; Machivenyika, 2013: 2). “Reform” is controversial since it partly implies removal of key security personalities and making new appointments.

Condemnations, targeted sanctions, and calls for “regime change” by Britain and its allies in the West became difficult and untenable after GPA, when the top leadership of MDC accepted that Mugabe and ZANU PF were part of the solution to the crisis and not a handicap. While some ZANU PF leaders were delisted from sanctions and travel bans after a series of achievements in a loose “carrot and stick” approach, relations remained generally tense. In fact, ZANU PF perceived the selective removal of sanctions as intended to cause suspicion among its rank and file in an apparent attempt to divide and rule. For instance, after the successful and peaceful referendum on the new constitution in March 2013, only ten individuals and two strategic companies were left on the EU sanctions list. The unrelenting censure kept ZANU PF in a siege mentality; hence, it objected to interference from foreign interests, many of whom had indicated they supported regime change in Zimbabwe. The objections inadvertently put MDC under pressure as they were framed as puppets singing their masters’ tune rather than real political competitors in the Zimbabwean political scenario in contrast to ZANU PF “nationalism.”

Civil society critics, media institutions, and the political opposition in favorable relations with the West were thus presented as agents of imperialism about to sell out the country and the gains of the liberation movement, while pronouncing naive discourses of human rights, good governance, and accountability. Protective nationalists saw media reforms and security sector reforms, which would normally be welcomed in a stable situation, as a ruse and a means of weakening a vigilant state. Minister of Defence and ZANU PF politburo member Emmerson Mnangagwa actually noted the undesirability of discussing SSR in Zimbabwe. He was quoted in *The Herald*,

You must understand that the MDC-T and the MDC are in Government as a result of the GPA so they should restrict themselves to issues of the GPA of which security sector reforms are not a part. The major issues that are outstanding are the issues of illegal sanctions and the continued broadcasting of hate messages by pirate radio stations from abroad. In fact the security services of Zimbabwe are renowned the world over for diligence and professionalism. (see Machivenyika, 2013: 2)

In his passionately contested paper written at the height of the crisis, Mahmood Mamdani (2008) summarizes the major arguments on Zimbabwe as pitting “champions of national sovereignty and state nationalism against advocates of civil society and internationalism.” Nationalists accuse the civil society activists of being willing tools of historical racism, while civil society rages at an “exhausted nationalism” that conveniently flogs the dead colonial horse because it has nothing inspiring left to offer younger generations. According to Mamdani (2008), “this fierce disagreement is symptomatic of the deep divide between urban and rural Zimbabwe. Nationalists have been able to withstand civil society-based opposition, reinforced by Western sanctions, because they are supported by large numbers of peasants.” While this conclusion is flattering to the ZANU PF regime, the cruel use of force and terror in order to elicit peasant “support,” especially from those still in reserves parceled out during colonial rule, surely demands critical evaluation using empirical evidence from Zimbabwe’s political realities.

### **Outstanding Issues and Their Implications for Human Rights**

The GPA and the resultant GNU are outcomes of a negotiated settlement. The GNU, as a negotiated settlement of crisis, was ever bedeviled by the dynamics of the crisis. The GNU was always contested and at times, its very legitimacy questioned; mainly by ZANU PF, unused to power sharing after more than two and half decades of being the dominant ruling party. At first, the GNU was expected to run for two years before the next elections. However, such elections could only be held after the SADC Road Map to Elections, entailing reforms in different sectors and the drafting of a new constitution had been met. As long as the minimum expectations of the Road Map were not satisfactorily achieved, elections remained uncertain. The next legal technicality was that parliamentary and senate results were not contested, unlike the tempestuous and fractious June 29, 2008 Presidential elections, hence the sixth parliament could rightly be regarded as legitimate and deserving of the usual five-year tenure. The bitterly disputed presidency left the resultant coalition government ever short of confidence. Persistent accusations about running a parallel government structure from both the two MDCs and ZANU PF are understandable from the perspective of the negotiated nature of the government. ZANU PF and the

pro-ZANU PF media such as the Zimbabwe Broadcasting Corporation (ZBC) radio and television and the Zimpapers stable of newspapers accused Morgan Tsvangirai of running a parallel government advised and funded by Western imperialists and Rhodesian reactionaries.<sup>2</sup> The MDCs in turn accused ZANU PF of running a similar structure propped up by a partisan security sector. The GPA was intrinsically an impermanent arrangement intended to give Zimbabwe an opportunity for a restart after more than a decade of conflict, disputed elections, violence, and bickering.

In July 2011, the three parties agreed on an Electoral Road Map with timelines attached to several aspects, although they disagreed on other issues. ZANU PF was specifically against reforms in the following areas: the staffing of the Zimbabwe Electoral Commission, amendments to the Public Order and Security Act (POSA), and the role of the security forces in the electoral process (Raftopolous, 2013: 19). The MDCs were initially reluctant to discuss sanctions and “pirate” radio stations. The parties agreed on the removal of sanctions, the completion of the constitutional process, media reform, preparation of a new voter’s role, and legislative reforms. SSRs are not part of the original sections earmarked for reform, but become eligible if they are incorporated under GPA’s Article XXIII on “Periodic Review Mechanism” which permitted for the composition of a committee with two representatives from the three parties each “to review on an annual basis progress on the implementation and achievement of the priorities and objectives set out in this Agreement.” Therein, among other notable areas, “Security” (as in security of persons and prevention of violence) and “Communication” (media and external radio stations) could be addressed annually.

Citizens, journalists, and political activists complain about summary arrests that are politically motivated; beatings, intimidation and harassment by operatives in the security sector, militia groups and party youths continue to be registered in Zimbabwe. Several such incidents attract international attention, including the arrest and detention of Jestina Mukoko, human rights lawyer Beatrice Mtetwa, and the verdict of the African Commission on Peoples and Human Rights over Gabriel Shumba’s torture complaints against the Zimbabwean state.<sup>3</sup> It is regrettable that rights abuses increase when there are crucial national elections to be held.

In 2013, once elections were expected, there was a heavy police clamp down on human rights activists and politicians from the MDC. The Presidents of the three leading parties were actually concerned

about the “spree” of arrests of human rights activists by the police. According to these leaders, this “tainted” the image of the country and gave the impression that Zimbabwe was not ready to hold peaceful, free, and fair elections (see Masvingise, 2013).

### **Zimbabwe’s Commitment to Human Rights**

Zimbabwe, like most African countries, has ratified or acceded to the primary international human rights instruments (African Governance Report II, 2009: 177). These include the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples’ Rights, and the Banjul Declaration of Principles of Freedom of Expression in Africa. The outgoing Zimbabwe Constitution, as adopted to end the liberation war at the Lancaster House Conference in 1979, had a Bill of Rights in line with the International Covenant on Civil and Political Rights, thus providing for basic human rights. Zimbabweans voted in a March 2013 referendum and adopted a home-grown Draft Constitution, which also has an elaborate Bill of Rights, including the freedom of the media, the right to life, right to personal liberty, right to human dignity, freedom from torture or inhuman or degrading treatment or punishment, among many others (Constitution of Zimbabwe, 2013).

Zimbabwe embarked on a general reform process after condemnations from several sectors on its record on human rights (Moyo and Chuma, 2010; Moyo, 2009, 2010; African Governance Report II, 2009). Notable changes were made in the media sector; some newspapers were unbanned and many new ones licensed. Implementation of the Zimbabwe Broadcasting Services Act (BSA) of 2001 started, in terms of licensing of new players, legally enshrining a standard three-tier (public service, commercial and community broadcasting) ownership system, in line with the 2002 African Charter on Broadcasting to which Zimbabwe is a signatory. The Broadcasting Authority established under BSA however showed marked reluctance to issue licenses to more alternative radio and television stations, thereby denying Zimbabweans freedom of media diversity and choice. BAZ rejected applications from sources generally considered to have foreign links. The authority’s actions complement ZANU PF’s antiimperialist rhetoric against foreign interference, this time in the media sector. Some Western countries were exposed for sponsoring privately-owned print media in Zimbabwe for the “regime change agenda.” The British



government's quest for regime change and the removal of Mugabe at any cost gave Mugabe ample reason to dismiss any censure about human rights abuses from those quarters (Nyakudya, 2013).

Claims to moral authority by the West have been debunked, and SADC and AU are now seen as peers that are more reasonable than the British and the Americans. For example, the changing context of global militarism, especially US policy on the war against terrorism, has unexpected implications in the democratization and human rights character of all countries, including those in the global South. The United State's "sanctimonious crusade against terrorism," mainly its illegal invasion of Iraq based on fabricated accusations that the country possessed weapons of mass destruction "has caused grievous damage to international law and human rights principles and standards in the United States and worldwide" (Zezeza, 2006: 70). The United States and other world powers such as Britain and France lost strategic moral authority after the Iraq invasion, and other world governments, including many in Africa, developed suspicion and resentment, and arguably gained strategic "alibis . . . to violate or vitiate their human rights commitments" (Zezeza, 2006: 70), and to come up with all sorts of restrictive policies in the name of self-preservation and national sovereignty.

### **Theoretical Approaches to Human Rights**

There is a growing body of literature on human rights and considerably more on the application of the concept and practice in Africa (Nyong'o, 1992; Mamdani, 1993; Wohlgemuth and Sall, 2006; Zezeza, 2006). Most literature now debunks the notion that the concept of Human Rights is a product of modern western civilization, where traditional societies of the south granted their members privileges, not rights. Peter Anyang' Nyong'o (1992: 94) warns against considering Africans' human rights as merely particular, hiding behind the charade of cultural exceptionalism or some such other fallacious pronouncements, because to do so justifies denial that Africans, like all people the world over, deserve some basic rights, respect, and dignified treatment.

Human rights are observed at national and international levels, and many people can approach supra-national bodies for the protection of their rights when they no longer trust their own state (Jallow, 2006). For Jallow, the main challenge for Africa today is how to ensure Human Rights become a reality in the everyday lives of Africans. Paul Tiyambe Zezeza (2006: 58) is more concerned with the changing contexts of

human rights regimes in which “contemporary African politics is marked by many complex and contradictory dynamics, four of which (are) . . . democratisation, globalisation, regionalisation, and militarisation, whose impact (singly or collectively) on human rights is equally complex and contradictory.” The “rule of law” instead of the “rule of force” is now extolled and indicative of a modern informed society. We live in local and global contexts where social, political, economic, information, and image/media/communication processes interlock and individuals can speak to each other and about each other.

Both small and powerful nations can influence each other’s perceptions and observations of human rights. Powerful nations’ arrogance can cause less powerful nations to justify abusing their own citizens (Zezeza, 2006: 71). Jibrin Ibrahim (2006) observes that notions of citizenship, indigeneity, and exclusion based on ideas of difference and xenophobia can promote some groups’ rights over other groups, thereby creating “hierarchies of citizenship that reduce the rights of other Africans.” All these approaches are relevant to the study of human rights in Zimbabwe. What happens in Zimbabwe is open to scrutiny by Zimbabweans, local and global civil society groups, the media, regional and global nations, and supra-national bodies. If individuals or groups in Zimbabwe complain of abuse and exclusion, such complaints can be extrapolated within the dynamics of chauvinistic nationalism and other forms of exclusion.

The GPA specifically addresses three crucial types of rights. These are economic rights (also known in ZANU PF as Chimurenga rights), civil and political rights (neoliberal rights) and recognition rights (claims of indigeneity/nativity). Zezeza notes that there is a connection between human rights and development and there is need to promote a “developmentalist human rights agenda.” Mamdani made a link between human rights in Africa, development and democracy, and rethought the role of human rights in a context of revolution. His exhortation is that human rights must remain part of the African transformative agenda. Rights are not a Trojan horse to governments that regard themselves as revolutionary; conversely, they are a practical necessity, albeit with universal norms and values. Mamdani (1993: 175–176) explained:

No revolutionary struggle can gather steam if it proceeds by way of denouncing the agenda of human rights and the rule of law. The point is to struggle toward a definition of the agenda of human rights and the rule of law that will not displace the discourse of power

and popular sovereignty, but will lead to it. To do so, of course, is impossible without arriving at an idea of rights that derives from a concrete conceptualisation of the wrongs on the continent.

Discussions about democracy and human rights and the activities of social movements may be predicated on a political program designed to undermine or neutralize genuine African revolutionary initiatives that ensure equitable redistribution of wealth, resources, and property. Ironically, Mugabe is on record for claiming that he brought democracy to Zimbabwe through the barrel of the gun, hence former colonial powers lack the moral authority to teach him democracy and respect for human rights. Sections of the media and civil society are then viewed as fronts used to subvert a people-centered government. A conception of democracy that does not protect private property, such as the land redistribution program in Zimbabwe, is contrary to the interests of the local and global bourgeoisie. Alternatively, the incessant clamoring for reform and change might be a genuine endeavor in a struggle against repression and dictatorship by erstwhile liberators. As long as the question of power remains unresolved, any measure taken in respect of human rights and the dignity of individuals in the battle for Zimbabwe might just as well bring some cynical and distressful analysis.

ZANU PF has been a cause movement since its anticolonial armed struggle. To it, violence might appear a “legitimate” means to an end. Violence in cause movements can be vicious, especially when ideological abstractions are elevated above human life. Possibly this is the case in Zimbabwe where pro-ZANU PF propagandists extol economic rights (so-called Chimurenga rights) over civil and political rights which they deride as “tertiary” (see Mahoso, 2011a). In order to achieve lofty ideals of development, individual rights are expendable. Danger then looms over humanism when individuals are enslaved to a dominant materialist ideology.

Development rights and nativity approximate what ZANU PF ideologues refer to as “Chimurenga” and “indigenous” rights. These are transcendental, whereas the opposition and civil society emphasize on civil and political rights and their implication on citizenship. The different types of rights should preferably work concurrently requiring intricate balancing and painstaking moral decision-making where they seem to conflict. ZANU PF’s economic rights are predicated on a quest to redress inherited colonial economic inequalities especially in land ownership. Economic and nativity (recognition) rights eventually dictate who is the authentic subject of the nation, who belongs and who does not

belong, and who has claims to primal citizenship. In spite of the political contestation on the significance of these three sets of rights, ordering them in a simplistic “hierarchy” provokes inevitable outcries and condemnations from and on behalf of those excluded or ill-treated.

Ideally, all rights should carry similar significance and observed simultaneously to reduce friction. Subordinating one regime of right below another is inherently dehumanizing. Where economic redistributive policies are applied, it is prudent that tolerance over-rides all other considerations so that basic rights related to right of life, dignity, freedom from torture and violence, and freedom of expression and the media, rise above political expedience. “Tolerance is an end in itself,” says Herbert Marcuse (2007: 33–34); people can communicate even when there is disagreement on policies. Reasoned and humanistic policies and actions within a communicative culture ideally minimize rancor and war. American Scholars James Lutz and Brenda Lutz (2004) have included the Zimbabwean government as a case study in their source book *Global Terrorism*. They argue that terror is used as a political tool to bring compliance. The Zimbabwe state argues it is driven by higher ideals of national interests and empowerment of its people in whatever it does. The passionate ideological polarization of “pan Africanist” scholars and liberals over Zimbabwe is particularly striking (Mamdani, 2008; Bond, 2009; Scarnecchia et al., 2009).

### **The Zimbabwe Situation and Violation of Rights**

Political violence in Zimbabwe is often blamed on the security sector with strong arguments that violence is strategically timed to coincide with elections, and has an uncanny involvement of state systems, personnel and resources (Sachikonye, 2011). The biggest question is whether Zimbabwe’s security is over-politicized or civilian political hardliners militarized politics in a convenient civil-military alliance forged to retain power in the face of impending electoral losses. The dominant perspective is that the former happened with ZANU PF politicians strategically incorporating the military in what should be a civilian’s contest for political legitimacy. They then magnified threats of invasions by foreign capitalist powers centralizing the land reform as the critical factor. The dominant critical perspective suggests that beginning in 2000, Zimbabwe’s civilian politics became militarized with the overt intrusion of the security sector into the political arena, a process that reached its peak before the June 2008 presidential runoff election (Sachikonye, 2011).

Elections are routinely used to legitimize political processes that are openly manipulated by military interests, and where the political preferences and choices of the elite “securocrats” are supported and endorsed through legal or extra-legal means (Masunungure, 2011: 47). The now numerous blatant pronouncements by army and police chiefs in support of ZANU PF and against opposition politicians constitute just one instance of the meddling of the security sector in civilian politics. The military’s “meddling” in civilian politics often takes place around election time, translating to a quasi-coup that militarily “decampaigns” the MDC in particular. In January 2002, before a crucial Presidential election pitting Robert Mugabe and Morgan Tsvangirai, at a Joint Operation Command press conference widely covered on the State Broadcaster Zimbabwe Broadcasting Corporation TV, the now late former Zimbabwe Defence Forces General Vitalis Zvinavashe, flanked by grim-looking top brass of the Air Force of Zimbabwe, Prisons, Central Intelligence Organisation (CIO), and the Zimbabwe National Army, declared, “The highest office in the land is a straitjacket whose occupant is expected to observe the objectives of the liberation struggle.” They threatened “not to accept, let alone support or salute” anyone without these qualities (see Bond and Manyanya, 2003: 179). “Liberation war credentials” were demanded again by the security command in subsequent elections. Several commanders have gone on to do the same on different platforms. They justify their stance saying MDC is a foreign party, a front for British and American interests. Responding to Morgan Tsvangirai’s challenge for army commanders supporting ZANU PF openly to leave the military and join politics, Brigadier General Douglas Nyikayaramba claimed, “Security forces and Zanu-PF are inseparable.” He lambasted the PM:

What.. (Mr Tsvangirai) is saying is nonsense. We are dealing with a national security threat, which can only be dealt with by people in uniform. If it was a normal political environment, one would hope to retire at some point and join politics. . . . Tsvangirai. . . is a major security threat. He takes instructions from foreigners who seek to effect illegal regime change in Zimbabwe. . . . If his party was a genuine indigenous political party, we wouldn’t be involved. (See Gumbo, 2011: 1)

In a normal political environment, these statements are unconstitutional and tantamount to a coup. They restrict Zimbabwe’s democratic transition to the dictates of a given political group—the liberation movement—regardless of whether this grouping still attracts popular support.

ZANU PF have been accused of using “obstructionist” tactics in order to stall reform as it was used to running a de facto one party state, where party and state had conflated roles and identities for more than two decades (Raftopolous, 2013). Such obstructionism and diversionary tactics might be what is playing out in the discursive pronouncements on SSR. General reform is a GPA issue whose resolution might be a crucial element to the resolution of the Zimbabwe crisis, and gaining smooth political transition and stability. It is party hardliners and those in the security sector concerned about potential retribution who most likely are worried about regime change. Paradoxically, Zimbabwe like the United States, is not signatory to Rome Convention hence not a member of the International Criminal Court so its leaders are not subjected to ICC restrictions.

### **The Zimbabwe Human Rights Commission**

The coalition government set up a Zimbabwe Human Rights Commission in 2011. Regrettably, the chair, Law Lecturer Professor Regis Austin resigned from the position in 2013, citing lack of legal and material resources for the commission to execute its duties properly. His resignation came before any major rights abuse case had been presented before the commission for hearing. ZHRC is constituted under an act of parliament formulated as part of the reform process and roadmap to elections set to prepare for credible universally acceptable elections. This is the same process that has seen the introduction of a Zimbabwe Electoral Commission and the Zimbabwe Media Commission<sup>4</sup>. The composition and essence of some of these commissions are contested by the CSOs, mainly due to the identity and political affiliations of commissioners and allegations that the commissioners are largely ZANU PF sympathizers and supporters. The powerful role of the minister who governs the particular act setting up a commission is also nearly always a bone of contention. For instance, Reg Austin wrote in his resignation letter

The critical reason for my resignation is the legal framework, in particular Section 12 of the ZHRC Act, and Part XVIII B of the Electoral Act, within which the ZHRC is expected, now and in the future, to carry out its mandate to “promote and protect human rights” in Zimbabwe. As a National Human Rights Institution the Commission must be independent and properly

capacitated to comply with the international standards set by the Paris Principles for its credibility and recognition to participate as a peer in the international human rights community. (See *The Herald*, December 29, 2012)

Autonomy and independence are important aspects of the role and status of the ZHRC. Although there seemed to be consensus on the appointment of Austin's replacement, Jacob Mudenda, as chair of the commission, his political affiliation apparently remained an issue that could be invoked in future if he was viewed to administer the commission selectively<sup>5</sup>. While announcing the appointment of Jacob Mudenda, a former ZANU PF politburo member as the new head for the commission, Prime Minister Morgan Tsvangirai was quoted in *The Daily News* saying, "We checked whether he is still in the ZANU PF politburo or not, he is not there... In fact it is not about his past because everybody has a past, it is about qualifications. He is a lawyer and professional, more so, he is a member of the commission already."

There was no dramatic controversy, scandal, or reported incidences of outright blocking and interference of works of the human rights commission. That this was not reported in the public media might not necessarily mean no undue pressures were imposed on the commissioners. A possible analog played itself out in the media on the Zimbabwe Anti-Corruption Commission, also a product of the reforming Zimbabwe state after the GPA. When three ZANU PF top Ministers were placed under investigations for corruption, there was an outcry in the Zimpapers stable, with complaints that the Zimbabwe Anti-corruption Commission was operating selectively in order to de-campaign ZANU PF before anticipated post GPA elections.

### **Restrictive Legislation and Extra-Legal Violations**

Like any other country, Zimbabwe will be monitored and judged on its performance in the area of civil and political rights and its ability to allow free association (including protests and rallies), free media and expression (especially introduction of non-state TV and more radio broadcasting). The perpetual contestation has stalled the introduction of new media players in radio and television with ZANU PF demanding the closure of "pirate" broadcasters such as *Voice of the People*, *Studio 7* and *SW Radio*. Since the foreign-based pirate stations are nearly all anti-Mugabe and ZANU PF, BAZ feels justified in denying broadcasting

licenses to potential regime critics. Radio appears to be the most powerful medium for communicating political issues in Africa, hence the marked control on broadcasting, despite some liberalization of the press. There have been several newspapers licensed since the amendments to Access to Information and Protection of Privacy Act (AIPPA) and a more legitimate and “universally” acceptable Zimbabwe Media Commission (ZMC) was established to replace the notorious Media and Information Commission.

