ELECTIONS AS A TOOL OF DEMOCRATIZATION IN AFRICA

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Abstract: In recent years, there has been a new wave of democratisation process globally and the African continent is witnessing a new drive towards the promotion of democracy and good governance. From the North, to the East, South and West of Africa, authoritarian regimes are giving way to democratic governments. The new drive towards democracy and good governance is currently sweeping through Africa like a wild bushfire and many African countries recently transitioned from authoritarian to democratic forms of governance in consonance with the global trend. Elections have been an integral part of the democratisation process globally as they are an institutionalised attempt at actualizing the essence of democracy, that is, rule of the people by the people and for the people. However, many of Africa's democratic elections have been marred with extreme controversy and violence. Corruption, massive rigging, ballot box snatching and political violence, and the winner takes all syndrome has impacted negatively on the democratic process. In many African countries, violent protests mark the proclamation of election results. Peaceful handover to opposition parties by the ruling party is rare, while many rulers have become life presidents. There is a general apathy of the electorate to elections as a majority of the people especially those in the rural areas view the state as having little or no relevance to them. This is resultant from the failure of the state to provide social security or any form of social citizenship and has thus alienated a majority of the populace. Committed to the promotion of the universal values and principles of democracy, good governance, human rights and the right to development and determined to promote and strengthen good governance through the institutionalization of transparency, accountability and participatory democracy, the African Union adopted the African Charter on Democracy, Elections and Governance (the Charter). This paper appraises the role of elections in ensuring credible and sustainable democratisation process in Africa and the role of the African Union in achieving credible, free and fair elections towards sustainable democratic governance. The paper observes that in spite of the Charter, the ideals of democratic concept have been continually flouted by most African states without appropriate sanctions by the African Union. The paper argues that the Charter though laudable is incapable of ensuring democratic governance in Africa without the political will on the part of the AU. The paper concludes that conducting free, fair and credible elections is *sine qua non* to democratic consolidation and institutionalised democracy in Africa.

Keywords: Credibility, Democratisation, Elections, Good Governance

"Good leadership is rarer than a blue moon, more precious that platinum and more lethal than weapons grade uranium" Alik Shahadah.[1]

INTRODUCTION

According to Claude Ake (1996: 139) "Africans are seeking democracy as a matter of survival; they believe there are no alternatives to this quest, that they have nothing to lose and a great deal to gain". The new drive towards democracy and good governance is currently sweeping through Africa like a wild bushfire. Many countries in Africa transitioned from authoritarian to democratic forms of governance in the last quarter of the twentieth century in consonance with the global trend prompting proponents of democracy to speak of the "third wave of democratisation in world history"(Schraeder, 2004: 223). It has been opined that in Africa's case, the third wave was sparked by the fall of the Berlin Wall in 1989 and the collapse of

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[1] Available at
http://www.africanholocaust.net/news_ah/africanleadership.html accessed on 27/2/2012.

single-party regimes throughout Eastern Europe and the former Soviet Union (Schraeder, 2004). This, it is believed, set the precedents for African pro-democracy activists who had already begun organising against human rights abuses and political repression. Severe economic stagnation and decline in most African economies and the attendant poverty and deprivation served as the internal impetus for political discontent and uprising against autocracy (Schraeder, ibid). The most notable outcome of this historic turning point often called "Africa's second independence or Africa's second liberation" was the discrediting of more than 30 years of experimentation with single-party political systems in favour of more democratic forms of governance based on multiparty politics and the protection of human rights (Schraeder, ibid).

With the attainment of independence in the late 50's and early 60's, euphoria and new hopes swept through Africa as nation after nation attained self-government (Wangome, 1985). There were new dreams and expectations as the colonial masters handed over the instruments of power to the indigenous peoples. To most Africans it was the end of a long freedom struggle, slavery, human degradation and exploitation. At independence, African states became autonomous states and had democracy thrust on them without developed democratic institutions and systems. This created a sort of political leadership vacuum as most of the leaders were inexperienced in the art of governance. The leadership void thus created allowed for the rise of many military and autocratic rulers throughout Africa (African Union , n.d.). Shortly after independence in the late 1960s and the early 1970s most African countries experienced a series of military coups. The military generals accused the political leaders of corruption and economic mismanagement (Mafeje, 2002). However, they also became guilty of the same offence of which they accused the political leaders.   By the 80s the expectation for a better life for most Africans lay in tatters and increasingly became a dream. A seemingly endless spiral of military leaders and civil wars followed the independence of many countries from which some countries are yet to recover (African Union, n.d.). Many of the so called African leaders who fought for independence became sit tight presidents while those who seized power as military men became despots.

With the current wave of democratisation globally, many African countries are embracing democratic governance after years of military/autocratic rule.

Elections are important as an integral part of the democratic process globally and post-independence African politics and have assumed utmost importance in the course of recent democratisation processes (Nohlen, Krennerich and Thibaut, 1999). While there are many views on what democracy is or ought to be, a common denominator among modern democracies is elections. Elections are an institutionalised attempt at actualizing the essence of democracy, that is, rule of the people by the people and for the people. However, many of Africa's democratic elections have been marred with extreme controversy and violence. In many African countries, violent protests mark the proclamation of election results. Peaceful handover to opposition parties by the ruling party is rare, while many rulers have become life presidents.