Controversies have raged over several laws that restrict and limit citizens’ right to freedom of expression, media freedom, and freedom of assembly. Currently, the most notorious law is the Criminal Law (Codification and Reform Act [Chapter 9:23] of 2004 (the CODE). Restrictive laws like the POSA and AIPPA that were condemned for imposing drastic restrictions on citizens’ rights were duly amended for the better. However, the CODE resuscitated the restrictive provisions. Critics note these fresh assaults on liberties through the CODE which criminalizes “publishing or communicating statements prejudicial to the state” and “undermining the authority of or insulting the President” (Mhiripiri, 2013: 319).

The Parliamentary Legal Committee argued that it was unconstitutional to “ring-fence” the Office of the President against public criticism when, paradoxically, it is a “public elected political office.” Several ordinary Zimbabweans have been arrested and brought before the courts for “insulting” Mugabe. Some are picked up from public transport by Secret Police while debating the state of the nation. The CODE also has sections on Criminal Insult and Criminal Defamation and several cases have been charged under these. Many journalists have been arrested on charges of criminal libel. Stanley Gama editor of the *Daily News* and Nevanji Madanhire of *The Standard*, some of the most prosecuted media practitioners in Zimbabwe, are convinced criminal libel is used as an instrument to silence critical media. Overzealous police only arrest and detain under instructions from politicians (Author separate discussions with Madanhire and Gama 5 April 2013).

The former co-Minister of National Healing and Reconciliation Moses Mzila-Ndlovu who is also a member of the smaller MDC formation was arrested in April 2011 on two charges of holding a meeting without police authorization in breach of POSA, and “publishing or communicating falsehoods prejudicial to the State and causing offence to persons of a particular race, religion or tribe” (*The Herald*, April 17, 2011). A Catholic priest was arrested on similar charges for conducting a mass in memory of Gukurahundi victims (see Karimakwenda, 2011).



There have been extra-legal arrests and abductions of activists on flimsy allegations of plotting to engage in terrorism. In 2009 former broadcaster and now civil society activist, Jestina Mukoko became a political icon after she was arbitrarily abducted and her whereabouts were unknown until a vigorous campaign by civil society groups forced government to level charges against her. Her case was very embarrassing even to the SADC guarantors of the Zimbabwe settlement, as it proved beyond doubt the detractors' allegations that there was no more rule of law in the country.

The embattled ZANU PF section in the GNU continued to resort to strong-arm tactics whenever it sensed dissent or opposition<sup>6</sup>. In 2011, with the revolutionary upsurge in the Arab World, some 40 Zimbabwean civil society members—including Munyaradzi Gwisai of the International Socialist Organisation—were rounded up and detained for over a month for plotting to topple the Zimbabwe government Egyptian-Tunisian—protest-style. In a pre-emptive strike, the activists were caught watching videos from Egypt and Tunisia and discussing the implications for Zimbabwe. The meeting had been publicly advertised. Many more civil society meetings and church sessions fail to get police clearance, although ZANU PF and its affiliates gather and demonstrate freely. An onslaught on human rights organizations continued in 2013 and there were also reports of politically motivated violence, the MDC complaining the security sector was sent into the rural areas before the March referendum. These strong-arm tactics are carried out with complicity of the security sector and are presented as strong arguments for SSR.

### **The Double-Crisis of State-Building and Nation-Building**

The conflict and violence that have haunted Zimbabwe are a double-crisis of state building and nation building in a historical and political crisis whose locus, Sabelo Ndlovu-Gatsheni (2011) observes, lies across a series of epochs, interludes and moments with unresolved conflicts that resurface to provoke violence. This violence also pervades non-state actors and structures, including families and the political opposition the MDC, which are both victims and perpetrators (Sachikonye, 2011).

Contemporary Zimbabwe—through its various policies of indigenization of the economy and redistribution of land to the black majority—is struggling to transform from a neo-colony to a sovereign state, to use political sovereignty to achieve economic sovereignty.

Critical reflections are necessary for a healthy balance between pursuit of social and economic justice on one hand, and civil and political rights on the other. Human rights are indispensable to any state-building and nation-building project and in the contemporary geopolitical culture it is possible for foreign countries to make military interventions *ostensibly* to protect defenseless citizens, as was the case in Iraq, Libya, Cote d' Ivoire, and now Mali. Teke Ngombe observes that faced with an intransigent leadership, African opposition parties, prominent intellectuals and civil society activists can "paradoxically be pressurized" to appeal to neocolonial networks to respond to domestic demands. The acceptance of neocolonial intrusion might then simply be a desperate response to local repression, arrogance, intolerance, self-righteousness, and impunity (Ngombe, 2011). It is not unthinkable for the Zimbabwean opposition to make such calls under pressure.

Zimbabwe has evoked serious regional and international attention since the land issue began. The "fast-track" land reform program saw the dispossession of the white farm community and at times their disenfranchisement as non-Zimbabweans due to the insistence of the Mugabe regime on single-state citizenship. As the land reform process unfolded, there were also problems of escalating unemployment, flight of commercial and industrial capital, and the emergence of a disgruntled urban population whose interests and needs could not be easily satisfied by the nationalist government. The emergence of a labor based and urban centered opposition movement to the old liberation movement that fought against colonialism reconfigured power dynamics. There was also a revision of political discourses and the contestation over political and moral legitimacy over the nation.

The paradoxes associated with African liberation movements are that they fought dictatorial old orders but they, in turn, are accused of repression. Part of the undemocratic and "counter-revolutionary" tendencies arise from the fact that nationalist leadership delayed real structural changes that would benefit the majority of the people. In a terse thesis that analyses ZANU PF structural weaknesses and the exacerbation of these by Zimbabwe's adoption of neoliberal policies under the guise of IMF and World Bank funded structural adjustment programmes resulting in a debilitating debt and alienation of working classes, Bond and Manyanya (2003) have dubbed Mugabe and his party's methods of clinging to power—both coercive and persuasive—as an "exhausted nationalism." Faced with a dissatisfied population and losing considerable stakes in post-2000 elections, over the decade ZANU PF introduced repressive laws and launched the fast-track land

reform program ostensibly to correct land ownership imbalances created by colonialism.

The land reform program was meant to empower the landless working class and peasants. The process subverted capitalist principles of respect and recognition for private property in line with property exchange through willing-seller-willing-buyer provisions. In order to realize its land reform and retain state control and political power, Mugabe clamped down on local political opposition and critical civil society using both legal and extra-legal methods, similarly stifled or banned critical media, and tried to claim the moral high ground by describing his opponents as “agents of regime change” funded by the powerful capitalist World powers opposed to the radical empowerment of the vast majority of Zimbabweans. The conflict and confrontations between Zimbabwe and Western countries over the former’s conduct of its “internal affairs” inevitably manifest contradictions and questions in North-South or developed-developing countries’ relations.

The Zimbabwe crisis enables us to reassess the collective social knowledge of social science in the light of a transforming world in the twenty-first century. It is a discussion in which Zimbabwe as a “revolutionary project” is a locus for discussions in which we cannot separate knowledge, morality, law and human rights, national security, and sovereignty (politics), and how these are mediated in the public sphere, including the media. Because of international concern and “intervention,” Zimbabwe brings to a head the contradictions in the “inward” and “outward” principles of sovereignty. “Inward-looking” sovereignty is an assertion that the state may institute whatever policies and laws it regards as wise and necessary, without any individual, group, or substate structure inside the state having the right to reject those policies and laws. “Outwardly,” no other state in the interstate system “has the right to exercise any authority, directly or indirectly, within the boundaries of the given state” (Wallerstein, 1999: 60). However, these fine distinctions are fluid due to global interconnectedness and interdependence. As it severs ties with sections of local and global capital, the Zimbabwe “revolutionary project” might be a genuine attempt at structural transition from a neo-colony to a postcolony.

### **The Public Sphere and Nation-Building**

In a stimulating essay on the failure of Third World nationalism, Lahouari Addi (1997) maintains that a nation is built when the political

community that identifies with a given nationalism is able to give itself a public sphere. The public sphere is the integrative mechanism that establishes a universal citizenship within the nation's boundaries. Since independence, ZANU PF tried to form a hegemonized public sphere propped up through a combination of "patriotic journalism" and "patriotic history" (Ranger, 2005; Bhebe, 2004). The ties of ethnicity, cultural identity, language, race, religion, and the like are inadequate as national glue in the modern state formations. A pacified public sphere—that space reproduced for the articulation of citizenship through rational debate and discussion in the media as well as voluntary associational and political participation are pre-requisites. In this public realm, every man is an end in himself, whatever his origins, and the individual has as many rights as he has duties toward others. The public sphere ought not to be monopolized or appropriated by sectarian interests, but should forge heterogeneity in the harmonizing concept of unity in diversity (not only of ethnic and cultural sensibilities but also of political and religious opinions).

Much as nations have physical geographic boundaries, their subjects must be defined on the basis of universal humanity and rational participation in the public sphere rather than cultural or racial specificity. Inherent contradictions in the Zimbabwe post-colony could not permit the formation of an entirely non-conflictual homogenous public sphere hence the existence of alternative discourses, notwithstanding counter-public sphere and subalternism.

The nationalist liberation struggle that brought independence to Zimbabwe was predicated on universal suffrage and extension of basic rights to all people regardless of race and ethnicity. It was supposed to provide space for the legal citizen. It was expected to create an integrative public sphere where different ideas prevail and the best find currency. Liberation movement nationalism faced with emergent class differences shaping out erstwhile comrades eventually saw the constriction of liberating opportunities in the post-colony. Instead of encouraging diversity of opinion and free and equal participation in the public sphere, chauvinistic nationalism emerged; the ruling elites preferred a narrow homogenizing "nationalist" ideology that glossed over the new contradictions. The party elites, those with liberation war credentials, and the *securocrats* enjoy privileged status and political power. They use nationalist ideology to reproduce unequal political structure. They see themselves as guardians par excellence of nationalism. There cannot be any other form of patriotic love for the country besides their version. They are happier making reference to heritage of

the national-liberation movement as this is their fundamental source of legitimacy. This explains why at critical moments Mugabe has the audacity to declare that Zimbabwe was attained through the bullet and cannot be “sold” out to imperialist interests through a mere ballot. Political identities of patriots, puppets, sell-outs, war veterans and born-frees are systematically reproduced in the public media and at rallies.

In Zimbabwe, the nationalist brand of ZANU PF and the security forces has resulted in the constriction of public sphere and egalitarian participation in a pacified social arena. Both laws and extra-legal methods have been used to ensure the retention of ZANU PF authority. Human rights activists and the media alongside the political opposition ensured the construction of alternative discourses and at times the formation of subversive counter-public spheres.

New media technologies helped publicize extra-legal activities and human rights abuses often blamed on ZANU PF affiliated militia groups, and the security forces. Websites such as *www.zimbabwesituation.com*, *www.kubatana.net*, *www.sokwanele.com*, and *www.newzimbabwe.com* complemented the critical privately owned newspapers. While maligned by the authorities, e-newspapers and blogs reproduce damning empirical stories and pictures that are often picked and reproduced by the political opposition and local and international human rights groups to condemn President Robert Mugabe and ZANU PF at important international gatherings convened by regional and international bodies such as the SADC, AU, and the UN. Names of abusive security operatives were published on-line during the bloody period between the March 29, 2008 Election and the June 27 Presidential run-off, which MDC’s Morgan Tsvangirai withdrew from, citing violence and harassment of his supporters. Mhiripiri and Mutsvairo (2013: 403) have noted elsewhere,

After the disputed June 27 election the collapse of the Zimbabwean economy, health sector (especially the cholera outbreak that somewhat became the proverbial straw that broke the camel’s back) and the diabolic state of Zimbabwe’s prisons were given publicity in e-newspapers and social media sites free from state censorship (see *Journeymanpictures*, 2008). This indirectly resulted in the old ZANU PF nationalist regime hesitating to install a unilateral government, and begrudgingly accepting the SADC and AU endorsed GPA with the opposition. Exposure arguably restrained regime and operative excesses.

The role of the media in the Zimbabwe democratization process is critical, hence ZANU PF extremists' marked recalcitrance toward media reform that ensures media diversity and proliferation.

### **Media Reform, SADC Protocol on Elections and ZANU PF "Obstructionism"**

Media reforms are a critical aspect of the GPA and the Road Map to future elections. Article XIX of GPA recognizes "the importance of the right to freedom of expression and the role of the media in a multi-party democracy." The MDCs and ZANU PF have different conceptions of media reform rooted in their ideological positions. The MDCs argue that they should be accorded fair and equal time in the publicly owned media, which is controlled by the Ministry of Media, Information and Publicity. These are the Zimpapers stable of newspapers that include *The Herald*, *Chronicle*, *The Sunday Mail* and *The Sunday News*, and the *Zimbabwe Broadcasting Corporation* (also known as *Zimbabwe Broadcasting Holding* (ZBH)) radio and television stations. These are accused of favoring ZANU PF and consistently projecting negatively MDC politicians and critical civil society activists. ZANU PF, which holds the Ministry of Media, Information and Publicity under Minister Webster Shamu, argues that as long as there are sanctions and pirate broadcasting stations foreign funded and based abroad, they also experienced an unfair media terrain hence justified exclusion of MDC voices in the publicly owned media. Whether this argument would stand up to scrutiny is debatable considering MDC does not own the radio stations beaming from abroad. In addition, they argue the local privately owned press is pro-MDC, hence MDC have an advantage in media coverage.

The submissions into Article XIX of GPA do show the two main ideological streams of the parties', with MDC interested in media pluralism and diversification, and ZANU PF in countering pirate stations and imperialism. The parties thus agreed that government was to ensure the immediate processing of licenses and registration of media houses in terms of existing broadcasting and print registration regulations. In anticipation of an open media environment, the parties called on foreign governments that were hosting and/or funding external radio stations broadcasting into Zimbabwe to cease such operations. Exiled Zimbabweans running or working for such external radio stations were encouraged to return home. Measures were also to be taken "to ensure that the public media provides balanced and fair coverage to

all political parties for their legitimate political activities.” And last, but not the least, all types of media operating in Zimbabwe were urged “to refrain from using abusive language that may incite hostility, political intolerance and ethnic hatred or that unfairly undermines political parties and other organisations” (GPA Article XIX).

Post-independence African countries often adopted state broadcasting monopoly on the grounds that “it was a public service critical to development, the fostering of national unity and the promotion of national culture and identity” (Kupe, 2003: 1–2). The nation was probably conceptualized as homogenous, and best forged by one dominant party monopolizing the public sphere. In Zimbabwe, ZANU PF’s hegemonic interests pervaded programming at the *Zimbabwe Broadcasting Corporation* (ZBC), which was a sole broadcaster until 2012, when two licenses were issued to Zimpapers *Star Fm* and AB Communication’s *Zi FM*. Despite the issuing of two licenses, the situation was not substantially altered. Zimbabwe’s public service institutions—including ZBC—had become partisan over the years. The GNU’s Minister of Media, Information and Publicity, Webster Shamu, is a ZANU PF Politburo<sup>7</sup> member in charge of the party Commissariat. ZANU PF retained control of the media and information ministry in the proportional division of stakes that occurred after the GPA. Much as there was not much controversy to the formation of the Zimbabwe Media Commission and the subsequent appointment of commissioners, there was a lot of controversy surrounding the appointment of board members to the Broadcasting Authority of Zimbabwe (BAZ). The Minister of Media, Information and Publicity allegedly appointed members to the BAZ unilaterally, provoking instant rejections and protestations from political opposition and media-based civil society groups such as the Zimbabwe Chapter of Media Institute of Southern Africa (MISA) and Media Alliance of Zimbabwe (MAZ).

Before GPA Zimbabwe’s post-2000 media history had incidents of gross intolerance, violence, and harassment implicated on the state. The attacks were largely targeted at journalists in the privately owned media and their media houses. There were several cases that drew international condemnation. In 1999, Mark Chavunduka and Ray Choto of *The Standard* newspaper were subjected to extra-legal military arrests, tortured, and detained for writing a story of an alleged coup attempt. *Capital Radio* successfully challenged on September 22, 2000 in the supreme court, the old colonial Broadcasting Act which previously guaranteed that the state broadcasting corporation operated as a legally protected monopoly. The broadcasting monopoly was ruled

in contravention of the right of Zimbabweans to freedom of expression, as enshrined in Section 20 of the Constitution of Zimbabwe. However, *Capital Radio's* victory was short-lived as the Presidential Powers (Temporary Measures) Act—an emergency law—was quickly invoked to fill the legislative void in broadcasting pending promulgation of the Broadcasting Services Act in 2001. Capitol Radio's equipment was subsequently confiscated.

In 2001 the printing press for the privately owned Daily News was bombed, and the paper itself was banned in 2003. The premises of *Radio Voice of the People* were also bombed in 2003. Legislation such as AIPPA and POSA were used to ban newspapers and journalists, and many journalists were also charged for criminal libel, although most were never successfully prosecuted. Besides the typical fate of Zimbabwean journalists, one cameraman was found murdered under suspicious circumstances.

In rural outskirts and around election time, ZANU PF's youth militia is often reported to confiscate copies of newspapers that they do not like (Sachikonye, 2011). As a Zimbabwean scholar resident in the country, I can attest that at critical times, rural areas practically became no-go areas for "strangers" and urban people. In 2008, I personally didn't attend a close uncle's funeral because it was during the tensest interregnum. Stories abound of roadblocks by militia in party regalia. Drivers often hung a Zimbabwean or ZANU PF flag on their cars, or at least wore a T-shirt with Mugabe's picture to show allegiance. At the same roadblocks, party cards were demanded and travelers compelled to chant slogans. Those reading the "wrong" newspapers such as the privately owned *The Standard*, *The Zimbabwe Independent*, *The Financial Gazette*, and *The Zimbabwean* were roughed up and humiliated in public. All these papers are regarded by party sycophants as too critical of ZANU PF; therefore, agents of regime change as opposed to the government controlled papers published under the Zimpapers stable such as *The Herald*, *The Sunday Mail*, and *The Manica Post*. The militia enacts this form of press censorship with the tacit approval of government and the state. We should disabuse ourselves of the misconception that MDC youths are saints since they also beat up and harass journalists mainly from the publicly owned Zimpapers stable and the ZBC. Chris Chivhinge, Head of Radio Services at ZBC, complains that media rights watchdogs ignore and hardly condemn the abuse of journalists from the Zimbabwean publicly-owned media since they are associated with ZANU PF (Author discussion with Chivhinge April 5, 2013). The Zimbabwe State is on record for criticizing the local privately owned



press as a project of the West clamoring for regime change piqued by the fast track land reform that gave back vast tracts of land to the colonially disempowered black majority. In 2001, the United States enacted the Zimbabwe Democracy and Economic Recovery Act (ZIDERA), which imposed targeted sanctions on Zimbabwean politicians and businesses. ZIDERA also issued an injunction to US officials in financial institutions to “oppose and vote against any extension by the respective institution of any loan, credit, or guarantee to the government of Zimbabwe.” The same Act also authorized the Bush administration to fund “an independent and free press and electronic media in Zimbabwe” and to allocate US\$6 million “for democracy and governance programmes.” Writing about this overall sanctions buffet and the setting up of western propaganda instruments targeted at Zimbabwe, Mahmood Mamdani says (2008), “This was fighting talk; Cold War vintage.” And the Zimbabwean government in turn set up a “war” apparatus that partly thrived on vigilantism and state repression of dissent.

As the election mood heightens in Zimbabwe in 2013, repressive actions by state operatives on the media and audiences alike increase. For instance, *The Herald* of February 20, 2013 reported that police were confiscating “communication devices,” including radio sets, from the public. It is alleged some anti-ZANU PF NGOs donated shortwave portable radios to people mainly in the rural areas. This was meant to enable the rural folks to tune in to pirate stations that continue broadcasting into Zimbabwe despite the agreements by the parties in the GPA. Reports of confiscation of short wave radios mainly from villages are common since the 2002 presidential elections.

Zenzele Ndebele, the production manager of Radio Dialogue, an unlicensed community radio station based in Zimbabwe’s second city of Bulawayo, was arrested on March 1, 2013 and charged with possession of 180 “smuggled” radios in contravention of Section 182 of the Customs and Excise Act. The police raided Radio Dialogue premises in Bulawayo and confiscated all radio sets. Ndebele was also charged of possession of a radio receiver without a valid Zimbabwe Broadcasting Corporation (ZBC) license, in contravention of Section 38 of the BSA. The swoop on Radio Dialogue followed the police’s February 19, 2013 ban on the possession of “specially designed radios” and other “communication devices,” ostensibly as a way to stop such equipment from being used to communicate hate speech ahead of Zimbabwe’s referendum and general elections. A MISA Alert document alleged police spokesperson, Assistant Commissioner Charity Charamba, told a news conference in Harare that possession and distribution of the devices in

question was illegal, while she accused “some political parties of distributing the “illegal devices” to unsuspecting members of the public with the intention “to sow seeds of disharmony within the country especially now that the country is about to embark on the referendum and harmonised elections.” MISA-Zimbabwe condemned the arrests and ban. The civil society organization insisted;

Section 38B of the Broadcasting Services Act does not ban the possession of shortwave radio receivers. The police’s ban can therefore only be aimed at curbing citizens’ rights to access alternative information, ideas and opinions ahead of the referendum and harmonized elections. (MISA-Zimbabwe, 2013)

The BAZ selectively licensed two commercial stations and many other applicants were denied licenses. Community radio stations are still to be licensed under the requirements of the BSA. There is a stalemate in the media reform sector with pro-MDC pirate stations “justifiably” broadcasting because they were denied licenses, and the usually partisan security sector confiscating radio units to “level” the political playing field.

The hate language and disparaging remarks made especially against the MDC in *The Herald* and the ZBH radio and television continues unabated, and with seeming support and direction from hardliners in the ZANU PF stable. The multi-party Joint Monitoring and Implementation Committee (JOMIC) which was meant to see to it that the spirit and objective of GPA would be implemented to the letter was nearly ineffectual in 2013, and MDC even made calls for SADC facilitators to be included in JOMIC. MDC refused to recognize members of the BAZ board, as they claimed the Minister unilaterally appointed them. The Prime Minister invited ZMC commissioners, the Minister and his influential Permanent Secretary who also doubles up as spokesperson to the President, George Charamba, to meet and deliberate on the state of the media in Zimbabwe. The Minister and the Permanent Secretary stood down the PM, with the Minister ridiculing Tsvangirai’s overtures in a clear test of power and authority tantamount to insubordination. Shamu was quoted in the *Daily News* saying, “I don’t know about any meeting... (W)here do I come in? I have my own ministry separate from the prime minister. I don’t do their programmes, instead they carry their own programmes and I have mine. I have my own ministry” [*sic*] (see Kwaramba, 2013: 1).

### **Restrictions on Media Freedom**

The ZANU PF section of the GNU supports politically-motivated restrictions on media freedom. They justify their stance severally. First, they argue as long as there are pirate radio stations operating from abroad and foreign sponsored they will not open up the airwaves to opponents of ZANU PF's version of nationalism, since the latter have a publicity advantage where the party is not accorded similar favorable coverage. MDC's arguments for fair coverage in the publicly owned press and at ZBH radio and television are thus equally dismissed; ZANU PF insist the media terrain is unequal, with them only holding on to a weak poorly funded local media, whereas MDC has sympathizers in global media corporations such as CNN, BBC and Sky News, and again, the several pirate stations like SW Radio, Studio 7, etc., notwithstanding the privately owned newspapers that are nearly all anti-ZANU PF and are alleged to be foreign-sponsored too. Second, restrictions are quite reasonable because the local media are considered "irresponsible" and gullible, and politically naïve. The Minister of Information, Media and Publicity, and ZANU PF politburo member responsible for the Commissariat, Webster Shamu, charged at the 2012 World Press Freedom day commemoration when the media are left to self-regulate they fail to come up with "stringent standards," thus turning self-regulation into a lame charade. He puts it as follows:

As we go into fresh harmonised elections, the people of Zimbabwe are saying that World Press Freedom Day should include the freedom of the media industry and the journalism profession to develop and enforce stringent professional rules and standards which protect customers from injury and abuse with little or no Government involvement. If the last five years of change do not show the media industry and the journalism profession to have fulfilled their promises, then the sovereign people of Zimbabwe have no option but to intervene and protect themselves through the instruments of the state that is to revert to the regulatory regime of 2001–2007. Any credible administration emerging out of the imminent 2012 elections is bound to deal with these issues based on voter expectations. (Shamu, 2012)

"Reverting to the regulatory regime of 2001–2007" was essentially a return to media banning, bombings, arrests, harassment, and the murder

of journalists. Media restrictions and intolerance of journalists serves to attract undue attention to the Zimbabwe transition. The antagonistic relations that often exist between the privately owned media and the ZANU PF sector or politicians and the security sector usually causes a situation where the affected media are preoccupied with reporting the adverse conditions in their sector and in the country, while overlooking positive developments which are also certainly taking place, as well as the peace and stability that usually prevails in Zimbabwe outside election seasons.

### Framing the Zimbabwe Story

In the last 14 years, the framing of the Zimbabwean human rights stories is different from what prevailed previously in the era, when Zimbabwe was viewed as a jewel of Africa and compatible to international interests; that is, when Zimbabwe had good relations with the United States, Britain, Scandinavian countries, and the European Union. To frame it, Entman (1993: 52) posits,

Is to select some aspects of a perceived reality and make them more salient in a communication text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described'.

Many scholars have noted the “rogue regime” image of Zimbabwe is interestingly drummed up at a time when North American and European land ownership and business interests are under threat from a Zimbabwean state that purports to be redistributing wealth to its own marginalized people. This happens at a time when local activists note that the state and ZANU PF’s human rights abuses were conveniently ignored in the past, especially with regards to the so-called Gukurahundi massacres, and the repression of opposition politics in the 1980s to the 1990s. The embargos on Zimbabwe are then viewed as racist and opportunist, and not really in the interest of the so-called victims of state repression and violence. The doubts are further disconcerting when the international press highlights the suffering of “white” farmers that lost land and the few that were beaten up or killed during the farm occupations. The appearance is that Westerners are concerned about the safety and welfare of their “Caucasian kith and kin” more than they are about the lot of black people. The simplification of the

Zimbabwean story as one of a rogue Robert Mugabe and his ZANU PF without addressing empirical realities and the complexities of colonial or historical dynamics only serves to heighten the suspicions.

The Zimbabwe news narrative remains largely simplistic, linear, and is developed in an episodic fashion, with concentrated focus during election time. In episode one, the bad corrupt guys' grabbed land, destroyed a vibrant economy, and brutalized thousands of civilians, violating all human rights and rules and standards of electoral competition. In episode two, the good guys in the United States and the European Union imposed sanctions, tried some other forms of interventions but were blocked by the mindless Chinese, Russian, and African veto in the Security Council. Mugabe becomes an unusually archetypal villain, disregarding some of the pro-people policies that make large sections of Zimbabweans support his party such as the land reform and the indigenization projects. The apparent success of the land reform program in some sections of Zimbabwe is even ignored, as critics want to concentrate on the abuses and the "authoritarian nationalism" (Hanlon et al., 2013; Rutherford, 2012). Such critics will not acknowledge the uneasy but dramatic reforms taking place in Zimbabwe marshaled by Mugabe, including the setting up of the crucial Human Rights Commission, the Electoral Commission, Media Commission and the successful referendum for a new democratic constitution. The erstwhile dictator is supposedly incorrigible and rigidly conservative, and nobody sees any transformation. They continue to vilify the poor man without acknowledging that GPA brought some peace and stability and Zimbabweans voted peacefully for a new constitution. It is these adverse stories that are largely publicized and when convenient used as a dossier for further sanctions or considerations of "invasion."

It must be noted that while some rights violations are publicized through the media and such publications are evidential, based on empirical realities, the media ought to be considered with caution when dealing with Zimbabwe. The media and rights groups can fabricate rights abuse evidence to condemn an unfavored government. Notwithstanding Zimbabwe's own rights excesses, the country's leadership from ZANU PF has suffered its fair share of fabricated falsehoods to vilify sections of its leadership. In 2002, prominent journalist Basildon Peta wrote a fictitious story about his arrest, abuse, and harassment before he was exposed. This was after his story was already published in regional and the United Kingdom's leading papers. Peta fled into exile. The Zimbabwe Union of Journalists suspended Peta, who was their Secretary General at the time of the fabrication.<sup>8</sup> Mugabe

critics quickly forgave Peta for his blatant breach of ethics, preferring to regard him as a press freedom fighter. In February 2004, BBC One televised Hilary Anderson's fabricated video *Panorama: Secrets of the Camps*, about supposed ZANU PF youth camps and the violations taking place there. The production is discredited because the accents of confessing youths were South Africans with Afrikaans inflections, ZANU PF slogans are chanted discordantly and untypically, and Table Mountain and Table Bay (non-Zimbabwean geomorphologic features) are visible in the background in part of the mise-en-scene. Tafataona Mahoso vigorously refutes the grisly pictures representing alleged escalation of violence in Zimbabwe in 2011. These pictures were shown to delegates at the SADC troika in Livingstone, Zambia, by ZANU PF detractors. Mahoso dismisses the pictures as file footage imported from the 1994 black-on-black violence in KwaZulu-Natal, South Africa. He again charges that between 2006 and 2008 similar pictures from Darfur were used in the propaganda war to represent Zimbabwe's degeneration and provoke global outrage, but these were dismissed at the UN Human Rights Commission as fake (Mahoso, 2011b). With the vigorous inception of citizen journalism that is de-professionalized and de-institutionalized, there are further possibilities of breach of journalistic ethics and professionalism (Hyde-Clarke, 2010). Outright lies, vindictiveness, and malice can spur some individuals to fabricate and reproduce criminally libelous material in order to condemn a regime. Video-images can be produced and photo-shopped to create impressions of abuses and atrocities to justify international intervention.

### **Conclusion**

A major issue in Zimbabwe is that economic rights are viewed by pan African radicals as superior to any articulations for civil and political rights. Elsewhere Tafataona Mahoso has disdainfully called civil and political rights "paper rights which are tertiary and not central" (Mahoso, 2011a: D2). In his thesis, he argues that the AU and SADC are being hoodwinked to put focus and emphasis on these tertiary rights, and he considers the UN an instrument of contemporary imperialism judging its role in the resolutions on Libya and Ivory Coast. Mahoso's critical assessment embodies some political correctness, but subordinating human rights to political expedience is shortsighted in this day and age. Such radicalism is cherished by real imperialists who will not hesitate to invade to "protect" civilians against their own authoritarian

government. If this happens, the strategic vision of the pan Africanists would be found wanting. It is prudent to respect the people's rights and articulate and implement radical economic programs simultaneously, not to suspend one set of rights in favor of another. Extolling development right sounds transformative in the Zimbabwean context, but due caution must be exercised in the quest for these, as they can antagonize local and global interests. The security sector ought to take heed that external guarantors/underwriters of Zimbabwean sovereignty can also become impatient or exasperated. For example, at the height of the Zimbabwe crisis with the disputed 2008 Presidential election result in the background, Tanzania's President and the then Chairperson of the AU, Jakaya Kikwete, addressed the Pan-African Parliament live on *SABC News*<sup>9</sup> from Midrand South Africa. He repeated Africa was now a continent of hope except for a few notable trouble spots. Cote d'Ivoire, Zimbabwe, Chad, Somalia, and Sudan are mentioned in the same breath. Kikwete acknowledged there is greater freedom, more fairness and justice, except for isolated cases. "Any government which comes through undemocratic means will not be tolerated and will be censured and sanctioned. The old principle of non-interference in internal affairs was no longer tenable in today's Africa. Democracy, peace and security were inseparable from one another." The African continent is caught up in new legal-political situations that pose specific moral and juridical challenges. The deterioration of the situation in Libya and Ivory Coast in early 2011, and the slow pace at which African regional and continental bodies moved to solve the crisis leaving the "international community" (France, the United States, and NATO respectively) exposed the gullibility of the ethos of "African countries solving African problems," and the unwillingness of the AU to interfere beyond a certain point. The critical role of the Zimbabwean military and paramilitary and their involvement in politics and restriction of the public sphere has paradoxical attractions to neocolonial intrusions. A proper hegemonic project is sustainable where there is mutual consensus on issues, consent, and popular support including from those who are in the opposition (Gramsci, 1971).

### Notes

1. See Global Political Agreement at [http://www.copac.org.zw/index.php?option=com\\_content&view=article&id=19&Itemid=128](http://www.copac.org.zw/index.php?option=com_content&view=article&id=19&Itemid=128)
2. In a most recent report in *The Herald*, a former employee of the Institute of Democratic Alternative in Zimbabwe, a non-governmental organization

allegedly with links with the Prime Minister Morgan Tsvangirai's office, wrote a letter claiming not to have been paid his salaries from donor funding. According to *The Herald*, the letter written by one Douglas Munakira, "also confirmed the existence of parallel structures in the inclusive Government and interference by Western-funded donors" (Share, 2013: 1).

3. The African Commission on People's and Human Rights found the Zimbabwe state guilty and instructed it to compensate Shumba. See Mushava (2013) <http://www.newsday.co.zw/2013/03/25/african-body-orders-state-to-compensate-torture-victim/>
4. All these commissions are now enshrined in the Zimbabwe Constitution adopted in 2013.
5. Jacob Mudenda resigned as chairperson of the ZHRC in September 2013 after he was appointed Speaker of Parliament.
6. GNU ended with the landslide victory of ZANU PF in the June 2013 elections.
7. The Politburo is the Soviet-style innermost executive arm of the party.
8. "Zim's reporter union suspends Basildon Peta," <http://www.iol.co.za/news/africa/zim-s-reporter-union-suspends-basildon-peta-1.82224> (accessed May 7, 2011).
9. Address on October 27, 2008.

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## CHAPTER SEVEN

### *The Democratic Deficits of Mauritius— Development and Justice Threatened*

SHEILA BUNWAREE

#### Introduction

This chapter argues that democracy in Mauritius is an unfinished agenda, democracy is both a goal and a process, and that countries should always be striving toward democratic consolidation. While it is true that Mauritius is often cited as a model of democratic development, the country has a number of democratic deficits that require us to critique Mauritius as a democratic model for others to emulate. The first part of the chapter examines the Mauritian democracy in the postindependence period and highlights its evolution. The second part explores the deficits of Mauritian democracy. The third part looks at the emerging issues and tensions that Mauritius faces. The small, isolated, dependent island state faces a number of tensions and challenges. These take on an even greater significance in the post financial crisis era, thus making governance in Mauritius more complex. Mauritius is the number one country on a few indices in Africa—it is the number one country in as far as “Doing Business in Africa” is concerned, it is classified as the African country with the best leadership, and its multiculturalism is often cited as a model of peace and harmony to the rest of the world. (Tutu, 2007; Singh, 2005). It is a country with a high human development index, ranking 79th out of some 211 countries, and has a per capita income of some US\$8500, thus putting it in

the range of middle-income countries (UNDP Human Development Report, 2011).

However, Mauritius is also the country which has been classified as number one in narcotics and drug trafficking and consumption in Africa (UN 2010 report on Drugs and Crime), is seen as a money laundering island, and corruption is becoming a malady (Bunwaree, 2011). Mauritius does not have a freedom of information act and its media space is being threatened. Mauritius also fails some 35 percent of its children at the young age of 11 through a very fierce, competitive examination, and there is very little done to ensure a brighter future for these kids. In the period following the financial crisis, Mauritius faces a number of new challenges, with rising unemployment particularly pronounced among women and the youth. However, as Larry Diamond (2011) notes, emerging market democracies have been quite resilient in the face of global economic meltdown—replacing governments eagerly by regular elections and showing few signs of straying from the democratic path. Mauritius is embedded on the democratic rail, it will continue to have regular peaceful elections in a conflict free atmosphere, but this assures neither good governance nor the wellbeing of the people. As Martin Luther King had aptly put it, peace is not about the absence of conflicts but the presence of justice. The latter becomes increasingly difficult to obtain when poor governance, (often rooted in deficient norms, institutions and standards of accountability) becomes the order of the day and pose an insidious threat to free self-government in many developing democracies (Diamond, 2011: 21). The democratic deficits of Mauritius coupled with the new emerging challenges pose a threat to the Mauritian model. Will the latter explode and set the dead volcano ablaze, is a question worth asking.

### **Part One—Ethnic Tensions, Absence of a Nationalist Sentiment in the Move toward Independence**

Unlike many former colonies that achieved their statehood through wars of national liberation against the metropolitan powers, Mauritius, like some other parts of the British Empire, achieved its independence by concession from the parent country. Although many countries can speak of their independence as being fuelled by nationalist sentiment, Mauritius experienced a different situation altogether. No nationalist sentiment existed in Mauritius. Anticolonial feelings were expressed by the Hindu majority, but the other ethno/religious groups preferred

to maintain ties with the mother country. As independence became imminent, there was more resistance to it and the country experienced a certain amount of turmoil. The Creole population (i.e., Mauritians of African descent) expressed all sorts of doubts and fears. The Creoles, who had been closely associated with the Franco-Mauritians and dominated the civil service and the mid-level positions in the private sector, feared the emergence of a Mauritian government led by the Indians.

Mauritius was divided as it moved to independence; there was no sense of national unity prior to independence. In order to reduce tensions and dampen fears of the different communal parties, the British brought forward a plan to establish a new electoral commission to deal with issues of representation. The proposals that emerged continue to shape Mauritian elections today.

*The Constitution of Mauritius—Alliances, Coalitions, and the  
Institutionalization of Communalism*

Soon after independence, Seewosagur Ramgoolam leader of the Labour Party and Gaetan Duval, leader of the *Parti Mauricien Social Démocrate* (PMSD), decided to form a government of national unity. This was perhaps the beginning of a cycle of alliances and coalitions and the diminution of the powers of potentially strong oppositions in the country, and hence, the emergence of an important democratic deficit. This will be discussed in more detail in Section 2 of the chapter.

Although geographically small, Mauritius has a relatively large number of political parties; however, they usually form coalitions and alliances in order to contest elections. While ethno-politics dominate the Mauritian political landscape, none of the parties, except perhaps for a couple of very small and insignificant ones, are usually associated with some form of extremism or constituted by particular ethnic groups.

Voter turnout usually revolves around the 80 percent mark and election outcomes are hardly ever contested by the opposing parties. The conflict-free nature of the postelection period is remarkable and has been lauded by international and regional observers. This reflects the prevalence of a strong democratic ethos in the country.

*The Powerful Support Base of the Unions and the Rise of the MMM*

The MMM gathered increasing support in the early 1970s and even won a by-election for a vacated seat in Ramgoolam's home constituency of Triolet. The MMM candidate won 70 percent of the votes.

Very quickly, the leader of the MMM changed the party's discourse from a revolutionary one to one guided by moderation. He acknowledged that a revolution was not possible and that it was necessary to embrace the country's progressive and democratic elements.

In the 1970s, the Labour Party started experiencing a sense of discomfort with the rising popularity of the MMM and reacted immediately to the victory of the MMM in the by-election. The government amended the constitution to push-out the next general elections from 1972 to 1976 and to abolish by-elections.

### Democracy Threatened

At the end of 1971, the government also declared a state of emergency, arresting many union and MMM leaders without charges, closing down *Le Militant*, the MMM's newspaper, and banning most union and political activities. Ramgoolam (1973: 1303) described the emergency powers as: "armouries of a democratic government, and they must be there to be resorted to swiftly and without delay when required. They are not intended against the people, but against those who are out to uproot our liberal institutions, for which all Mauritians have struggled over the years." Ramgoolam used the argument that the MMM were communists using subversive action to bring dictatorship and chaos to the country. Meanwhile, the MMM had realized that Mauritians were not generally inclined toward revolution and that the route to power lay in electoral politics.

At the time of its conception, the MMM attempted to modify political thinking from a communal one, to a class one: class politics was elevated over ethnic politics and the slogan—"one people, one nation, unity in diversity," attracted much support and contributed to the landslide victory of the MMM in 1982. To give credence to its class politics, the MMM focused its energies on building and developing a power base with the trade unions; dockers and sugar and transport workers rallied in great numbers around the radicalism of the left-leaning MMM party. From September to December 1971, Mauritius was hit by MMM-supported strikes in several major economic sectors: transport, sugar, docks, public service, and electricity. The strikes were very disruptive and led to various kinds of economic and social problems, including mounting violence in the country. Before the 1982 election, the MMM went into an alliance with Boodhoo's Parti Socialiste Mauricien (PSM) in order to ensure the support of the rural Hindus. During the campaigning period, the Labour Party was taken to task

for high levels of corruption, nepotism, and mismanagement of public funds. In large rallies throughout the country, the MMM-PSM alliance accused the Labour Party of having favored and supported the white sugar plantocracy. Promises were made to redesign the tax system, and to re-examine wealth distribution and make it more equitable.

Mauritius has had eight elections since independence and, on a few occasions, it has run the risk of ending up with a parliament void of an opposition as a result of its electoral system. Mauritius has been independent for almost 40 years but it is still stuck with an electoral system that it inherited from its colonial rulers. Mauritius is a multiparty parliamentary democracy based on the Westminster model. Despite the fact that it became a republic in 1992, no changes have been brought to the electoral system. The unicameral national legislature is made up of 62 members directly elected by free and fair elections every five years. More specifically, the Mauritian electoral system distinguishes itself with two unique features. First is the splitting of the country into 20 constituencies on the island of Mauritius, in which each voter has to vote for three candidates, with the three candidates receiving the most votes being elected (there are two additional members from the island of Rodrigues). There is no legal imposition of vote blocking in Mauritius; theoretically, in this system, people vote for individual candidates regardless of their party affiliations. Voting records in Mauritius, however, show that most voters usually vote for three candidates from the same alliance or select two candidates from one alliance and one from the other. In some cases, the opposition is completely undermined and weakened, such as in 1982 and 1995. In such circumstances, the opposition tends to be merely symbolic and cannot play its watchdog role fully. The quality of democracy suffers enormously under such conditions.

The best loser system constitutes the second feature of the Mauritian electoral system. The best loser seats are given to those candidates belonging to underrepresented ethnic groups and who come next in the ranking in terms of the number of votes obtained. The rationale of the best loser system, which is endorsed in the constitution, was to ensure a secure and adequate representation of minority communities in parliament. Allocation of best loser seats does not alter the net result of the election.

Section 5 of the first schedule of the Constitution states:

In order to ensure a fair and adequate representation of each community, there shall be 8 seats in the Assembly, additional to the 62 seats for members representing constituencies, which shall so far



as is possible be allocated to persons belonging to parties who have stood as candidates for election as members at the general election but have not been returned as members to represent constituencies. The first 4 of the 8 seats shall, so far as is possible, each be allocated to the most successful unreturned candidate, if any, who is a member of a party and who belongs to the appropriate community (ethnic group) regardless of which party he belongs to.

The term best loser refers to the candidate who gets the highest percentage of votes after the first three who have been elected, and who belongs to a community/ethnic group that is underrepresented.

Section 5(4) spells out whom the next 4 seats should go to. It states:

When the first four seats (or as many as possible of those seats) have been allocated, the number of such seats that have been allocated to persons who belong to parties, other than the most successful party, shall be ascertained and so far as is possible that number of seats out of the second four seats shall one by one be allocated to the most successful unreturned candidates (if any) belonging both to the most successful party and to the appropriate community or where there is no unreturned candidate of the appropriate community, to the most successful unreturned candidates belonging to the most successful party, irrespective of community.

The postindependence political landscape is dominated by four political parties—the *Labour Party* (LP), the *Mouvement Militant Mauricien* (MMM), the *Mouvement Militant Socialiste Mauricien* (MSM), and the *Parti Mauricien Social Democrite* (PMSD), which had just a few months before the 2000 general election, split into the PMSD and the Mauritian Party of Xavier Duval (PMXD). Although rather small and not so dominant and generally perceived as representing the interests of the Creole groups, recourse is often made to the PMSD, and now the PMXD, to help enhance the country's politics of recognition and representation. The PMSD and PMXD however got back together and reverted to the name of PMSD. This happened one year before the May 2010 election.