The third wave of democracy in Africa started on an optimistic note that the continent once bedevilled with one party and military autocracy has joined the rest of the world in the democracy craze that led Fukuyama (1992) to declare liberal democracy as the ultimate ideology and the end of history (Fukuyama 2005). However, the euphoria that greeted this democratic wave sooner than later gave way to despair as many African states proved once again that it takes more than elections to enthrone democracy. Many of these third wave democracies in Africa were not only tainted with fraudulent ballot system, human right abuses, corruption and bad governance but also gravitated towards one party dominance. After 1990, most of the countries in Africa legalised opposition parties and held competitive, multiparty elections. However, those elections have often not met the minimal democratic criteria of freeness and fairness. Many incumbent parties have exploited institutional advantages to deny the opposition any chance of winning power in the new multi-party regimes. These regimes are best understood as "pseudodemocracies" or what Richard Joseph has termed "virtual democracies" (Diamond, n.d.). The shortcomings accompanying electoral democracies in Africa attracted it several pejorative descriptions, like virtual democracies (Joseph 1998) illiberal democracies (Van de Walle 2003), democratic autocracies and or electoral authoritarian regimes (Lindberg 2006).

This paper investigates role of elections in African politics and inquires whether elections are capable of ensuring sustainable democratic process in Africa. It inquires whether elections are instruments of democracy in Africa. It assesses the role of the African Union in institutionalising sustainable democratic governance in the continent and reviews

the African Charter on Democracy, Elections and Governance.

Conceptual framework and theoretical presuppositions

The concept of democracy is as old as mankind with varied manifestations and conception over time (Yacob-Haliso, 2007). The word democracy is derived from two Greek words *demos* and *kratia* and basically means the rule by the people. This in theory means a governance system by the people for the people as opposed to rule by a despot (autocracy), or a few (oligarchy) (Nwauwa, n.d.; Fayemi, 2009). Since ancient Greece however, the concept of democracy has remained elusive and despite centuries of democratic governance in various parts of the globe, there is currently no univocally accepted definition of the term (Fayemi, 2009). The contention has often been who the people really are and what pattern their rule will assume. Interestingly, however, even in ancient Greece, rule by the masses or mob rule was not considered desirable (Yacob-Haliso, 2007). The people had to have representatives and a democratic regime is a procedure through which the citizens decide (by casting a vote or a sequence of votes) how to govern themselves. More specifically, it is a procedure through which the majority of the population determines the position (or welfare) of each member of the population (and therefore of the minority that has not agreed with that majority). In the second place, a representative democracy is a game in which the principal, the public, delegates unto an agent, the politician or policy-maker, a given set of instruments to execute certain goals. Thus, democratic politics is fundamentally about allocating resources among competing interests. Those who win enjoy the perquisites of office and the public policy benefits that governing entails. Those who lose must prepare to compete in the next election (Quinn and Martin, 2002). Elections are thus central to competitive politics because, ideally, they should provide the opportunity for yesterday's winners to become today's losers and vice versa. The model of democracy on which this theory of elections is based is referred to as liberal democracy (Jinadu, 1997). In modern times, however, there is no acceptable clinical or scientific definition of liberal democracy although "the main features are free competition among political parties, periodic elections, and respect for the fundamental freedom of thought, expression, and assembly" (Nwauwa, n.d.). Tony Smith defines democracy as "free elections contested by freely organized parties under universal suffrage

for control of the effective centers of governmental power"(Nwauwa).

An attempt to discuss elections and democratic governance in Africa will entail the interrogation of some political science theories which have been propounded to analyse, describe and explain behavioural norms in all political systems. This paper explores the elite theory to explain concentration of power in the hand of a few people in the democratic process in Africa. The Elite theory developed in part as a reaction to Marxism by rejecting the Marxian idea that a classless society having an egalitarian structure could be realised after class struggle in every society. It regards Marxism as an ideology rather than an objective analysis of social systems. According to elite theorists, man can never be liberated from the subjugation of an elite structure. The classical elite theorists identify the governing elite in terms of superior personal qualities of those who exercise power, though later versions of elite theory place less emphasis on the personal qualities of the powerful and more on the institutional framework of the society. They argued that the hierarchical organisation of social institutions allows a minority of people to monopolise power.

Elite theorist criticise the Marxian view of distribution of power by arguing that the ruling class is too large and amorphous a group to be able to effectively wield power. In their view power is always exercised by a small cohesive group of elite. To them all societies are divided into two main groups, a ruling minority and the ruled. This situation is inevitable as proletarian revolution will merely result in the replacement of one ruling elite by another. According to the founding fathers of the elite theory, there is and always will be a minority which rules over the majority in society (Adekanye, 1999). There is however no consensus on the source from which a given elite derives its power. To elite theorists like Pareto and Mosca, "a given ruling elite derives almost invariably its original power from a combination of coercive, religious and commercial sources" (Adekanye, 1999: 160). "The coercive source relates to the monopoly of military function initially enjoyed by the ruling elite which over time may be masked by myths, ideologies and political formulas, while the warrior class also undergoes metamorphosis into a political class or becomes softened by the leisure of political office" (Adekanye, ibid).