Mauritius has had four prime ministers and nine leaders of the opposition. The former includes Sir Seewoosagar Ramgoolam, first leader of the Labour Party, Sir Aneerood Jugnauth, leader of the MSM, Navin Ramgoolam, son of Sir Seewoosagar Ramgoolam and current leader of the Labour Party, and Paul Berenger, leader of the MMM. Leaders of the opposition include Sir Gaëtan Duval, Maurice Lesage, Sir Aneerood

Jugnauth, Paul Berenger, Prem Nababsing, Sir Satcam Boolell, Navin Ramgoolam, Nicolas Von Mally and Nando Bodha. The small number of prime ministers—Paul Berenger, Navin Ramgoolam and Sir Aneerood Jugnauth—highlights the fact that power in Mauritius has been concentrated in the hands of very few people, and that the alternation of government is only between the dominant parties and particular leaders.

Table 7.1 shows the election results for the period 1982 to 2010. It highlights the disproportionality between the percentage of votes won

**Table 7.1** General elections results in Mauritius, 1982–2010

<i>Year</i>	<i>Party</i>	<i>% of votes</i>	<i>Elected seats</i>	<i>Best loser seats</i>
1982	MMM/PSM	64.16	60	–
	PAN	25.78	0	2
	PMSD	7.79	0	2
	OPR	–	2	–
1983	MSM/LP/PMSD	52.2	41	5
	MMM	46.4	19	3
	OPR	–	2	–
1987	MSM/LP/PMSD	49.86	39	5
	MMM	48.12	21	3
	OPR	–	2	–
1991	MSM/MMM/MTD	56.3	57	–
	LP/PMSD	39.9	3	5
	OPR	–	2	–
1995	LP/MMM	63.7	60	–
	MSM/RMM	19.3	0	–
	OPR	–	2	–
	PGD	–	0	1
	Hizbullah	–	0	1
	MR	–	0	2
2000	MSM/MMM	52.3	54	4
	LP/PMXD	36.95	6	2
	OPR	–	2	–
	MR	–	0	2
2005	Alliance Sociale	48.8	39	3
	MMM/MSM/PMSD	42.6	21	3
	OPR	–	2	–
	MR	–	0	2
2010	Alliance PTR–PMSD–MSM	50.7	41	4
	Alliance MMM–UN–MMSD	42.88	18	2
	Front Solidarite Mauricienne	2.59	1	
	OPR	0		1
	MR	2		

*Source:* Electoral Supervisory Commission, Mauritius.

in an election by a party and the number of seats eventually obtained in the National Assembly. In some cases, the landslide victory of an alliance/coalition meant that the opposition received no seats, such as in 1982 and 1995, referred to earlier.

The table does not take into consideration the split after each election and the formation of a new opposition. The party or alliance that has won the majority of seats forms the government.

### *The Dilution of Democracy 40 years after*

Although trade unions played a critical role in the early development of the two dominant political parties of Mauritius, trade unions no longer have the same influence. However, now that the country is facing a number of important economic challenges and sustaining livelihoods is becoming increasingly difficult, it is important to rethink democracy and democratic consolidation in Mauritius. While Mauritius has had a vibrant and independent press, strong trade unions, and a relatively effective civil society in the immediate postindependence years, now there seems to be a rise in ethno and sectarian politics, a great collusion between the new economic and political elite, the rise of dynastic politics, as well as the infringement of human rights in certain sectors (US state department 2010 Human Rights Report on Mauritius).

## **Part Two—The Democratic Deficits of Mauritius**

While Mauritius is often cited as a model of democratic governance, the democratic deficits of the country are often not evoked; and yet, these are becoming increasingly important as the world goes through a series of crises, posing new challenges for governance. The democratic deficits include an unfair and unrepresentative electoral system, the persistent under representation of women, very little effective decentralization, the politics of opacity particularly around the question of political parties, the persistence of dynastic politics, floor crossing and dissidence, a weak and fractured civil society, and the interference of religion in politics.

### *Electoral System—Representation and Inclusiveness*

Elections and political parties are the lifeblood of democracies, but the Mauritian electoral system does not provide for a broad spectrum of

representation. The first-past-the-post (FPTP) system, with its associated best loser variant, has the potential of wiping out an opposition altogether. The Mauritian electoral system suffers from certain aberrations. The FPTP system in the three-member constituencies frequently produces results that are grossly disproportionate to the share of votes won by the different parties. At times, although obtaining a substantial percentage of votes, the opposition is either completely, or nearly completely, eliminated. Thus, in 1982 and in 1995, the result was 60–0, while in 1991 and 2000 the presence of the opposition barely reached representative levels.

The best loser system, referred to earlier, has provoked considerable debate in the country. Some commentators such as Raj Mathur, Jean Claude Bibi, and Sumer Lallah argue that it institutionalizes communalism in the country, while others such as Yousouf Mohamed believe that it is an important safeguard for the protection of minorities. These commentators' views are captured in the proceedings of the workshop on "Electoral Reform—Moving towards Inclusive democracy" organized by the Institute of Social Development and Peace, in collaboration with the Electoral Institute of Southern Africa in 2006.

In the 60–0 "configuration," section 5(4) of the constitution cannot be applied for two obvious reasons: first, the winning parties have obtained all the seats provided in the FPTP system; and second, the losing parties have no elected MPs and thus, cannot be considered as per section 5(4) of the constitution. In this case, parliament consists only of 66 members instead of 70 as provided by the constitution.

The Sachs Commission report on constitutional and electoral reform 2001/02 states that: "There was also widespread acceptance of the necessity to correct the gross under representation of opposition parties produced by the electoral system." The Sachs report recommended that the electoral system be reformed to allow for a compensatory PR formula, which would ensure that a party obtaining at least 10 percent of the vote could be represented in parliament—thereby creating a stronger opposition. The system proposed by the commission is focused on correcting under-representation of the opposition without challenging the undisputed right to form the government of the party or alliance that gains a majority under the FPTP system. However, despite the propositions made, no action has been taken so far. There have been a number of other reports since—The Carcassone report of 2011, Sithanen report of 2012. Now, the government has promised a White Paper on the question to which many people are impatiently awaiting the answer. The leader of the opposition, Paul Berenger, has

once more highlighted the urgency of the electoral reform. (Week-end, June 30, 2013)

*Gender and the Poor Representation of Women in Mauritian Politics*

Despite having ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Platform of Action, and the Southern African Development Community (SADC) protocol of a 30 percent quota for women in parliament, Mauritius continues to lag behind many SADC countries in terms of the representation of women in parliament. Table 7.2 shows the evolution of gender representation in the national legislature.

Some of the factors responsible for this state of affairs include the gender insensitivity of the FPTP electoral system, socialization patterns, the shrinking of potential female space resulting from male-dominated alliances and coalitions, lack of financial resources, and general resistance to any form of affirmative action whatsoever (Bunwaree, 2006, 2010). Very few women are nominated as candidates by the political parties, and the lack of pressure by civil society to bring change has contributed to the strengthening of males' appropriation of the political space.

For the first time in the political history of Mauritius, a small women's group called "Federaction" took to the streets a few months before the 2005 general elections, protesting that there should be more women in parliament. It was backed by some other women's groups such as Media Watch, a non-governmental organization (NGO) which works for the promotion of women in and through the media, *le Parti de la Majorite*, a newly created female-only political party, and some other women NGOs. In some ways, this awakening of civil society

**Table 7.2** Evolution of gender representation in the national legislature

<i>Year</i>	<i>Male</i>	<i>Female</i>	<i>Both sexes</i>	<i>% Female</i>
1983	66	4	70	5.7
1987	66	4	70	5.7
1991	60	2	66	3.0
1995	60	6	66	9.1
2000	66	4	70	5.7
2005	58	12	70	17.1
2010	55	15	70	21.4

*Source:* Electoral Supervisory Commission, Port-Louis, 2010.

contributed to the political parties nominating some more women as candidates. Interestingly, 12 of the 16 women presented as candidates by the dominant parties were elected in the 2005 general elections. This quantum leap of a 200 percent rise in gender representation as compared to the 2000–2005 legislature does not, however, guarantee the maintenance of a rise in the numbers of women in the legislature. The 2010 general elections saw only an incremental increase as reflected by table 7.2 above. There is an urgent need to move toward a more gender inclusive electoral system such as PR, accompanied by some other positive discriminatory measures in order to obtain some further feminization of the political space.

#### *Very Little Decentralization*

While decentralization is known to contribute to a more bottom-up approach to governance and allows for a greater participation of the citizenry in the affairs of the country, politics in Mauritius remains highly centralized. There are some five municipalities in Mauritius, the mayors of which are political appointees. More importantly, funding of the municipalities and the district councils is still in the hands of the central government, making it very hard for the former to function autonomously. More importantly, local government in Mauritius does little other than infrastructure development, thus questioning the relevance of local governance to the human condition and the quality of democracy. What is interesting is that the government has introduced a gender-neutral quota through the new local government act of 2011, thus revolutionizing the local government in terms of numbers of female councilors. The revolution would be more meaningful if gender lenses were truly applied to local governance and, more particularly, assist with the engendering of local budgets to make a difference in women's lives at the grassroots.

#### *Politics of Opacity and Party Funding*

Access to resources is a decisive factor in electoral contests and party existence. It impacts upon the quality and extent of opposition as well as on gender representation, since women tend to be the least resourced citizens of the country. The amount of funding available determines the quality of campaigning as well as the level of communication that the party has with the voters.

Party funding is becoming a crucial issue in the contemporary Mauritian landscape. It is generally argued that entering the political arena has become very costly and that, therefore, excludes a wide section of Mauritians who may be interested in running for office but are, at the very outset, excluded, since they do not have the necessary resources. The lack of financial resources is therefore a major barrier and hampers the opening of the political space to a greater diversity of representation. The chance of an opposition emerging becomes slimmer as the political venture becomes more costly.

Public funding of political parties does not exist in Mauritius. Many politicians admit that their parties obtain funds from what they call “well wishers.” (Bunwaree and Kasenally, 2005). This resonates with Darga’s comment. Darga (2005: 19) notes that

Parties mobilize funds either through some direct corruptive practices during tenure of office or through what are diplomatically termed “donations,” mainly from private sector companies, such donations always being unofficial and unacknowledged.

The phenomenon of what is commonly known as the “bases” in local political parlance is also very costly and yet has become essential. The “bases” are a sort of regional office structure set up during electoral campaigns to liaise with voters. This is often alluded to as the “commodification of politics” and it is argued that only big political parties that “have the support of big firms,” “well wishers,” and/or who have amassed money during previous mandates can afford to set up these “bases” and compete on the same level as the other strong and big parties (Bunwaree, 2011). It is therefore clear that smaller parties and individuals who want to run as independent candidates and who lack resources cannot compete on a fair basis. Women, who are the least resourced, find it very difficult to enter the political arena, let alone overcome the other barriers that they have to surmount in order to do so.

#### *The Reproduction of a Political Elite and Dynastic Politics*

Mauritian politics is also heavily influenced by dynastic politics: Sir Seewosagur Ramgoolam was followed by his son Navin Ramgoolam; Pravind Jugnauth became the leader of the MSM after his father became President; and Xavier Duval, currently one of the vice prime ministers of the country, took over the PMSD which was led by his father Sir Gaetan Duval. In addition to these, we have cases of other sons, nephews, brothers of senior ministers current and past, who have joined the

political elite. Examples include Arvin Boolell, son of Sir Satcam; Anil Gayan, nephew of Sir Satcam; Kushiram, son-in-law of Sir Satcam; Ashok Juganuth, former minister of health, is the brother of Aneerood Jugnauth; Rajesh Bhowon, former parliamentarian, is nephew of Aneerood Jugnauth. Reza Uteem is the son of Cassam Uteem, the former president of the Republic. Others, such as Raj Ringadoo, Anquetil, and Seeneevassen, who were offered tickets, ran for the 2005 elections but were not elected.

The absence of new charismatic figures and of ideology, as well as limited opportunity structures, makes it possible for the prevailing dynastic politics to go unchallenged. The reproduction of the same political elite therefore implies that opposition continues to remain weak in the country.

#### *Floor Crossing and Dissidence*

Mauritius does not have floor-crossing legislation. The political history of the country shows that this phenomenon happens from time to time and has an impact on the opposition, as revealed by the dissenting elements of the last MMM/MSM government. Just a few months prior to the 2005 elections, stalwarts such as Minister Baichoo left the MSM to form part of the Alliance Sociale. With him, parliamentarians Chamroo and Ramloll, also of the MSM, left the party, thus weakening the government. More recently, Jim Seetaram, Mireille Martin, and Pratiba Bhola—all three elected under the banner of the MSM—have joined the Labour Party, thus weakening the opposition. Jim Seetaram has been offered the post of Minister of Cooperatives, Mireille Martin, that of Gender Equality, and Pratiba Bhola, that of private parliamentary secretary.

Other examples of the more distant past include Labour MPs Glover, Sajadah, and Ghurburrin, who joined the MSM when Prime Minister Jugnauth sacked Sir Satcam Boolell of the Labour Party from his government. Sir Satcam joined the ranks of the opposition but without his followers. Party hopping can have serious implications on the numerical strength of an opposition party or the government, and it is perhaps time for modern Mauritius to look into the possibility of formulating legislation to minimize this problem.

#### *A Weak and Fractured Civil Society*

Another major weakness of Mauritian society is the absence of a strong unified civil society. The Mauritius Competitiveness Report (2004)



aptly notes that the country's civil society organizations are fairly apathetic, with little popular support. Mauritius has a large number of NGOs, intervening on different issues ranging from the environment to looking after the disabled. Many of these NGOs are, however, grouped under the Mauritius Council of Social Services (MACOSS) and are dependent upon the state for funding, thus diluting their autonomy. In his comment on the engagement of civil society with parliament, Darga (2005: 22) notes that the political culture has been predominantly clientelistic. He adds that "civil society members therefore interact with MPS or groups of MPS more to seek personal material reward than to influence policies."

### *Interference of Religion in Politics*

There is no customary governance and/or traditional authority structures in Mauritius. Mauritius has a well-defined constitution and the rule of law. The constitution does not include the word secular or secularism, but a number of people see the praxis as a secular one while others believe that there is too much interference by religious groups in the affairs of the state (Ramharai, 2002, Mauritius Times of 28th 2013). The mushrooming of sociocultural/religious groups during the last 20 years contribute to the ethnicization of politics and render the separation of politics and religion even more difficult. These sociocultural groups often lobby the government for the protection and advancement of the specific groups that they represent. Politicians also use the sociocultural platforms to their own advantage. The Mauritian state considers the diverse religions as a major source of richness and diversity and provides subsidies to all of them. In so doing, it creates some kind of an ambiguous relationship between the state and religion.

What is even more worrying is that Mauritius is still a nation in the making. The country lacks a sense of Mauritian-ness and has not been able to achieve a sense of Mauritian identity. Lehembre (1984: 27) writes: "In Mauritius one rarely feels Mauritian, one is either Indian or Catholic or Muslim or Chinese or Tamil but rarely Mauritian." And now, with the different sociocultural platforms, referred to above, becoming more prominent and powerful, sectarianism is on the rise, thus reinforcing the ethnic divisions that already exist, and even leading to identity politics. (Beegun, 2009). Needless to say, identity politics and ethnic divides can be a major threat to peace and social cohesion, especially at a time when the distribution of entitlements becomes increasingly asymmetrical.

### **Part Three—The Mauritian Model Threatened**

Steven Radelet's (2010) "success stories from emerging Africa" where he singles out Mauritius as a model may not hold true anymore, especially when one looks at the recent turn of events in the country. The section below looks at some examples of things that threaten development and justice, thus putting the Mauritian model in peril.

The multiplicities of crises— the food crisis, the climate change crisis, the post financial crisis, and persistent inequitable commerce have begun to have ripple effects on the developing world. Small, isolated, resource-poor Mauritius will not be spared. These challenges coupled with a deteriorating gini coefficient and growing inequalization at the local level are bound to lead to new difficulties and tensions. The riots of 1999 referred to earlier, and more recent events such as the Varmagate affair, the financial fraud associated with the Ponzi scheme, and rising unemployment discussed below are stark reminders that selling Mauritian democracy as an exemplar may become increasingly difficult.

#### *The Varmagate Affair/Perverting the Course of Justice*

The Varmagate affair refers to the case of the former Attorney General/Minister of Justice, Yatin Varma, who met with a car accident some time ago. A young male university student by the name of Florent Jeannot knocked against the Minister's car. The Minister of Justice got into some kind of rage and beat up the young fellow. The Minister first denied the veracity of the incident but when a number of people presented themselves as witnesses in this affair, the Minister retracted and changed his discourse. Subsequently, he tried to negotiate a deal, apparently offering some important sum of money to the Jeannot family to settle the case. The Minister has had to step down. He has been accused of perverting the course of Justice (Le Mauricien of July 23, 2013).

#### *Corruption and Transparency*

According to Transparency Mauritius, Mauritius's world ranking on the corruption index has deteriorated in the last few years. Table 7.3 shows that Mauritius's rank has fallen a few places since 2010. Recent events such as the massive financial fraud of more than 700 million rupees related to the Ponzi schemes and implicating a number of lawyers as

**Table 7.3** Corruption index

<i>Year</i>	<i>World ranking</i>	<i>Score (sur 10)</i>
2007	53	4.7
2008	41	5.5
2009	42	5.4
2010	39	5.4
2011	46	5.1
2012	43	5.7

*Source:* www.transparencymauritius.org.

well as other professionals will more than likely impact on the corruption and governance index of the country.

### *Growing Unemployment, Inequalization, and Poverty*

Mauritius's economic model is one that is obsessed with growth. Growth, however, is a necessary but not sufficient condition for development, especially if growth is of a jobless nature. Mauritius's growing unemployment figure, currently revolving around 8 percent testifies to this. The rapid rise in unemployment, particularly pronounced among the youth and women, is very serious, especially in a context of growing inequalization and rising poverty. The household budget survey of 2012 shows that poor households have increased by 1.5 percent in recent years. Mauritius does not have a poverty line or a national minimum wage. More than 100,000 people earn less than MUR 6,000 (approximately 200US\$) per month—a wage that is far below what is required for a decent living by a small family of four people.

### **Conclusion**

There is an urgent need for electoral reform, a new breed of leaders, as well as a new political culture in the country. Electoral reform will help to palliate the most important democratic deficits of the country—the under representation of women and the biased electoral winner-take-all system. Elections based on a proportional representation (PR) system can help to reconfigure the Mauritian landscape by giving more possibility to smaller opposition groups, redefining the way alliances and coalitions are made and, in the same vein, making the choice that Mauritians exercise more meaningful.

It is generally argued that political parties do not differ much in ideological terms in contemporary Mauritius, and that differences that may exist are more at the level of the culture of the political parties, style, and general management. The dominant political parties believe in and propound social democracy, and are more or less at left of center. But if it is the same political elite that continues to rule the country, holding a discourse and spouting rhetoric about wanting to democratize the economy but with hardly any democratization taking place, there is the risk of a social explosion.

Mauritius has been referred to as a mature democracy and a model for the rest of the continent, but one is tempted to ask what sort of model it can be if opposition parties, which are the essence of modern and well-functioning liberal democracies, remain small, weak, and inadequate. Moreover, Mauritius does not have any term limits regarding the mandates of parliamentarians, there is very little direct engagement of civil society with parliament, and most political debates are carried out in English or French, which remains a barrier to large segments of the population. Civil servants and intellectuals can vote for others, but do not have the right to stand for election unless they resign from their posts.

Democracies are never static but are constantly in a state of flux. For a political party to remain relevant, it has to be prepared to shift with the attitudes of the population. The shift is not necessarily an ideological or policy-driven one, but a shift in the way that political parties engage with issues that affect the micro-realities of the citizens of the country. The major problem in contemporary Mauritius is that there seems to be no room for a new political party to emerge and/or a new political culture, and yet the country badly needs new blood and new ideas.

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## CHAPTER EIGHT

### *Elections and the Challenges of Democratization in Sierra Leone*

ZUBAIRU WAI

#### Introduction

Between 1996 and 2012, Sierra Leone held four elections as part of the processes of democratization, conflict transformation, and what, in mainstream discourses, is known as democratic consolidation. The first elections took place in February and March 1996, and initiated the democratic transition that returned multiparty politics to the country after almost three decades of one-party rule under the All People's Congress (APC) party, and a four-year military junta rule under the National Provisional Ruling Council (NPRC). These elections however took place within the context of an ongoing civil war and came in the wake of the unravelling of the so-called NPRC "revolution" and the people's frustration with their failure to rein in the Revolutionary United Front (RUF) rebel movement that was waging a brutal insurgency in the country, end the war, establish peace and stability, and revive the economy as they had promised when they overthrew the APC in April 1992, a year after the war started. These elections were, in addition to ushering in a liberal pluralistic system, also intended as a conflict transformative strategy.

The second elections, which were conducted in May 2002, were also part of the process of conflict transformation. But unlike the 1996 elections, they took place after a peace settlement had been negotiated

between principally the government and the RUF rebel movement; and the United Nations had undertaken an elaborate disarmament, demobilization, and reintegration (DDR) program that would pave the way for political accommodation and the official declaration of the end of the conflict by the Sierra Leone government in January 2002. In other words, these elections were the first “post-conflict” elections, and they served as a bridge in the transition from “war” to “peace.” Won by the ruling Sierra Leone People’s Party (SLPP)—the party that had led Sierra Leone to independence in 1961 but which had lost the second postindependence elections to the opposition APC in 1967 and had been proscribed after the adoption of the one party constitution in 1978—these elections were deemed to have taken the democratization process a step further in a country emerging from civil war.

Then, in August 2007, the third elections took place, and produced an opposition victory in an atmosphere of widespread discontent with the ruling SLPP government. Unlike the 1996 and 2002 elections, which focused primarily on concerns about conflict transformation and peace building in a country emerging from civil war, the 2007 elections focused, among other things, on social and economic issues. The popular discourses in the country were about electing a government that would be responsive to the socioeconomic and material aspirations of the people. The questions thus revolved around which of the political parties and their leaders were better placed and could be trusted to address the economic and social problems in a country recovering from a decade of conflict. This does not mean that the government that emerged out of the opposition victory in 2007, or its predecessor, has been able to address the difficult problems of poverty, economic and social inequality, or political polarization in the country. The triumph of President Ernest Bai Koroma and the APC over his main challenger, Julius Maada Bio, a former NPRC military junta head who contested on the ticket of the main opposition SLPP in the 2012 polls, therefore speaks more to the fact that incumbent presidents standing for re-election seldom lose elections in Sierra Leone, than to the issue of being rewarded for improving the material condition of the populace. With Bio as the main challenger to the president, the election re-ignited the issue of military regimes in the 1990s, as the APC campaign machine made Bio’s military background and his role in the country’s civil war a major issue in the elections. This put him on the defensive and ultimately discredited him as an acceptable alternative to the sitting president.

The dominant view about these elections is that they represent a deepening of democratic tradition in a country whose immediate

history has been defined by armed conflict, economic hardships, and authoritarian rule. According to dominant accounts, Sierra Leone is a model for, especially, using elections as a mechanism for conflict transformation and democratization in states and societies emerging from armed conflicts and civil wars. Sierra Leone thus purportedly confirms the idealized notions of liberal democracy and its promises, affirming the linkage between this specific type of political organization and those outcomes—peace, stability, and development—which underpins the dominant discourse about democratic possibilities in the current neoliberal era. But for democracy to be meaningful, it must relate to the material conditions and livelihood of the people.

This chapter interrogates Sierra Leone's democratization experience and assesses its implications for the people of that country. It critically examines the historical context within which the struggle for democratization emerged, and interrogates the electoral politics in the country since the return to polyarchical arrangements in 1996 when the first elections were held after nearly a 30-year hiatus. First, it places the process of democratization within the context of an ongoing conflict and situates this quest within a broader attempt at reconfiguring the state in the light of the country's postcolonial experience. It suggests that though pursued as a strategy for conflict transformation and peace-building, democratization within the context of ongoing armed conflict should be understood as part of an attempt to reconfigure and restructure the state in light of the country's postcolonial political and socioeconomic meltdown. Second, it interrogates what has now come to be seen as a deepening democratic tradition in Sierra Leone by focusing on the country's electoral experience since 1996, before considering the significance and limitations of these efforts and their broader implications for politics in Sierra Leone.

### **Democratization in Sierra Leone**

The reintroduction of multiparty politics in Sierra Leone was part of Africa's democratic wave of the 1990s. While this quest preceded the civil war, the process itself took place within the context of an ongoing armed insurgency, which it was intended, in part, as a strategy to transform it. Paradoxically however, both the war and the process of democratization were in fact articulated within the same historical quest to reconfigure the state in order to make its institutions responsive to the social and economic aspirations of the people, as well as hold its officials



accountable. The war and the struggle for democracy should therefore both be understood as part of a larger quest for an alternative political formation in light of the failure of the post-independence national experiment.

This is not the place to interrogate what caused the postcolonial crisis in Sierra Leone. It suffices to note, however, that Sierra Leone had become a site of woes and misery as political and economic events in the postindependence era, partly brought about by leadership failures, as well as negative externalities (falling global commodity prices, the oil crises, the debt crisis, structural adjustment programs), accentuated the pathologies originally introduced by the colonial state, and sustained by the colonizing structures of violence, marginality, and exploitation that would shape postcolonial governance in the country. From independence in April 1961 to the outbreak of the civil war in March 1991, the fortunes of Sierra Leone steadily declined as economic and political difficulties came to define and accentuate the precarious conditions of the state, putting it on a downward spiral that eventually led to civil war. This is attributable not only to the form of the state inherited from colonial rule and its immersion in the contexts and configurations of global political economy of structural inequality and systemic marginality, but also what Ibrahim Abdullah (2004) has described as a glaring lack of radical transformative political agenda, which itself was structured by the very nature of the state and how it constrains politics and resistance.

Sir Milton Margai, the country's Prime Minister at independence, for example, based his ideas of a postindependence Sierra Leone state on the colonialist vision of the British. An old, conservative and gradualist who was a great admirer of the British, Sir Milton saw independence merely as an occasion for replacing the British with Africans. In his Independence Day address, he remarked that "independence" would not result in any changes in people's lives: "Whether you are a farmer, a clerk, a trader, an artisan, a daily wage worker, a fisherman, a lawyer or a judge, life will go on just the same, with the same rights and privileges safeguarded, the same type of laws, the same justice in our courts, the same taxes and other responsibilities, the same articles for sale in the stores. Mining companies, missions, trade unions, hospitals, schools, and government departments will go on as before." (Independence Day Address, April 27, 1961) But by maintaining these structures and the colonialist vision on which they were based, he was also committing to maintaining the power relations that the logic of colonial rule had made possible; that is, a commitment to a violent,

oppressive, exploitative, and parasitic relationship between the state and its citizens, between the rulers and the ruled; a relationship that thrives on violence. In other words, a colonial rationality that is arbitrary, polarizing, dehumanizing, exploitative, and violent was what would guide a new Sierra Leonean state. This historical failure to engage in serious conversations about what type of state and society was needed in light of the country's colonial history, and what type of political structures best suits its unique historical experience would continue to haunt politics in that state.

When he passed on three years later and was succeeded by his younger and more ebullient brother, Sir Albert Margai—an impatient man, different both in character and temperament—the structural constraints of a fledgling state started to manifest. Sir Albert's first obstacle at governing was his own party, the Sierra Leone People's Party (SLPP) which was a conservative and gradualist party dependent on the traditional aristocracy and paramount chiefs for its support base. The move to radicalize this organization into a mass-based party created dissension within its ranks. Not a man of great patience, Sir Albert dropped from his cabinet those who opposed both his appointment as Prime Minister and his vision for the party and through that, the state. This move alienated him from a core section of his party and proved crucial in the 1967 polls. Faced with internal dissension within his own party, amidst a struggling post-independence economy already showing signs of strain and susceptibility to negative externalities as well as a united opposition party (the All People's Congress which had come into being in 1960) emboldened by its success in the municipal council elections in 1964 and amidst accusations of corruption, nepotism, and "tribalism," Albert Margai's SLPP narrowly lost to the APC led by Siaka Stevens in the closely fought 1967 elections.

It was in these elections and the events that followed that the structural limitations of the postcolonial state began to reveal itself. In the tense, divisive, and rancorous atmosphere in which the polls were conducted, the head of the army, Brigadier David Lansana, a Margai loyalist, falsely cited constitutional infringement as justification to intervene and declare martial law. The Brigadier himself would be deposed a couple of days later and arrested in a counter-coup by junior and middle ranking officers who formed the National Reformation Council (NRC) junta and invited Lt. Col. Andrew Juxon-Smith, who was at the time studying in the United Kingdom to head it. The NRC junta was not different from the civilians it overthrew. Lacking vision and failing to articulate a concrete political program for transforming the

state and society, the NRC quickly became notorious for its reactionary and corrupt tendencies, and revealed the dangers of relying on the military for social transformation. It was overthrown a year later by non-commissioned officers loyal to Siaka Stevens, who had sought refuge in neighboring Guinea. Stevens was invited to serve the mandate he had been prevented from serving within a national power sharing arrangement.

At the head of an APC-led national coalition government, Siaka Stevens, who had presented a pro-people, radical democratic platform when in opposition, now came to reveal himself as a reactionary megalomaniac who was interested mainly in being at the helm of affairs. Believing that the only way of consolidating power was to eliminate every form of opposition to his rule and to concentrate power in his own hands, he used the oppressive structures of the state to consolidate his grip on power, embarking on a course that would eventually lead Sierra Leone toward civil war. First, he declared a state of emergency and used the emergency powers to harass and imprison political opponents, deploying the most obtuse violence of the state to stifle dissent and opposition to his rule. Second, through fraudulent elections petitions, he reduced the number of SLPP members in parliament, and gradually dismantled the national coalition government that had been put in place in 1968. Then he purged the security forces, the civil service, and the judiciary of people he suspected of harboring sympathies for the opposition. In 1971, he rushed a republican constitution through parliament, which made him executive president with enormous powers. He created a paramilitary force, the Internal Security Unit (ISU), later the Special Security Division (SSD), to discipline opponents, deal with civil disturbance, quell dissent, and keep the populace in check. Gradually, the architecture of a police state was put in place as the populace was disciplined and opponents silenced.

If elections in the immediate postindependence period had been relatively competitive and free and fair—for example, barely two years after it came into existence, the APC won 16 out of 32 contested seats in comparison to the SLPP's 28 out of 59 contested seats in the 1962 polls; in the 1964 municipal elections, it won the Freetown City Council and Siaka Stevens became mayor of Freetown; and in the 1967 polls, it won 32 seats against the ruling SLPP's 28 and 6 independents—Stevens made a mockery of the electoral process after assuming power, using them (as attested to by the 1973 polls from which the opposition withdrew because of the level of violence and intimidation used against them, and the 1977 polls whereby they only won 19 seats in an

atmosphere of violence, intimidation, and mayhem) to discipline the opposition and further consolidate his grip on power. Relying both on the security forces as well as “rarray man” youths whom he hired as thugs for APC politicians to intimidate and harass the opposition, Stevens turned elections into war against the opposition, using widespread fraud, intimidation, and state perpetuated violence to badly brutalize and decimate the opposition.

Scarred by the 1967 military intervention, Stevens became paranoid about a state that would slip out of his grasp and thus sought to control every aspect of Sierra Leonean life. Every challenge to his authority, or failed attempt to remove him from power further fed this paranoia. The proclamation of a republic in 1971 came in an atmosphere of a failed attempt by the head of the military, Brigadier John Bangura (who had helped restore Stevens to power in 1968) to overthrow Stevens. John Bangura believed that Stevens was becoming too dictatorial and corrupt. He was later executed for the plot (the future leader of the Revolutionary United Front (RUF) rebel movement, Foday Sankoh, would be jailed for his involvement in this plot). When some of Stevens' closest associates (notable among whom were the idealist Mohamed Sorie Forna and Ibrahim Bash-Taqi, respectively the Finance and Information Ministers) resigned from the APC and joined John Karefa-Smart (who himself had left the SLPP because of disagreements with Albert Margai) formed the United Democratic Party (UDP), which threatened to curtail his power base, Stevens not only used emergency powers to proscribe the party and incarcerate its leaders, but also brought fraudulent treason charges against Forna, Taqi, and others for which they were wrongfully convicted and executed.

However, it was not by only violence and intimidation that Stevens consolidated his hold on power, stifled dissent, and silenced the opposition. A master at political manipulation, Stevens also used bribes, co-optation, and other means to placate opponents and appease discontent. As Cyril Magbaily Fyle puts it, “Whenever there were threats to his rule, he responded by incorporating the leaders of these pressure groups, such as the labor and teachers' unions, into his government. He also lavishly provided for the top brass in the army, giving them opportunities for corruption in pre-financed contracts.” (Fyle, 2006: xlii) This had negative effects on the state: it bred and enhanced a culture of corruption in the institutions of government as well as among the officer corps of the army (Koroma, 1996) and severely hampered the military's readiness to respond to the insurgency in the 1990s. This eventually led to the overthrow of the government by frustrated junior

officers who were shafted by this officially sanctioned corruption in April 1992.

Meanwhile the economy was undergoing a gradual decline, as poor economic planning and policies, a culture of corruption and mismanagement, and a hostile global economic environment seen in declining commodity prices and the oil crises, exacerbated the pathologies of a truncated colonial economy dependent on natural resource extraction and helped to plunge the country into fiscal and debt crises. This economic decline became acute in the 1980s, especially in the aftermath of the hosting of the Organisation of African Unity (OAU) conference, for which massive borrowing and spending on infrastructure projects, amidst economic decline, further bankrupted the state. With the economic decline came massive trade and budget deficits, and a decline in the value of the national currency, and excessive borrowing to offset balance of payment problems. To ease the pressure on the national currency, the government—on the advice of the IMF—delinked the Leone, the national currency, from the British Pound in 1978 and instituted an initial 5 percent devaluation within the IMF's unit of account, the Special Drawing Right (SDR). The following year, it concluded a loan agreement with the IMF as a response to the growing economic decline.

These exacerbated the dire economic situation as the hostile external economic environment and the neocolonial nature of the economy colluded with the negative internal dynamics of the state—official corruption, administrative ineptitude, wasteful spending and the mismanagement of public funds on ill-conceived projects, a natural resource based economy with a weak manufacturing base, and a struggling export sector—painting a bleak economic future for the state. While some of these problems would have been ameliorated by careful and judicious planning and management choices, the government engaged in self-destructive policy options such as lavishly hosting the OAU conference at a great cost to the nation's coffers, and these helped to exacerbate the dire economic bind the state was in. By the time Stevens retired in 1985, the state was in deep economic crisis as national productivity steadily declined, spelling increasing hardship for the citizens.

It was within this context that university students and urban youths emerged as the informal opposition to the APC and its increasing authoritarian absolutism (Abdullah, 1997, 2004; Abdullah and Rashid, 2004; Rashid, 2004). An oppositional youth culture that had been in the making as the socioeconomic and political landscapes of the country became dire became more visible as various segments of the youth

population were increasingly radicalized and restive and started openly calling for revolution to overthrow what came to be unflatteringly known as *the system*. This rise in youth militancy, especially on university campuses, took on a very confrontational antigovernment posture as living conditions deteriorated. Partly because of the violence that the government used to suppress their demonstrations and protest marches, but also because of the worsening conditions on university campuses, and their exposure to and consumption of radical and revolutionary ideas and their self-conception as the “enlightened conscience of the state,” these increasingly radicalized university students had, since the 1970s, become “strongly anti-establishment and rebellious towards authority” and sought an alternative political formation, which though not always systematically articulated, was part of the search for an alternative future in the state (Rashid, 2004: 73). Espousing radical politics through the platform provided by student union politics and in alliance with other such radical groups in the city and other urban areas, they confronted the state and practically became the “informal” opposition to the government, in an environment in which the official opposition had been badly emasculated (Abdullah, 1997, 2004; Abdullah and Rashid, 2004; Rashid, 2004).

When the nation-wide student protests in 1977 almost brought the APC regime down, Stevens responded with a clenched-fisted crack-down, using the paramilitary ISU and hired thugs and brigands to attack the students and their sympathizers. Throughout the 1980s, strikes, social and political discontent, and state perpetrated violence created an atmosphere of violence and uncertainty, revealing the dangerous precariousness of the state and its violent, oppressive, and tenuous relationship with its citizenry. As the government struggled with the economy, and cracked down on dissent, so did the atmosphere of uncertainty, violence, hardship, and discontent increase. It was the attempts by the government and university authorities to repress student oppositional politics in the mid-1980s that ultimately led to the emergence of the movement that became the RUF, and the insurgency against the APC (Abdullah, 1997, 2004; Abdullah and Rashid, 2004; Rashid, 2004). The RUF thus had its roots in the radical youth and student culture that developed in opposition to the APC, and especially to the group of students who were expelled from the University of Sierra Leone in 1985 for their radical oppositional politics.

It was within the context of a dire economic situation and growing opposition to his rule that Stevens decided to retire, but not before he had first methodically planned and carefully stage-managed a transition

process in which his handpicked successor, in the person of Major General Joseph Saidu Momoh, the head of the army, had been elected president. Believing that “with his strong military background Momoh would help to clean the mess left by Stevens” (Alie, 2006: 118), the people rallied behind him. For many people in the country, Stevens’ retirement and Momoh’s ascendancy to the presidency was a golden opportunity for turning the fortunes of the state around. There was thus nationwide optimism about a new beginning, of national renewal for a brighter future, in the belief that things would be different, that the political leadership would be able to articulate a vision capable of advancing the aspirations of the people.

Elected with over 90 percent of the vote cast in the October 1985 elections in which he was the sole presidential candidate, Momoh became president on November 28, 1985 amidst nation-wide jubilation and a wave of popular enthusiasm and optimism for a brighter future. Riding on this wave of popular support and optimism, Momoh proclaimed the dawn of a new era of national renewal symbolized by what he called the “New Order,” which would be guided by the philosophy of “Constructive Nationalism,” a new mindset about renewing the national cause—informed by political responsibility to the state and citizens of Sierra Leone through committed leadership—and an engaged and energized citizenry performing its civic responsibilities for the building of a new society. He further pledged to serve the state and the people of Sierra Leone to the best of his ability at his inaugural celebrations two months later on January 26, 1986. He promised to focus his energy on improving “the lot of the masses of the country by providing them with those basic necessities of life that will afford them a better standard of living.”

The excitement about the prospects for national renewal and the promise it represented cannot be quantified. There was widespread belief that Momoh would live up to his promise and turn things around. However, six months into the “New Order”, Abdul Karim Koroma, an insider in this saga, tells us, “neither a blue print for development, nor correct and reassuring signals for change had been produced. The public was nonetheless understandably patient. The legacy of the past was still confronting the new administration. It needed time to sort things out. But not until Momoh’s administration began creating its own legacy of ill-conceived decisions and actions, and building on the old mistakes, that public confidence became seriously shaken. Gradually, the government lost direction as leadership weakness, administrative chaos and wrong decisions began to accumulate” (Koroma, 1996: 60). By the

end of the first year in office therefore, many who had been enthusiastic about Momoh and who had been optimistic about the prospects for meaningful change in their lives started to have serious doubts about his ability to govern or turn things around.

By 1987, it was clear that many people in the country had lost complete confidence in the president's ability to improve conditions in the country, and started openly hurling invectives on him, and calling him unsavory names. Seen as weak and effeminate, given to big speeches devoid of action, Joseph Momoh came to be mockingly referred to as "Josephine Tucker," (as in talker) or "MomohTumba" (Momoh big ass) in reference to his bellowing physicality. Joe Alie suggests that part of the problem with the New Order was Momoh's character and leadership style, of his misfortune of heading a centralized authoritarian state without having the character of a despot: whereas Stevens had had full control over his ministers and always knew what was going on in the country', Momoh "was notoriously lax on policy matters" and lacked control over his ministers, who had the freedom to do as they wished, sometimes even contravening the president's orders and directives.

Under such circumstances, whatever problems Momoh inherited from Stevens were exacerbated and started spiralling out of control. One such area was his stewardship of the economy and managing the relationship with foreign capital and especially the IMF and the World Bank in relation to its Structural Adjustment Programmes (SAPs). If Stevens, who by 1979 had turned to the IMF for assistance as a result of the growing economic difficulties the country experiencing, had quite steadfastly resisted implementing some of their more damaging conditionalities for fear that they would lead to social unrest in the country, Momoh, on the other hand implemented these measures either without, some have argued, considering the social costs on the populace, or was so constrained that he had no other alternatives but to accept those very damaging conditionalities (Alie, 2006; Zack-Williams, 1999). On the recommendations of the IMF and World Bank, he floated and further devalued the national currency (the Leone), which soon after found itself in a free fall, and removed subsidies on rice (the national staple) and fuel, immediately impacting prices. As it turned out, these measures only helped to exacerbate and deepen an already difficult socioeconomic situation.

In an atmosphere of increasing insolvency of the state, growing foreign debt, runaway inflation, currency devaluation, budget deficits, declining exports, and balance of payment problems which had started under Stevens, the state under Momoh found it difficult, if not



impossible, to meet some of its most basic social obligations as social services were rolled back, thousands of workers laid off, salaries went unpaid sometimes for months and the prices of basic commodities not only sky-rocketed but in some instances those commodities even disappeared from market stalls. Queues (or *tow-line* as they are referred to in Sierra Leone) for the rice staple and fuel, and other basic commodities appeared everywhere, as the government, on the insistence of the IMF removed subsidies on rice and fuel, and cut social spending on education and health. As salaries of teachers and other public employees went unpaid, strikes and labor disruptions became frequent. "Teachers adopted a 'go-slow' attitude toward their work" (Alie, 2006) which, coupled with the effects of the cut in government social spending on education, encouraged the growth of a large legion of students dropping out of school either because they could not afford it, or because they lost interest in schooling due to the frequency of teachers' strikes and go-slows. Government's plans to crack down on corruption, smuggling, and the hoarding of essential commodities and local and foreign currency by declaring a "State of Economic Emergency" in 1987 did nothing to remedy the situation. If anything, it just worsened an already bad economic situation, creating further avenues for corruption in official circles.

Meanwhile attempt to overthrow Momoh through a coup d'état failed when the government uncovered a plot on March 23, 1987, allegedly led by a senior police officer, G. M. T. Kaikai, the leader of the antimuggling squad under the emergency act. Momoh used the occasion to get rid of political rivals, implicating for example, Francis Minah, his Vice President, in the plot. Minah, Kaikai and 13 others were tried in what many observers believe was a sham trial, and convicted of treason. Seven of them, including Minah and Kaikai, were hanged. While Minah was not particularly popular, even in Pujehun his home district, because of the way he exerted his authority, his arrest and execution was seen by many in that part of the country as a politically motivated plan to get rid of the most formidable rival of the president. Accused of "tribalism" and of targeting the most senior Mende and Southerner in his government for ethnic and political reasons by removing them, the south and the east of the country became even further estranged from his government, while he in turn increasingly fell on ethnic chauvinism to bolster his waning support and hold on power.

By the time the Liberian civil war broke out in December 1989, there was open talk of the need for engaging in armed struggle to

overthrow the APC. Though a large section of society had become apathetic, a posture that fed a culture of nonchalance at the work place; the barring of government offices and the mocking of the president; the valorization of revolution as perhaps the best way of creating a new society and reviving the fortunes of the state grew very strong, which is partly why the outbreak of armed conflict in Liberia spearheaded by Charles Taylor and his NPFL forces, attracted a huge interest in Sierra Leone. The effects of war on the people of Liberia, a state that had been a natural attraction to many Sierra Leoneans escaping economic hardship at home, would eventually change Sierra Leonean thinking about war as a vehicle of political change. This change however did not translate into support for the government; nor did it change the quest or search for alternative political possibilities. The emphases were on finding alternative avenues for political change and the alternative that came to be generally preferred was the reintroduction of multiparty politics and the democratization of the state.

It was thus first the Liberian civil war and then the Sierra Leone conflict, more than anything else that persuaded the Sierra Leonean political establishment to reluctantly heed the people's demand for democratic reforms. The 1990 movements were not necessarily unique. What was new about them was the favorable internal and global environment that gave rise to the agitations. With the end of the Cold War, various Western governments and their aid agencies had made the promotion of democracy a major aspect of their foreign policy, and increasingly came to tie aid and development assistance to democratization and good governance. Now while this has been critiqued as an instrumental strategy for reproducing the world in the image of the West, the tying of aid to democratization did help strengthen the voices of the local movements calling for democratization. However, the movements for democratization were locally conceived. What the Western donor pressure did was help strengthen those local movements agitating for change.

And as would be expected, these calls were initially stoutly resisted by a government whose very political survival was threatened by it. At hurriedly arranged town hall meetings around the country, various government officials (ministers, parliamentarians, party officials) did all they could to quash talk of multiparty politics. Defending the status quo, they argued that the one-party state had brought political stability and ethnic harmony to the country, and that abandoning it for a multiparty system would only encourage the reemergence of ethnic, regional sectional conflicts that might lead to political instability and

ethnic polarization. Some even argued that since the APC was the sole party recognized by the constitution, any talk of reintroducing other parties was treasonable, punishable by death.

The mood in Sierra Leone during this period however was restive, and markedly anti-APC and pro-democratic reforms. Various pressure groups, trade unions, civil and professional associations, and even the Sierra Leonean Diasporas, lent their voices to the call for political reforms and the abrogation of the one-party state. As the government tried to muzzle these voices, the demands for reform grew louder, and became bolder and stronger. This was especially so among university students who, since the 1970s, had been the vanguard in the struggle against authoritarian rule and corrupt state power in Sierra Leone. Lawyers, teachers, nurses and other labor unions and civic associations also joined in the agitation, blaming the one-party state for most of the country's economic woes and political difficulties. The dominant view was that the reintroduction of multiparty politics was necessary for the revival of the fortunes of the state.

The Sierra Leone Bar Association, for example, placed the issue of democratic reforms at the top of its agenda during its annual conference in 1990. Others such as the Sierra Leone Labour Congress (SLC), the Sierra Leone Teachers Union (SLTU), and the National Union of Sierra Leone Students (NUSS) were very vocal in this national agitation for reforms. In an atmosphere of frequent labor disruptions and strikes, the urgency of political change became palpable as these groups used their protest platform to demand political change: "protests for salaries and improved conditions of service also carried political overtones. The National Union of Students began sensitizing and organizing students into groups to bring pressure to bear on the multiparty issue. Under the pretext of pressing a five point resolution on student matters the students raised the issue of multipartism. There was hardly any strike, protest or demonstration during this period that did not have the issue of political reform as a subtext." (Koroma, 1996).

Like his ministers, President Momoh had initially insisted that the one-party state had brought political stability and ethnic harmony to the country, and that abandoning it for a multiparty system would not only encourage the reemergence of ethnic and regional politics, but might also lead to political instability. However, it soon dawned on him that the tidal wave of popular agitation for reform, especially with the civil war in neighboring Liberia being very popular in Sierra Leone at the time, could only be ignored at his own peril. Thus on August 17, 1990, he convened an Extraordinary Session of the Central Committee

of his APC party, in order, he claimed, to “take a close look at our political system” and see if it was possible or desirable to overhaul the APC party itself in line with changing times. A particular model that the President favored was a subtle expansion of “the base for greater political participation within the context of the single APC party.” However, as Abdul Karim Koroma points out, this model “no longer carried credibility with many, even within the Central Committee of the [APC] party [itself]” (Koroma, 1996: 162).

At the end of the conference “the members of the Central Committee...duly endorse[d] the concerns and calls expressed for the need for political reforms to ensure full participation and equal opportunity for every Sierra Leonean in the decision making process of the country.” In addition, the communiqué reads, “the special session...endorsed the need to have a National Constitutional Review Conference and call urgently for the setting up of such a Constitutional Review Conference.” Shortly after, the Governing Council of the APC met and established a Constitutional Review Commission under the chairmanship of Peter Tucker, a highly respected Sierra Leonean citizen with a distinguished public service record (Koroma, 1996: 162; Alie, 2006: 130–132). For six months, the Commission travelled the length and breadth of the country holding town hall meetings, consulting with and soliciting the views and opinions of the populace on the issue of political reforms and constitutional change. On March 28, 1991, (i.e., five days after the first attacks initiating the civil war took place) the Commission presented its findings to the government, recommending the reintroduction of multiparty system in line with the popular mood in the country.

However these reforms came too late to prevent a civil war from breaking out in the country; since 1987/88, a group of students (who had been expelled in 1984/85 because of their radical antigovernment politics) and had sought refuge in Ghana, had, with the assistance of the Libyan government (busy promoting their brand of revolution in West Africa) and in collaboration with other radical groups in Sierra Leone (especially PANAFU—the Pan African Union of Sierra Leone), initiated a training program of a would-be revolutionary vanguard army for the purpose of starting a revolution in Sierra Leone. Though the majority of these former student radicals and their allies in PANAFU abandoned this idea of carrying out the revolution, the vacuum they left was filled by Foday Sankoh, a disgruntled ex-corporal of the Sierra Leone army who had been jailed in the 1970s for his role in the John Bangura coup against Siaka Stevens. Sankoh had been recruited in the

students' informal revolutionary network in the country and took over the revolutionary project when its initiators abandoned the enterprise.

Fearing that Momoh's reforms would adversely affect his plans for armed struggle in Sierra Leone, he hastened his plans and in early March 1991, called the BBC Network Africa program to demand Momoh's resignation and the dissolution of his "undemocratic and corrupt government" as well as the introduction of multiparty politics within 90 days, or face an insurgency that would remove him from power. Barely three weeks later, the first attacks took place plunging, Sierra Leone into civil war. It was during this war situation that the democratization process gathered steam. These two—the insurgency and process of democratization—were two alternative approaches in response to the failure of the postindependence nation-building project.

In August 1991, five months into the war, a new constitution drafted by the Peter Tucker Commission, was approved by over 90 percent of the populace in a national referendum. The 1991 Peter Tucker (Multiparty) Constitution established a liberal multiparty democratic system opting for a presidential system based on the principles of separation of powers and checks and balances. It provided for wide range of internationally recognized rights, including life, free speech, free assembly, free association, protected in the entrenched clauses that could not be revoked. Having satisfied a key constitutional requirement, it was passed into law by parliament shortly afterward. With the president's signature, political parties began to form and old ones revived. However, all of the parties which emerged during this period, were led by long-standing politicians, cabinet ministers in the Stevens and Momoh administrations, and key players in the postindependence political saga, which somehow defeated the purpose of the transitions since most, if not all of these politicians, were discredited by being implicated in the rot of postindependence governance in Sierra Leone.

The rejuvenated SLPP, which had been proscribed by the APC in 1978 when the one party constitution was promulgated, was led by Salia Jusu Sheriff, who until September 1991 was Vice president in Momoh's government. The newly formed People's Democratic Party (PDP—Sorbeh) was led by Thaimu Bangura, the former Information and Broadcasting Minister in Stevens' administration. Since this party drew the bulk of its support from the north of the country, and especially among the Temne—one of the major ethnic groups in Sierra Leone—it seriously cut into the support base of the APC, leading to clashes between supporters of the two parties. The Democratic People's Party (DPP) and the National Action Party (NAP) were formed and led

by, respectively, Hassan Gbassay Kanu, the erstwhile Finance Minister, and Sheka Kanu, who variously served as ministers in the ministries of Foreign Affairs, Finance, and Development. The formation of the National Unity Party (NUP) brought Desmond Luke, who had occupied the Health and Foreign Affairs Ministries under Stevens, back to the political fold, as he sought to contest state power through his newly formed party.

Only two parties could be regarded as new, in that their leaders were not ordinarily implicated in the prevailing political saga up to that point: the Unity Party (UP) of Sam Maligie and the National Democratic Party (NDP) formed by a coalition of civic associations and middle class professionals: teachers, lawyers, journalists, and academics. Moreover, with the possible exception of the NDP, all of these parties were personality-based parties, drawing the bulk of their support from specific regions or ethnic groups, even though the constitution forbade parties based on ethnic or religious identity or region. All of these parties had little or no idea of what type of society they wanted to create and just jumped onto the bandwagon of democratic change with no concrete program of action. They never questioned the type of political formation or system that would fit the unique experience of Sierra Leone, and like the independence generation who had assumed that the state inherited from the British was already formed and thus had failed to problematize the structures it was based on, the democracy generated 30 years later assumed that multiparty democracy was the answer without problematizing what it entailed, and what its possibilities and limitations were.

Undifferentiated by ideology, and comprising the same crop of politicians that had dominated the political space for the past three decades, social transformation through such a democratization process (based on political parties) appeared doomed from its inception. Soon, supporters of the different parties started clashing and the specter of violence, which had haunted political competition in Sierra Leone, now came to cloud the atmosphere of democratization, even as civil war was raging in the countryside. The APC and PDP clashed in the northern city of Makeni, in which the vehicle of the PDP leader was torched. In the eastern city of Kenema, rival supporters of the APC and SLPP clashed when hired APC thugs tried to disrupt a campaign rally of the SLPP. In this atmosphere of violence and uncertainty, rumors started emerging that the APC was in the advanced stages of plans to rig the proposed elections. These fears as well as clouds of violence hung over the mood of the transition.

This was, in part, the reason the nation erupted in jubilation when on April 29, 1992, a year into the war, and six months after the return of multiparty politics, young officers of the Sierra Leone Army, (SLA) fighting against the rebels, drove to Freetown from the warfront and overthrew Momoh and his APC government. The young officers set up the National Provisional Ruling Council (NPRC), a military junta, headed by Captain Valentine Strasser, and suspended the constitution. In addition to their pledge to speedily conclude the war and to revive the economy, they proclaimed the institution of genuine democratization as their foremost priority. They suspended the democratization process and banned all political party activity. There was an expectation that the NPRC would live up to its promises and clean up the mess of the APC, end the war, and act as a credible referee in the democratization process.

A year into their reign however, the NPRC “revolution” started to unravel as the giants who had overthrown the much-despised APC regime started revealing themselves as “nasty ogres” to the people. Amidst increasing indiscipline in the army, widespread accusations of collaboration between the army and the rebels they were fighting, the intensification of RUF attacks across the country and the spiraling of the war out of control, increasing level of violence against civilians, and mounting accusations of corruption against junta officials, the public perception of the NPRC regime changed. The people had begun to see the limitation of relying on the military as agents of social transformation. It was under these circumstances that pressure on the junta to return the country to civil rule intensified.

As the peoples’ pressure on the junta intensified, the international community, led principally by the major aid donors to Sierra Leone, (especially Britain, the United States, the Europe Union, and the United Nations), which by this time had started espousing a global governance mechanism that some scholars have called the liberal peace agenda, saw this as an opportunity to interject themselves into the process in order to determine or influence its outcome. Demanding that the junta conduct elections and return the country to democratic rule, these Western governments insisted on the imposition of a liberal democratic system. As such, though the quest for democratization had been domestically conceived, these states and their agents, because of their enormous material and discursive capabilities, took charge of the process and ended up dictating the nature of that transition and influencing its outcome. Similarly, the civil political elite, under whose stewardship the crisis of the state had deepened and who had been

overthrown by the NPRC, saw in the domestic and external pressures on the junta a perfect opportunity for returning to the positions they had previously been evicted from; to recapture state power. Indeed, as in 1990, most of these politicians had no idea of what type of society they wanted to create. They were more interested in returning to their positions of power and privilege.

Realizing the weight of the pressure on them, the opposition to their rule, and unable to weather the tides of that opposition, the NPRC announced a transition timetable in November 1994. The timetable made provisions for an Interim National Electoral Commission (INEC), with the responsibility for conducting the elections; a National Advisory Council (NAC) responsible for advising the junta on policy issues and for drafting a new constitution;<sup>1</sup> and the National Commission for Democracy (NCD) for voter and civic education. Presidential and parliamentary elections were scheduled for December 1995, and handing over to a new elected civilian government in January 1996. During his Independence Day address on April 27, 1995, NPRC junta chairman, Valentine Strasser, lifted the ban on political party activities, kick starting the transition process. By June of the same year, INEC had registered 13 political parties and between December 1995 and February 1996, concluded the registration of voters. The first round of the elections were held on 26 and 27 February and the second round (run-off) in March 1996. The SLPP gained the majority of seats in parliament and its presidential candidate, Ahmed Tejan Kabbah, won the presidency. Kabbah's new government took over on March 29, 1996 thus concluding the transition process.

### **The 1996 Elections**

The 1996 elections were grounded in complexities and contradictions. On the one hand, they could be regarded as the resistance of the people to the intimidations of the RUF as well as their triumph over the machinations of a military junta determined to stay in power (Kandeh, 1998; Wai, 2011); on the other hand, they illustrate the challenges to subaltern agency and how popular mass movements for democratic possibilities are susceptible to manipulation by powerful forces. The elections, or at least the popular agitations which led to them, resulted primarily from the quest to find alternative political possibilities in the context of an ongoing conflict situation. They were designed to serve multiple objectives: (a) transform the conflict situation by initiating a



political process through which the political space and practice could be reconstituted, (b) initiate the process of democratization that had been suspended when the NPRC took over in 1992, and (c) elect a government that enjoys domestic popular support and international legitimacy.

Indeed, we know that since the mid-1990s, elections have become an important aspect of the process of peace-building, conflict transformation and democratization favored by the global policy community for states emerging from armed conflicts and civil wars. In places such as Angola (1992), Cambodia (1993), El Salvador (1993), Mozambique (1994), Bosnia (1996), Liberia (1997), Guinea-Bissau (1999), DR Congo (2006), and recently, the Ivory Coast (2010), elections have served as the tool for institutionalizing peace agreements and exploring the relationships between conflict termination, peace building, and democratization, and by extension, the signal for ending peacekeeping missions. They thus are part of a complex global governance mechanism informed by contemporary liberal attitudes toward social and political life that have now become the dominant ideological formation in the era of neoliberal globalization. This emerging liberal attitude toward conflict resolution and democratization also involves the incorporation of conflicts into development discourses through the reformulation of aid policy to incorporate conflict management and social reconstruction and the institution of liberal governance mechanism (Duffield 2001).

In Sierra Leone, the 1996 elections, which formed part of this emerging global liberal architecture, served an experimental purpose in terms of when elections could be used as a mechanism for conflict resolution, since they were conducted during an active insurgency, that is, when a peace agreement had not been negotiated between the government and the RUF rebels. Caught in the context of complex dynamics, the elections, which had many problems and drawbacks, pose many questions. First, they highlight the limitations of liberal multiparty democracy that is mainly procedural. Indeed, while they succeeded in reconstituting the political space by liberalizing politics in the country through the reintroduction of multiparty pluralism, they neither terminated the conflict nor achieved stability. What they did, among other things, was to create a fragile political and security situation, which eventually exacerbated the conflict situation, and recycled the old political forces that had dominated politics in the country since independence. Indeed all of the 13 political parties which participated in the elections were headed and dominated by discredited politicians implicated in the crisis that characterized the postindependence reality of the Sierra Leonean

state. The main parties (new as well as old) were offshoots of the APC and the SLPP, the two main parties that have dominated politics in Sierra Leone since independence. The United National People's Party (UNPP) was led by John Karefa-Smart, an octogenarian politician who had served in an SLPP government in the immediate postindependence period, then joined the then opposition APC and later, left the APC to form another party, the United Democratic Front (UDF), which was later proscribed in Stevens' crackdown on opposition parties in the early 1970s.

The People's Democratic Party (PDP) that had been formed in 1991 was led by Thaimu Bangura, a former APC minister. The National Unity Party (NUP), which was led by NPRC finance minister John Karamu, was seen by many people as a front for keeping the junta in power. This link to the junta stigmatized the party and at the polls, it only managed to gain a paltry 5 percent of the votes. The People's National Convention (PNC) was led by Edward Kargbo, a former minister in the APC administration in the Momoh era. So also was People's Progressive Party (PPP) led by Abass Bundu, a former agriculture minister in the APC government and former Foreign Affairs minister in the NPRC junta. Andrew Turay's National People's Party (NPP) was also an APC offshoot. These parties were largely "undifferentiated by class, ideology, and ambition," and they all "promised to do the same things if elected—end the civil war, fight corruption, and promote rehabilitation and economic development" (Kandeh, 1998: 99). Of all of these parties, only five (SLPP, APC, NUP, PDP and UNPP) had any realistic chance of making an impact in the elections.

Second, the logic that undergirded the elections, as already mentioned, was partly driven by Western impulse for democracy promotion and was based on contemporary liberal notions of political purpose, dictated by powerful international forces. The pressure of the people on the NPRC to return the country to civilian rule provided powerful Western governments, especially Britain and the United States, and international institutions like the United Nations and Europe Union, with an opportunity to interject themselves in the process in order to influence, if not determine, its outcome. These states not only pressured the NPRC to democratize the country (i.e., democracy understood in multiparty terms, and not necessarily in terms of empowering people and communities to take control over their lives, resources, and hold public officials accountable etc.), but they also funded various elite dominated urban civil society groups, emboldening them to confront the military and demand a return to democracy.

Though the resurgence of popular mass movements in the struggle for democratization was largely locally conceived, its direction and focus was manipulated by elite forces in a complicit relationship with powerful external forces. The terms of the discourse about what a return to democracy would mean were largely set through that manipulation. INEC, and its chairman James Jonah, for example, continued to insist that the elections were an absolute necessity for terminating the conflict, constantly alluding and drawing parallels to the El Salvadorian and Cambodian examples. What was not explained was that in both situations, elections did not lead to the termination of conflicts. The UN Secretary General Boutros Boutros-Ghali too visited Sierra Leone to impress on the junta the need to go ahead with the planned elections, so too did the British High Commissioner and US Ambassador to Sierra Leone keep pressing the NPRC to quit. The European Union echoed similar concerns. Ultimately, the quest for democracy in Sierra Leone ended up being confused with liberal notions about the possibilities of democratic systems.

There was thus an unrealistic expectation that the war would end once the elections were conducted and a civilian government installed. Those expectations were internalized by the people and ended up placing huge expectations on the elections to achieve the impossible: end the war and institute democracy. Achieving such a task, even in a more propitious situation, would still have been extremely difficult (Abraham, 2001).

In fact, the environment in which the polls were conducted, and this is the third, was far from ideal. The timing too was unsuitable and so also were the polls flawed in every conceivable way. The war was still raging in the country and many parts were inaccessible. No peace agreement or cease-fire had been agreed upon with the RUF and much of the country was insecure. The roads were terribly impassable in some parts of the country, making it extremely difficult to reach those parts. In addition, more than half the country's population were either internally displaced persons or refugees in camps in neighboring countries. Though over a million people registered during the voter registration exercise, the refugees were left out and so also were those behind rebel lines and in some inaccessible localities. True, some adjustments were made in order to accommodate the conflict situation, but those adjustments were only superficial, meant to avoid addressing the real problem, that is, the timing of the elections.

NPRC Decree 16, for example, set different electoral rules replacing the single member constituency system with a proportional

representational system. This system held the entire country as one massive parliamentary constituency, with seats allocated in proportion to the amount of ballots that each party received at the polls. In accordance with the 1991 constitution, 18 years was the voting age, but candidates seeking to contest a seat in parliament must be at least 21 years, while 40 years was set as the minimum age limit for president. The minimum votes required for a party to gain representation in parliament were 5 percent of the total vote cast nationally. For the presidency, 55 percent of the total votes cast were needed to win; failing which a second, run-off, poll would be held between the first two candidates finishing top in the first round. These adjustments did not solve the problems of the ill timing of the elections and the poor security environment in which they were conducted. Polling itself was marred by all types of administrative, logistical, and security problems.

Though long queues had formed outside polling stations early on polling day, especially in the bigger cities, voting was delayed in several polling stations because of logistical problems—missing voter lists, ballot papers, and so on. Bo came under repeated rebel attacks and voting was momentarily suspended in 53 out of its 55 polling stations. Freetown also came under attack amidst a barrage of gunfire and the sounds of mortar and rocket propelled grenades. Because of these attacks and other logistical problems, INEC, in consultation with the political parties, extended polling for another day. Not every part of the country was able to cast its ballot despite this accommodation. Whole sections and chiefdoms in the Kailahun, Kono, and Kenema districts in the Eastern Province, Pujehun and Bonthe in the Southern Province, and Tonkolili in the Northern Province did not vote. Massive electoral fraud and irregularities, including multiple voting, ballot stuffing and vote tampering, marred the elections. In the run-off election between Kabbah and Kerefa-Smart in March 1996, for instance, INEC was forced to subtract about 70,000 votes from the total vote polled for Kabbah and his SLPP in Bo in the Southern Province, because of massive vote tampering and multiple voting. By taking such an action, INEC was unwittingly admitting that the electoral process was flawed. However the elections were given a clean bill of health by the international observers who declared them “free of fear and intimidation,” and representing the will of the people of Sierra Leone (Commonwealth, 1996).

Fourth, insisting on holding the elections during an active insurgency foreclosed alternative political options that could have been explored to address the challenges of the conflict situation. The RUF was against

the conduct of the elections, and had refused to participate in the National Consultative Conference (Bintumani I) organized by INEC between 15 and 16 August 1995 in order to consult the people on proceeding with the elections. A window of opportunity had opened that could have been exploited, if the intention of conducting the elections was to end the conflict. Captain Strasser had been accused of wanting to derail the electoral process and ousted by his colleagues in a palace coup on January 16, 1996.<sup>2</sup> Brigadier Julius Maada Bio, his deputy who replaced him, soon made radio contact with RUF leader Foday Sankoh on February 7, 1996, in which they agreed on the framework for peace talks. In subsequent contacts, they tentatively agreed to start peace negotiations in Abidjan, Cote d'Ivoire, on February 28, 1996, that is, two days after the scheduled elections. In those radio talks, Foday Sankoh again called for the elections to be postponed because "Without peace in the country the elections will prove futile" (Sierra Leone News Archives, February 10, 1996).

Bio consulted the country in a second consultative conference (Bintumani II), on February 12, 1996, on whether or not to proceed with the elections, articulating a "Peace Before Elections" platform. Like its predecessor, the conference was attended by over 154 delegates representing political parties, civil society organizations, and trade unions. It decided on going ahead with the elections rejecting the "Peace before Elections" platform of the Bio military junta. The reasons for the rejection of the NPRC's position are varied and complex. First, the majority of the people did not trust the junta and viewed the whole idea of peace talks as a ploy for extending their rule. Second was the effect of the discourses surrounding the possibilities of elections and how the people had come to internalize them. Without such confusing discourses, it would perhaps have been much easier to pursue different possible alternatives that existed to elections. Third, the politicians saw the pressures on the junta as an opportunity to return to power. Moreover, western governments, especially those of the United Kingdom, the United States, and the Europe Union countries, (in addition to the United Nations and the Commonwealth) who had made the promotion of democracy a key pillar of their aid policy in the immediate aftermath of the Cold War, were vehemently opposed to any plans that would even consider delaying the elections. The United Nations, for example, warned that "any delay in the elections or interruption in this [electoral] process is likely to erode international donor support for Sierra Leone" (Sierra Leone News Archives, February 15, 1996). The hands of the junta were tied: Sierra Leone is reliant on

external aid and donor support. No matter how unrealistic the holding of the elections was, the international community was not prepared to entertain alternative solutions, and the people's desire for a radical democratic alternative was jeopardized. Only Nigeria objected to holding the elections, pointing to the opportunity that existed for reaching a negotiated settlement of the conflict before such elections were held. And it is interesting that when the government returned by the elections was overthrown a year later, the burden of defending democracy and restoring constitutional order fell on Nigeria under the auspices of ECOMOG.

On the conflict resolution front, the elections illustrated the problems associated with the logic of using elections as a conflict transformative and peace building mechanism. They further weakened the capacity of the state to adequately respond to and manage the strains of conflict. In fact, it did not take long for the system to crumble under the weight of these weaknesses and the unrealistic expectations placed on it. The government produced by the elections was weak and was bound to fail from the beginning. If the army ended up overthrowing the government returned by the elections a year later, and joined forces with the RUF in the junta it set up, it was partly because of their common antipathy to the return of the old political elites to power. President Tejan Kabbah assumed government on March 29, 1996 and continued the negotiations started by Maada Bio who had met with RUF leader Foday Sankoh in the Ivorian capital Abidjan two days after the elections. After ten months of negotiations, a peace agreement putting an immediate end to the war was signed on November 30, 1996. For a moment, it appeared as if the expectations that the elections would bring peace were being met. However, that sense of excitement disappeared when the peace process started to stall and unravel.

First, implementing the agreement proved much more difficult than negotiating it, as both the RUF and the government frustrated each other in its implementation. That mutual frustration emanated from pathologies built in the peace accord itself. For a rebel organization that had been fighting for power for over five years, the Abidjan Peace Accord was an odd and problematic document at best. Its power sharing instruments were mostly limited to joint institutions created for the implementation of the accord and not sharing in government. No senior government (ministerial) positions, for example, were offered to Sankoh and his RUF. A newly elected government, buoyed by its recent victory at the polls, did not see the need to share power with a rebel movement that had refused to participate in the elections. Secondly, the

government argued that it had the mandate to protect the constitution of Sierra Leone, which would be violated if the RUF were brought into government. Bringing Sankoh and his men into government under a power sharing deal would have been much easier before the elections. And this was what happened after the 1999 Lomé peace agreement.

Moreover, the civilian government revealed itself as no better than previous administrations. Operating on a skewed understanding that sought to replicate the dynamics of previous power relations in the country and the logic of liberal democracy promoted by the West, Kabbah's government seemed to be more interested in protecting the interests of its members, and satisfying the wishes of the IFIs and donor countries than addressing the myriad problems with which the country was grappling. True, the government made the conclusion of the war its first and foremost priority, but its policies were informed by the neoliberal logic of political and economic purpose, and what Jimmy Kandeh (2005: 86) calls "the spoils logic" that had characterized the organization and exercise of political power in Sierra Leone for several decades. Many of his ministers were "recycled politicians and spent cronies" whose appointment were dictated by parochial loyalties (as in the case of Maigore Kallon, an SLPP politician of a by-gone era, who was appointed Foreign Affairs minister) and political back-room deal making (as in the case of Thaimu Bangura, the leader of PDP and former Information Minister in the Stevens era, who was appointed Finance Minister for backing Kabbah in the run-off elections against John Karefa-Smart). Corruption scandals, and accusations of patronage, cronyism, and abuse of power besmeared the image of the new government as Kabbah started laying the foundations, much like Stevens in the 1970s, for homogenizing the political space, and concentrating power. However, he lacked the character, temperament, and bravado of Stevens and proved himself weak and indecisive, which eventually contributed to the overthrow of his government in an infamous military coup mounted by the lower ranks of the army 14 months later on May 25, 1997.

Kabbah fled to Guinea, and the coup makers formed the notorious Armed Forces Revolutionary Council (AFRC) and sprung Major Johnny Paul Koroma, who had been arrested on September 8, 1996 for allegedly plotting to overthrow the government and was awaiting trial when the coup took place, out of prison to head the rebel junta. Inviting the RUF rebels to join them in a power sharing government, a strategy that they hoped would not only end the war and make the junta acceptable to the people but also allow them to defend any

counter military operation to remove them from power, the AFRC's coalition with a rebel movement that most people abhorred was perhaps the most significant strategic miscalculation on the part of the junta, as it made them even more repugnant and unacceptable to the people. The popular mood in the country was a willingness to settle for an incompetent civilian government rather than live under a brutal military junta. The experiences of the NPRC, coupled with the violence visited on the country by the RUF and the military, were too fresh, for the population to ignore and accept the junta. The support for Kabbah and democracy, as well as the widespread opposition to and resistance of the rebel junta during this period, were largely informed by these considerations.

Ultimately, domestic and international pressure on the junta and a Nigerian led military intervention under the auspices of the Economic Community of West African States (ECOWAS) Monitoring Group (ECOMOG) reversed the coup and forced the rebel junta out of power. Rather than transforming the conflict situation however, the elections deepened the crisis of the state. Whatever happened between 1996 and 2000, in terms of the AFRC/RUF invasion of Freetown in January 1999, and the repeated attempts by the RUF to capture Freetown and state power in 2000, or the emergence of the West Side Boys renegade militia and the insecurity that characterized Sierra Leone society during this period, were in part, directly related to the outcomes of the 1996 elections.

### **The 2002 Elections**

The 2002 elections were an attempt to remedy the failings of the 1996 experiment. Like the 1996 polls, they were also part of the processes of conflict transformation and democratization, but unlike the former, which were conducted during an ongoing insurgency in the country, these elections took place after a peace had been negotiated between the Tejan Kabbah's SLPP government and the RUF rebels, and the United Nations had undertaken an elaborate DDR program leading to the official declaration of the end of the war by the Sierra Leone government in January 2002. In other words, the elections could be regarded as the first "post-conflict" elections in Sierra Leone and served as an important bridge in the transition from civil war to peace.

The mandate of Tejan Kabbah's SLPP government came to an end in March 2001, and under the Lomé peace accords, presidential and



parliamentary elections were supposed to be held at the end of that mandate. However, because of the problems encountered, and the difficulties in implementing the peace agreement, parliament extended that mandate to accommodate the delays. We have seen how the 1996 elections failed to transform the conflict situation, leading to the unraveling of the democratization process under the weight of a military coup and a raging insurgency in the country. Indeed what the experience of the country in the aftermath of the 1996 elections illustrate is that the termination of hostilities, the negotiation of a peace agreement, the disarmament of combatants, and the establishment of a relatively stable security environment are necessary for holding elections in societies emerging from conflict, especially if the elections are intended as part of the processes of peace-building and conflict transformation. Since this basic fact was ignored and unrealistic expectations were placed on the elections, they ended up exacerbating the conflict situation, jeopardizing the democratization process by inviting another military coup and further violence.

Indeed the aftermath of the 1996 elections marked the height of war and conflict in Sierra Leone as the country witnessed an exponential rise in violence, war, and insecurity. The triumphant return of President Kabbah from exile on March 10, 1998 after the ECOMOG military action had removed the AFRC/RUF junta from power in February 1998, only deepened the crisis. The AFRC/RUF, who had been routed from the capital, regrouped in the far east of the country and begun a fresh offensive in December 1998, which led to the capture of Konoin the east, Makeni (the administrative capital of the Northern Province), and, by January 6, 1999, a large part of Freetown, the national capital in the west. The violence and destruction that accompanied this event, led to the painful realization that there probably was no military solution to such a difficult conflict. Though a Nigerian-led ECOMOG military operation eventually removed the rebels from the city, a negotiated settlement was sought to the conflict, which paved the way for political accommodation in the form of a peace agreement between the government and rebels that was signed in Lomé, the Togolese capital on July 9, 1999. From the signing of the peace agreement to the formal declaration of the end of the war in January 2002, it took another two years before the guns were finally laid down. During this period, the RUF made a number of determined attempts, but failed to take over Freetown and state power. The United Nations undertook a huge peacekeeping operation and an elaborate DDR program by which about 75,000 combatants were demobilized

and disarmed. President Kabbah officially declared the war ended on January 11, 2002.

The 2002 elections were thus intended both as a corrective to the 1996 elections as well as the mechanism through which a new political reality could be fashioned after a decade of war and violence. Marking the official end of the transition period, the elections were, as post-conflict elections have now come to be seen, a legitimating instrument of political authority intended to restructure the political space and institute democracy in the country. They were designed to serve multiple objectives: (a) transform the conflict situation by initiating a political process through which the political space and practice could be reconstituted, (b) initiate the process of democratization which had run into trouble with the AFRC takeover in 1997 and the crisis which followed there from, and (c) elect a government that enjoys domestic popular support and international legitimacy.

The electoral process itself started with the registration of voters by the National Elections Commission (NEC), which was headed by Walter Nicol, a former Inspector General of Police. NEC was established by the Electoral Commissions Act and the Electoral Laws Act of 2002, which amended the electoral laws of Sierra Leone with regards to procedures, voter registration, electoral offences and petitions, campaign ethics and code of conduct, and so on. Voter registration started on January 24 and lasted until February 10, 2002. The registration exercise itself was largely conflict free, though it was plagued by a number of logistical problems, including lack of adequate registration materials and personnel at registration sites and the inaccessibility of certain areas of the country due to bad roads. At the end of the exercise, an estimated 2.3 million people, about 86 percent of the eligible voting population, were registered. Special registration exercises to ameliorate some the problems with earlier processes of voter registration were conducted between March 9 to 13, and from April 20 to 24, which succeeded in adding approximately 20,000 people to the electoral register, as refugees and other displaced persons started returning to their homes.

A new electoral system, the district block voting system, was adopted. The 12 administrative districts of the country were adopted as giant electoral blocks (districts) and the Western area, where Freetown, the national capital is situated, was divided into two electoral blocks (East and West) to account for the high population density in and around the Freetown peninsula. Each district block was allocated eight of 112 parliamentary seats. A party had to poll at least 13 percent of the total vote cast in an electoral block in order to win a seat in that district. In

line with the constitution, 55 percent of the popular vote was required for a presidential candidate to be declared winner, failing which a run-off election, in which a simple majority would prevail, would be held between the top two candidates to determine the winner. Eighteen remained the legal voting age. To run for parliament, a candidate must be 21, a resident citizen of the country and registered voter, and a member of a recognized political party. Except for the age requirement, which was set at 40 years, these requirements remained the same for the president.

Eleven political parties contested the elections, prominent among which were the incumbent SLPP and President Kabbah seeking reelection, and a much-reformed APC, their historical nemesis, which had only managed to gain 5 percent of the popular vote in the 1996 elections. They appointed successful businessman Ernest Bai Koroma as their presidential candidate; the RUF, the party of the rebel RUF, the Peace and Liberation Party (PLP) led by former AFRC junta leader Johnny Paul Koroma, and a host of other smaller parties. Since Foday Sankoh, the RUF leader was incarcerated for allegedly ordering his bodyguards to fire at and kill protesters demanding that he remain true to the peace process in May 2000; it was Alimamy Pallo Bangura, former university professor and minister in both the AFRC and post-Lomé power-sharing government, that led RUPF as presidential candidate. It is interesting that the PDP of Thaimu Bangura, and the UNPP of John Karefa-Smart, which had done so well in the 1996 elections, were now spent forces, which underscores a major limitation of personality-based parties—their tendency to disappear or disintegrate with the fortune of the personality on which they are based. Thiamu Bangura had died in 1999 and with him, the PDP. Karefa-Smart was by this time a very old man who most people did not look at favorably due to the perception that he had supported or sympathized with the AFRC/RUF junta. With disarmament, and the incarceration of Foday Sankoh the RUF leader, the RUF was out of place and irrelevant.

The elections (for president and parliament) were conducted on May 14, 2002. Voter turnout was put at 80 percent of the registered voters. The elections returned Ahmed Tejan Kabbah the incumbent president with over 70 percent of the popular vote. His SLPP gained 83 seats in the 112 member parliament. The APC finished second winning 22 seats in the new parliament. Its leader Ernest Bai Koroma gained 22 percent of the vote, which was four times higher than what Eddie Turay, its presidential candidate gained in the 1996 elections. The PLP leader, Johnny Paul Koroma, came in a distant third with 3 percent of

the vote, giving his party two seats in the new parliament. It is particularly important that his main constituency was the security forces, especially the army, underscoring the tension between the security forces and the incumbent government. Special accommodations were made to allow the security forces to vote earlier on May 10, in order to be able to perform their duties on polling day.

Perhaps the most significant outcome of the elections was the dismal performance of the RUF. It gained less than 2 percent of the vote and won no seats in parliament. This was to be expected given its history of brutality against the very people it had claimed it launched the insurgency to liberate. Though the RUF's origin is situated in radical progressive ideas and an oppositional politics seeking alternative political formation that would be emancipatory, it had become, when it launched the insurgency, an oppressive and violent enterprise that badly brutalized the people and presided over an abhorrent and unmitigated carnage. But above all, Foday Sankoh, its fearsome leader, was behind bars, charged with murder. He had been effectively neutralized and removed from the scene. His movement too had been severely weakened to breaking point. Given the loyalty that he commanded among his followers, it probably would have been an entirely different scenario had Sankoh been allowed to contest the elections. In Liberia for example, part of the reason why Charles Taylor won the 1997 polls was the fear that if he did not win he would plunge the country back to chaos.

The elections undoubtedly represented the will of the people of Sierra Leone to move beyond the war situation. It reemphasized their desire to create a new political space in which they would be able to hold their leaders accountable, a quest that has informed every form of political change in the country since 1967. But especially coming from the events leading up to 2002, the termination of a conflict which had badly brutalized the populace and destabilized the state became the primary voter concern, though this was also understood as part of the process of restoring normalcy and paving the way for the establishment of a strong and viable state. Tejan Kabbah's triumph at the polls, was thus partially attributable to the widespread belief among voters that he and his party ended the war and brought peace to Sierra Leone.

However, once the issue of conflict transformation and peace has been removed from the agenda as the most important voter concern, different issues were bound to dominate. The outcome of the 2007 elections, were in my view, the effect of such a shift in voter concerns. Thus unlike 1996 and 2002, when the elections were intended as part of the conflict

transformation process, and when the transition from war to peace was the major concern for voters in the elections, the 2007 elections largely hinged on a different set of concerns. These ranged from questions about the day-to-day survival and the general social and economic malaise in the country, to what the government was doing to improve the quality of life of its citizenry and creating opportunities for economic advancement, and the party that was best suited to achieve these objectives in the country. It is in this sense, in part, that the 2007 elections were different from the 1996 and 2002 elections in Sierra Leone.

### **The 2007 Elections**

The 2007 election was perhaps the most significant in the country's post-conflict history. It was the first that a governing party having being defeated at the polls peacefully transferred power to the opposition. That this happened five years after the end of the conflict was remarkable. Conducted under the 2002 Electoral Laws Act by the National Elections Commission (NEC) headed by Christiana Thorpe, a former nun who had served as minister of education in the NPRC junta in the mid-1990s, the 2007 elections were the first to be held under the sovereign control of the government of Sierra Leone.

The central themes that dominated the debates of the elections were "change" versus "continuity." While the ruling SLPP, represented by Slomon Berewa, the sitting Vice President, based its campaign on continuing with the policies of President Tejan Kabbah, who had reached his constitutional limit of two terms and was barred from seeking a third term, the opposition argued for a break with the past years of SLPP rule which they argued had failed to improve life for the people in the country. The APC, the party that had presided over the crises in the state leading up to the civil war, reinvented itself as a "new" political outfit, with fresh ideas and new and untainted image, while the newest party, the People's Movement for Democratic Change (PMDC) predicated its founding and existence on "positive Change." Seven political parties contested the elections, of which the ruling SLPP, the opposition APC and newly formed PMDC were the main contenders.

Many of the parties in 2002, such as the PLP, PDP, the RUFP, were no longer major players in the electoral process. The APC, which traditionally draws its support predominantly from the North of the country, was able to make remarkable new in-roads in the West (especially Freetown) and in the East in Kono, where its Vice-Presidential

candidate hails from. The SLPP's traditional support base is in the South and East of the country, and though it won nationwide in the 2002 elections, struggled to hold on to even its support base. The PMDC, as an offshoot of the SLPP, drew its support like the SLPP from the South and East. The Western Area, where Freetown, the national capital is situated, is a traditional swing province that is very much contested with changing and unpredictable voting pattern. In 2007, it was firmly APC territory.

The seven parties fielded over 500 candidates for 112 seats in a single chamber parliament. Twelve additional seats were reserved for traditional chiefs representing the 12 administrative districts in Sierra Leone. Instead of the district block proportional representation system used in 2002, the single member constituency system was adopted in 2007. Based on a simple majority first-past-the-post system, the candidate who polled the highest number of valid votes in a constituency is elected. While 18 is the legal voting age, a candidate must be at least 21, a resident citizen of the country and registered voter, and a member of a recognized political party to run for parliament. The presidential race is based on an absolute majority system by which a candidate must have at least 55 percent of the popular votes in order to be declared a winner, failing which a run-off election, in which a simple majority prevails, would be held between the top two candidates to determine the winner. Forty years is the age requirement for president.

The APC won 59 seats, up from 27 in 2002, followed by the SLPP with 43, down from 83, and first-timers, PMDC with an impressive 10 seats. The presidential race, which was contested by seven candidates, was mainly between Ernest Bai Koroma of the APC, Vice-President Solomon Berewa representing the SLPP, and Charles Margai of the PMDC. Before becoming Vice President, Solomon Berewa served as Attorney General and Minister of Justice between 1996 and 2002. He was responsible for prosecuting the military officers who had toppled Tejan Kabbah in 1997 and collaborated with AFRC junta that resulted from the takeover. Charles Margai, an accomplished lawyer in his own right, comes from a prominent political family. He is the son of Sir Albert Margai, the second postindependence Prime Minister of Sierra Leone and the nephew of Sir Milton Margai, who led Sierra Leone to independence in 1961 and ruled until his death in 1964. Ernest Koroma is a career insurance broker and a successful businessman. Unlike Solomon Berewa and Charles Margai, who were new on the presidential ticket, Koroma ran in the 2002 elections and finished second behind Tejan Kabbah with 22.3 percent of the votes.

Though there was initially much excitement about the formation of the PMDC, which many people hoped would become the “third force” to balance the traditional dominance of the APC and SLPP, the political party scene had, by 2007, returned to its historical dynamic with the traditional rivalry between these two parties determining the nature of political party contestation in Sierra Leone. Largely undifferentiated by ideology and policy preferences, the parties, as giant ethno-regional hegemonic power blocs or coalitions, presented voters with very limited options to choose from in deciding who or what to vote for, apart from their predominant ethno-regional make-up and the personalities of the people leading their presidential tickets. They all promised to do the same things: fight corruption, promote development, and improve the lives of the people. In the end, the elections were largely reduced to a referendum on the ruling party, within the context of ethno-regional competition, the personalities of the presidential candidates and voter perceptions on who was better placed to respond to their concerns. Ernest Bai Koroma won about 44 percent of the presidential ballots in the first round, followed by Vice President Berewa of the SLPP with 38 percent and Charles Margai of the PMDC with 14 percent. In the absence of a clear winner in the first round—none of the candidates were able to secure the 55 percent of the ballots required by the constitution to avoid a run off—the elections went to a second round between the top two candidates Ernest Bai Koroma (of the APC) and Vice President Solomon Berewa (of the SLPP). Charles Margai and his PMDC threw their weight behind Koroma and the APC in the run-off, which was held a month later on September 8. With the backing of the PMDC, Koroma won the presidency.

To a very large extent, the 2007 elections mirrored the 1967 general elections, when, in similar circumstances, the opposition APC narrowly won against the ruling SLPP. Ibrahim Abdullah captures this historical parallel in the following words: “The dénouement to the 2007 elections had all the hallmarks of the 1967 general elections: an opposition party firmly ensconced in the capital city; widespread corruption by government officials at all levels; unhealthy cracks within the ruling party; a restive populace yearning for total change” (Abdullah, 2007: 2). While Sir Albert Margai was at the helm as prime minister of an SLPP administration when that party lost in 1967, it is his son, some 40 years later, that would help engineer the defeat of that same party by the opposition party that had defeated his father in the 1967 polls.

The idea that opposition parties seldom win elections—it is the ruling parties that lose them—is a truism that largely applies to the 2007

elections in Sierra Leone. It is interesting that the SLPP, which won with over 70 percent of the votes (winning 83 seats in a 112 member parliament) in 2002, could squander such seemingly unassailable and widespread national support in just five years. There were numerous signs in the run up to the elections that suggested widespread popular discontent and frustration with the SLPP. However, buoyed by their landslide victory in 2002, the SLPP became too complacent and over-confident to pay heed to these signs. First, the party imposed an unpopular candidate, in the person of Solomon Berewa, the Vice president, as its presidential candidate. This decision, taken in part with the intention to spite Charles Margai, was founded on the uncritical belief within that party that anybody who becomes the SLPP presidential candidate would eventually become president of the country, since the people are more likely to vote for that party in the elections.

Though it was obvious to most observers that this choice of presidential candidate would hurt the party's chances, the SLPP leadership was too blinded by a misplaced confidence in their popularity to recognize it. It is interesting that there were many people who voted for Berewa voted out of loyalty to the party he represents, and not necessarily for his own sake. In fact, the process through which Berewa was elected as the party's presidential candidate appeared to have been manipulated. Charles Margai, his main rival for the SLPP leadership, was more popular at the grassroots level of the party and in the country generally. Some observers believe that given his popularity at the time, he would have easily won the presidency had he contested on the SLPP ticket. But he was sidelined by the party hierarchy because he had not always seen eye to eye with the top echelons of the party and especially President Kabbah, who preferred Berewa to succeed him. With the backing of the president and the SLPP establishment, Solomon Berewa, emerged victorious over Charles Margai.

Months after the SLPP convention Charles Margai was urged by some of his supporters to break away from the party and form his own. The PMDC resulted. It was this split that, in part, cost the SLPP the elections. On top of imposing an unpopular candidate, the SLPP also sought to alienate rivals of the vice president. Days after the convention, those who opposed Berewa at the convention were sidelined and, in some cases, lost their jobs. Joseph B. Dauda and Emanuel O. Grant, respective erstwhile Ministers of Finance, and of Energy and Power, for example, were sacked for opposing VP Berewa at the convention. Thus, from the onset, just like in 1967 when it was defeated at the polls by the APC, the SLPP was a divided entity and it entered the 2007 elections in that state.



Discontents with the SLPP was widespread and ran deep, but instead of addressing the roots of this disaffection by articulating a clear vision and explaining why they deserved another term, the party, through especially Jacob Jusu Saffa, its General Secretary, reduced the elections to a debate about personalities.

The party did not only dismiss its opponents, it also succeeded in alienating voters even in its own traditional strongholds. One way in which they did this—and this was perhaps the most vexing issue for many people in the country and more importantly in the SLPP strongholds—was by giving up Chief Sam Hinga Norman, Alieu Kondewa and Moininah Fofana, the leaders of the Civil Defence Forces (CDF), to be tried for “war crimes” by the UN backed Special Court for Sierra Leone. That this was done by the government for which they had fought and sacrificed so much was incomprehensible to many people in the country. To many, and especially in the traditional strongholds of the SLPP where these men hail from, Norman, Kondewa, and Fofana are seen as war heroes who sacrificed everything to defend the people against the brutalities of the RUF and AFRC rebels. Their arrest by the court and their being placed in the same category with former RUF and AFRC rebels was regarded as the highest case of betrayal in the country. To make matters worse, while Chief Norman was dying in the custody of the Special Court indicted as a war criminal, and Alieu Kondewa and Moinina Fofana were being handed down long jail sentences, having being found guilty of war crimes by the court, the former RUF and AFRC spokespersons, Eldred Collins and Alieu Kamara, were being lavishly welcomed in the fold of the SLPP.

Perceptions of widespread corruption in government and the difficulty of life in the country cemented the reputation of the SLPP as a corrupt party made up of pretentious snobs. Indeed people had expected that life after the war would be different. Rumors about aid money going missing while government officials were enriching themselves reinforced notions of widespread corruption in government. Thus while the SLPP failed on its part to extricate itself from the problems in the country, and dispel perceptions that it was made up of corrupt and self-seeking politicians who had very little or no interest in improving life for the ordinary person, the APC was able to position itself as the agents of change.

Thus while the APC swept the ballots in the Northern Province and Western Area, the SLPP, in a stiff competition with the PMDC struggled to retain its traditional strongholds: it split the votes with the PMDC in Pujehun, Moyamba, and Bo districts, and was defeated by

the PMDC in Bonthe district (the home districts of Alieu Kondewa and Moinina Fofana). The victory of the opposition owed in part to the fact that they were able to tap into the anger and frustration of the populace and present themselves as a credible alternative to the government and the way out of the political and socioeconomic malaise in the country. However, the ability of the opposition to do so was only made possible because of a heightened political consciousness of a frustrated electorate seeking to redefine the political purpose in a democratizing national political space. In this quest for social transformation, and to desire of the populace to make the state more responsive to their wishes, it was the youth, especially musical artists as informal opposition, who initiated the call for change.

### **The 2012 Elections**

The November 2012 polls somewhat mirror the 2002 elections whereby an incumbent president standing for re-election triumphed at the polls over his rivals. They were the third polls since the official declaration of the end of the Sierra Leonean civil war and the fourth since the reintroduction of multiparty politics in the country; and were the first to be conducted by the government of Sierra Leone, without much interference by the United Nations, which had been involved in the country's electoral process. Christiana Thorpe, the head of the National Electoral Commission (NEC), who had conducted the 2007 elections to much praise, remained in charge of the 2012 elections as Chief Electoral Commissioner. This was the first time since the reintroduction of multiparty politics that the same person would be in charge of conducting two consecutive elections as chief electoral commissioner and national returning officer. This is important for a couple of reasons.

It allowed for continuity in the work of the commission as it tried to develop its institutions, and build a reputation as a credible electoral body with permanent and profession bureaucratic staff capable of running elections. Indeed many who supported the retention of Christiana Thorpe had hoped that it would give credibility to the work of the commission since it was her audacious decision to nullify ballots in areas where there had been evidence of electoral fraud that partially guaranteed the victory of the opposition APC over the ruling SLPP in the 2007 elections. Indeed 426 of the 477 polling stations whose ballots were invalidated as a result of fraud—over-voting and ballot stuffing among others—were in the strongholds of the then ruling SLPP, which

its supporters blamed for their defeat in the polls. It was therefore a huge disappointment to especially SLPP partisans when, in the face of what they said were evidences of electoral fraud in the 2012 polls, the same NEC chief would nonchalantly ask them to refer their allegations to the police, thereby failing to honor her own procedural injunctions.

Save a number of personnel changes after the 2007 elections, the structure of the commission remained somewhat the same since 2005 when the restructuring process began and NEC became an institution in its own right as the sole body with the mandate to conduct public elections in Sierra Leone. Structurally, NEC comprises two principal branches: the Board of Commissioners (BC) and the Executive Secretariat. The BC is composed of the Chief Electoral Commissioner, who is both the head of the commission and the national returning officer, and four other commissioners, appointed on five-year tenure, each with supervisory responsibility for each of the four administrative divisions (provinces) of the country. The BC is a policy-making body that has regulatory and oversight responsibilities over the Executive Secretariat and is responsible for the overall conduct, supervision, direction, and control of the elections processes. The Executive Secretariat on the other hand is responsible for carrying out the day-to-day administration of the commission as well as all other activities relating to the preparation and conduct of elections. It is headed by an Executive Secretary, assisted by a number of ancillary officials scattered in seven different departments. Since 2005, the commission has tried to expand its institutional capacity by constituting a permanent and professional staff.

In order to strengthen the powers of the commission, consolidate the electoral laws, and enhance the transparency, credibility, and reliability of the entire electoral process, the 2012 Public Elections Act was passed by parliament. Amending and consolidating existing electoral laws in a major piece of legislation, the Act laid down the ground rules for the electoral process with regards to procedures, voter registration, electoral offences and petitions, campaign ethics and codes of voter and political party conduct, as well as the mechanisms for dealing with electoral disputes. It transformed NEC into a corporate body, strengthening its authority to include powers to nullify ballots where evidence of egregious transgressions and electoral malpractices occur.

The primary concern of NEC going into the 2012 elections was, among other things, the prevention of electoral malpractices and fraud, and the way it tried to partially deal with this was to introduce a biometric voter registration system, which captures and records the personal

details as well as unique biological data such as thumb prints, facial features and retina signature of each individual voter at registration. The system intended to (a) enable the creation of a permanent electronic electoral register that can be revised and updated; (b) reduce fraud by eliminating duplicate or ghost voters; and (c) ensure the integrity of the voter register. While this was a laudable effort to improve transparency and credibility of the polls, the problem of electoral fraud in Sierra Leone is more complex and cannot be reduced simply to ghost voters on the election register. As attested to by previous elections, most notably the 1996 and 2007 polls, the problem of ballot stuffing, as well as the incorrect recording of electoral results, is a more significant and insidiously effective means of rigging elections than multiple voting.

The registration process itself lasted from January 23 to March 26, 2012, and involved about 2,400 registration personnel, including 400 ward coordinators who oversaw the process in the various wards. A total of 2.7 million eligible voters were registered out of a total population of about 5.6 million. Like the 2007 polls, over 60 percent of those registered were youth, falling in the age brackets of 18 and 35 years. This is important for the fact that it was this youthful electorate that in part propelled the then opposition APC to victory in 2007; and since the APC in power continued to enjoy huge support among the youth, the elections were largely settled before the first ballots were cast. The concentration of the registered voters tended somehow to roughly mirror the country's urban architecture: almost 40 percent of the electorate resided in the three major urban centers of Freetown (19%), Bo, the second largest city (9.3%), and Kenema, the third largest city (9.2%).

A total of ten political parties, fielding nine presidential candidates (and their running mates), and 602 candidates for 112 parliamentary seats, contested the polls. Of these parties, only the two traditional power blocs in Sierra Leone—the incumbent APC and president Koroma seeking re-election, and the opposition SLPP, which had lost in 2007—had any realistic chance of winning the elections. While the APC's presidential ticket remained the same with the retention of President Koroma and Vice-president Sam Sumana respectively as the presidential and vice-presidential candidates, the SLPP nominated former NPRC junta head, Julius Maada Bio to head its presidential ticket. The SLPP made history by placing the first female, in the person of Dr Khadi Sesay (a former English professor at the University of Sierra Leone who had served in various government departments as minister in the Tejan Kabba administration) on a major party presidential ticket as the vice-presidential running mate of Maada Bio. This, however,

did not address the glaring gender disparity in the electoral process, for while females constituted over 50 percent of all registered voters, they only comprised about 18 percent of all candidates. In fact, there was no female presidential candidate.

Also contesting were a host of smaller and insignificant parties: the PMDC, which had finished an impressive third in 2007 was, by the 2012 polls, a spent force. It retained lawyer Charles Margai as its presidential candidate. The Revolutionary United Front Party (RUF) led by former RUF spokesman Eldred Colins as its presidential candidate; the Peace and Liberation Party (PLP) of former AFRC junta leader Johnny Paul Koroma led by Kandeh Baba Conteh; as well as the PDP and the UNPP, which had been key players in the 1996 elections but which had, since 2002, become poor shadows of their former selves. The National Democratic Alliance (NDA) was prevented from nominating a presidential candidate by a high court injunction following disputes among its ranks. Two other parties, the United Democratic Movement (UDM) and Citizen's Democratic Party (CPD), contested for the first time.

The campaign period lasted for about a month, from October 17 to November 15. NEC in consultation with the political parties prepared a campaign calendar that allotted specific days for campaigning to the various political parties. This was done in order, they claim, to prevent clashes between rival political parties and candidates during the campaign period. And no major incident occurred during campaign period or on polling day. Polling took place on November 17, 2012 between 7:00 a.m. and 5:00 p.m., with voters in line before the polls closed allowed to cast their ballots. Voter turnout was put at 87 percent of the registered voters, higher than the three previous elections. Passing off without any serious incidence of violence, the elections returned President Ernest Bai Koroma, with 58.7 percent of the popular vote, avoiding a run-off. His APC party gained 67 seats in the 112 member parliament. The opposition SLPP finished second winning 42 seats in the new parliament. Its leader Julius Maada Bio gained 37.4 percent of the vote, which was better than what Ernest Bai Koroma polled in the 2002 elections against the incumbent president. In fact, overall, the SLPP performed better in the polls as an opposition party in 2012 than the APC did in 2002.

The triumph of President Koroma and the APC over rivals, especially Maada Bio and the SLPP, did not come as a surprise to many observers; he was widely expected to be re-elected. However, while he was able to avoid a run-off by polling an impressive 59 percent of

the vote, his performance fell short of the SLPP and President Kabbah's comparative performance in the 2002 elections as incumbents. Like Kabbah, President Koroma's re-election however speaks more to the power of incumbency, in that incumbent presidents seeking re-election in Sierra Leone seldom lose, than to voter satisfaction with his performance at the helm of state power and in improving the quality of life in the country. It is important, however, that compared to his closest rivals, President Koroma appeared as a more acceptable choice. He is likeable and seen by many as down to earth and approachable. In an environment where the main political parties are largely undifferentiated by ideology and substantive policy difference (all of them promised to do the same things), the choice boils down to the character and personalities heading the presidential tickets as well as the coalitions they are able to put together.

While a superimposition of the ethno-regional map on the electoral map would correspond with the APC dominating the north and the SLPP the south and east, it would be too simplistic to reduce these parties to ethnic or regional groupings, and thus interpret the elections as contestations between the Mende in the south and east and Temne and Limba in the north. Instead, they should be understood as hegemonic power blocs drawing their support predominantly from specific identity formations and regional coalitions informed by shared interests. Indeed no party can win elections in Sierra Leone by merely appealing to a single region or ethno-identitarian group. For the APC to win in 2007, it had to come up with a strategy that included peeling Kono off the east (and it did this by naming a vice-presidential running mate from that region), and boast of a solid support in the West as well as the support of the PMDC in the run-off. For President Koroma to win in 2012 he also had, in addition to his 2007 strategy, performed better in the south and east of the country than Bio did in the north and west.

The issues that divided the parties were not policy differences; they all promised to do the same things: improve the economy, fight corruption and poverty, and promote economic growth, development, and prosperity for all, among others. What differentiated them were the personality and identity. With Bio as the main challenger to President Koroma, the election rekindled the issue of military regimes in the 1990s. The APC campaign machine made Bio's military background and his role in the country's civil war a major issue in the election campaigns. This put Bio on the defensive and ultimately succeeded in sufficiently discrediting him as a credible and acceptable alternative to the sitting president. Indeed Bio was among a core group of young

army officers who overthrew the old APC government led by Joseph Momoh in April 1992 and he had been very prominent in both the army and the NPRC junta, eventually ousting Valentine Strasser in a palace coup to become NPRC chairman and head of state. The APC media and propaganda team launched a fierce and effective campaign against Bio by tying every transgression of the NPRC around his neck, as well as deliberately conflating the NPRC, which had been popular at the time of their takeover, with the excesses of the army during the war years and the most despised AFRC.

In terms of implications for democratization, the 2012 elections were less significant than the 2007 polls, which not only produced an opposition victory, but also became the first moment in Sierra Leonean history where a governing party having being defeated at the polls peacefully transferred power to the opposition without interruption. The 2012 elections were only important in the sense of continuing a tradition of regular elections and for consolidating those procedural processes.

### **Conclusion**

What I tried to do in this chapter is to make sense of Sierra Leone's democratization experience by providing a historical overview of the political and socioeconomic contexts within which the struggle for democracy emerged in Sierra Leone. I argued that the reintroduction of multiparty politics in Sierra Leone was part of Africa's democratic wave of the 1990s, which itself resulted in part from the dismal postindependence national experiment. The process of democratization itself took place within the context of an ongoing civil war in the country and it was intended in part as a strategy for transforming that conflict situation. However, while the process of democratization was articulated in relation to conflict, it was also informed by the same quest as the insurgency, which is to reconfigure the state, make it responsive to the wishes of the people, and hold its officials accountable. The struggle for democracy should thus be understood as part of a historical quest for an alternative political formation in the wake of the failure of the postindependence national experiment.

There is no doubt that Sierra Leone has come a long way in transforming a conflict situation and establishing a stable government. However, it is only from a procedural perspective that notions of a deepening democratic tradition can be extended to Sierra Leone. Indeed the country has, in procedural terms, made considerable strides in building

liberal democratic institutions and advancing a democratic culture, seen in its frequent elections. Nevertheless, democratization should not be understood in abstract ideological terms; rather, it should be looked at in terms of historical struggles for empowerment and social transformation. These quests have not been waged on abstract ideological terrains, but on practical social, political, and economic landscapes that focus not so much on the particular type of government system, but on a government, state, or leadership that is responsive to the aspirations of the people.

Indeed, for most people, the issue has never been so much about what particular system or type of government in place. The concern has been more about having a state and government that is responsive to their needs; that is capable of creating the necessary enabling environment in which they could pursue their collective dreams and individual aspirations; that can inscribe social and economic processes that are designed to positively transform societies, and generate development and prosperity. The ideological debates about systems of government, has only ever had relevance when it is inscribed on these landscapes. The ascendancy of Joseph Momoh to the presidency in 1985 adequately demonstrates this. The problem as most people saw it was not so much the one party state but how it manifested itself in the lived reality of the people. Most did not care whether the process, by which a military general was thrust at the center of the political stage, was a carefully stage-managed, almost fraudulent political process. What they cared about was whether he would turn the fortunes of the state around and improve their living conditions. Many believed that his military background would help him introduce a measure of discipline and stability in the state, cleaning the mess of Siaka Stevens, while providing the basis for a new beginning. The euphoria and optimism that the prospect of a Momoh presidency generated cut across regions, ethnicity, religious denomination, age, or creed. It was only when he proved to be unequal to the task of transforming the state that the national mood turned against him.

The same would repeat itself in the aftermath of the NPRC coup in April 1992. Most people supported the junta's decision to suspend the democratization process already in its advanced stages at the time of the military takeover. Indeed, the euphoria and optimism that greeted the coup and the promise that it represented was similar to the mood in the country on the eve of Momoh's ascendancy to the presidency. Not many people cared that the soldiers who organized the coup were very young, or were soldiers usurping a democratization process. What



most people cared about was the promise that their actions represented; the expectation that they would provide a strong and effective leadership, to live up to their words and clean the mess of the APC years, end the war, stabilize the economy, and improve the lot of the people. It was only when they failed in these tasks that the pressure on them to leave grew. The call for a return to the democratization process then was in response to the failure of the NPRC to provide the leadership for which the people had wished. It thus was, like the original agitation for multi-party politics in 1990, a search for an alternative political option.

The rejection of the AFRC/RUF junta in 1997 was merely a rejection of military rule, which the NPRC had illustrated was ill prepared for the task of turning the fortunes of the state around. Apart from the brutality of the RUF, the return of the military 14 months after they had been emphatically rejected was unacceptable. This quest for better government was also what determined the outcomes of the 1996, 2002, and especially 2007 elections. The perception that the SLPP was not living to its promise was what led to their rejection at the polls. In 2002, they represented the best possible option, looking at the alternatives. By 2007, they looked completely out of place.

A number of lessons can be learned from this observation. First, it suggests that the people of Sierra Leone are not only generating a political script, they are capable of inscribing it. Their struggle against the state has been driven by a quest that cannot be reduced to procedural and ideological conceptions of specific types of government structures, but that democratization should be understood in a broader sense away from and beyond the limited procedural democracy that is favored by the international policy community and practiced in the country. Elsewhere (Wai, 2008, 2011), I have described Sierra Leone's democratization experience as polyarchical. By a polyarchy, I mean a restricted elitist type of democracy "in which a small group actually rules and mass participation in decision-making is confined to leadership choice in elections carefully managed by competing elites" and their external backers. Polyarchy is an institutional and procedural form of democracy limited to the political sphere, and revolves "around process, method and procedure in the selection of leaders" (Robinson, 1996: 49). It creates the possibility for stymying democratic possibilities and for political processes to be doubly hijacked. While at the domestic level, popular mass movements aspiring for genuine political change end up being hijacked by elite forces, at the international level, and especially in societies emerging from armed conflicts and civil wars, the dominant Western governments and their huge and complex

paraphernalia of intervention end up influencing, if not dictating, the outcomes of such processes. In the end, the democracy instituted becomes only procedural, avoiding questions of both domestic and global inequality and injustice. This is why, for example, the nature of the conduct of elections is not as important as their perception by the elections observers representing the key interests of the major Western governments. No matter how flawed they might be, the validity of their outcomes is determined by the way in which they are perceived by the major Western governments. Given that these governments are sometimes more interested in the promotion of a neoliberal agenda and the election of a government amenable to those policies than the genuine promotion of democracy, elections are declared free and fair depending on who is winning them.

In Sierra Leone, there has been an advance in the consolidation of procedural democratic institutions and practices seen in regular elections, but this has not improved the living conditions of the people. Polyarchy has indeed limited the options for democratic possibilities in the country. For example, the political parties in Sierra Leone have been dominated by the same elite forces that have dominated the political landscape of the country since independence. In fact, popular discourses on the streets are very attentive to these limitations. In the 2007 elections, a conception of politics “Watermelon politics” emerged as the people’s response to an undifferentiated political elite (Wai, 2008). Watermelon politician is a metaphor used to describe a politician who, for example, is SLPP (the party color of the SLPP is green), but who was either formerly APC (red is the party color of the APC) or in fact act like the old APC of the 1970s and 80s that presided over the decline of the fortunes of the state in the years preceding the war. The lack of differentiation between these parties (SLPP and old APC), their ideologies, and sometimes their officials is underscored by this concept. Watermelon politics, metaphorically, on the other hand, refers to the act of pretending to support one party (say SLPP) and showing up at their rallies and party functions in order to gain economically or otherwise, while truly supporting another party (say APC or the PMDC—the party color of the PMDC is orange). Simply put, it is to be green outside and red or orange inside; that is, being one thing while purporting to be another, or being for one party while pretending to be for another.

Given the crisis of the neocolonial African state and the general disillusionment with its institutions and method of rule, it has been very difficult to question procedural forms of democracy promoted by Western

governments. Similarly, in much of the so-called third world, experience in the postindependence period, has tended to rob the political elite of the credibility and legitimacy, in the eyes of their people, to insist on instituting alternative types of political practice outside the dominant liberal understandings of the political. This make-up, coupled with the West's vast paraphernalia of power and domination, has subverted any qualitative challenge to the dominant liberal order, the privilege of the West and inequality in the global as well as domestic political economy.

However, the quests which have, since independence, driven popular struggles in Sierra Leone cannot be realized with these democratic tradition. True, Sierra Leone has made considerable progress in emerging from political and economic crisis, especially since the 1990s, especially given the promise of a political process whereby power is transferred from one government to another that is elected by the people, however, the liberal democratic framework appears like a "Band-Aid procedural solution" to a fundamental structural problem that is situated at the very roots of the state and its colonial inheritance, as illustrated in this chapter.

### Notes

1. The NAC drafted a new constitution that was at the last minute ditched for the 1991 constitution, which had been adopted under Momoh. There were some legal complications: The NPRC, a military junta, had suspended constitutional governance when it took power in 1992 and ruled by decrees. Their bid to promulgate the NAC's constitution into law was regarded as illegal as they did not have the constitutional legality to do so. In the end, the 1991 constitution was unbanned since the people had accepted it in a referendum and passed by the one party parliament in 1991. It is important that Ahmed Tejan Kabbah, a former UN official who won the 1996 presidential elections as the candidate of the SLPP, was chairperson of the NAC.
2. The junta became NPRC II, and sacked a number of senior government officials and restructured its composition. Its reign was short-lived (January to March 1996). By the time Bio took over, the national mood was anti-NPRC.

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