Membership of the governing elite or political class is rarely fixed, but undergoes changes in its membership over a period of time by recruitment of new members from the lower strata of society or by the complete replacement of the established elite by a counter elite such as in a revolution Adekanye (2005). Elitist theoreticians differ on such questions as how open the power elite is to "new blood," the exact degree of agreement or disagreement that usually prevails within its ranks, and the degree of genuine concern (or lack thereof) for the broader public welfare that enters into their choices of public policy goals, but all such theorists broadly share the notion that it is these few thousand "movers and shakers" who really run the affairs of a country and determine the basic directions of public policy and not the manipulated and powerless masses of ordinary voters choosing among candidates at election time.

The theoretical point of view held by many social scientists which holds that politics is best understood through the generalisation that power is relatively broadly (though unequally) distributed among many more or less organised interest groups in society that compete with one another to control public policy, with some groups tending to dominate in one or two issue areas or arenas of struggle while other groups and interests tend to dominate in other issue areas or arenas of struggle. There tends to be little overlap between those leaders who participate most influentially in one policy area and those who are influential in other policy areas, and what linkage there is tends to come from popularly elected political officials (especially political executives and party leaders) who, by the nature of their jobs, must exercise leadership (or act as brokers) in a number of different policy areas. There is no single, unified "power elite", but rather there are many competing power elites with differing backgrounds, values and bases of support in the broader society. Government tends to be depicted as a mechanism for mediating and compromising a constantly shifting balance between group interests rather than as an active innovator or imposer of policies upon society.

According to C. Wright Mills, the governing elite in the United States of America draws its members from three areas: (1) the highest political leaders including the president and a handful of key cabinet members and close advisers; (2) major corporate owners and directors; and (3) high-ranking military officers (The Power Elite). By analogy, the same applies to the governing elite in most African states since attainment of independence. Majority of African leaders were once freedom fighters and revolutionaries who fought for the independence of their respective countries from their colonial masters. Whilst some of the ruler came to power through election others got to power through coup d'etats and revolutions. On his swearing-in in 1986, after he seized power, President Yoweri Museveni of Uganda in addressing the people said: The people of Africa, the people of Uganda, are entitled to a democratic government. It is not a favour from any regime. The sovereign people must be the public, not the government… the main problem in Africa is of leaders who do not want to leave power (Musevini).

Ironically the same person seeks to perpetuate himself in office after over 26 years. The scenario is replicated in many African countries. The governing elite who came to power as freedom fighters and advocates of the masses have perpetuated themselves in power, disregarding the very principles upon which they rode to power.

HISTORICAL OVERVIEW OF ELECTIONS IN AFRICA

With the end of colonial rule in the late 1950s and 1960s, came the hope that independent African countries would adopt some form of democracy, whether liberal, democratic or socialist or some indigenous variant (Jackson and Rosberg,1984). Most of the first generation of African leaders after independence were actually voted into power in elections supervised by the departing colonialists (Ellis). Instead of democracy however various forms of autocracy appeared. The political frameworks bequeathed to the African continent at the beginning of the contemporary independence era embodied in what Schraeder (2004) described as "authoritarian-democratic paradox" in which African leaders, educated in authoritarianism during the colonial era, were expected to perform like seasoned experts in democracy (p.223). Despite their almost complete disregard for the promotion of democratic values during the colonial era, departing colonial administrators hastily constructed political arrangements that purported to embody Western democratic ideals, such as systems of checks-and-balances, in which offices of the president, legislatures, and judiciaries would balance each others' power and prevent the emergence of authoritarianism. The relatively decentralised "Westminster model" of parliamentary governance was grafted onto the authoritarian structures of colonial rule in the former British colonies, and the more centralised "Elysee model"

was similarly introduced into France's former colonies (Schraeder, 2004: 223).

However, the so-called democracies left behind by the departing colonial powers represented largely untested and ill-suited political practices and procedures that were not grounded in African traditions or political cultures. The resultant effect was the multiple coup d'etats that took place across Africa. In fact the period between 1960 and 1970 and slightly beyond has generally been called the decade of coups' in Africa (Wangome, 1985). Once coups started, they became like a wild bushfire and swept through the entire continent at an alarmingly high speed. By 1975, approximately half of the continent's states were led by military or civil-military governments.

Politically, the liberal construct of the independence constitutions gave way to authoritarian structures mimicking in many ways the despotism of the colonial state. At the end of the 1970s and early 1980s, as many African economies entered the deep economic crisis, it was abundantly clear that the promises of independence had run sour – there was neither sustainable development nor credible democracy (Shivji, 2011). Very few of the first generation heads of state eventually handed over power to elected successors.

However, the current global wave of democratization that spread to Africa and since the early 1990s, has been increasingly spreading across Africa. The long struggle for democracy in Africa began to show results, as the continent started to overcome a legacy of authoritarianism and indifference to democratic culture. These results, according to Claude Ake (1991, 33) are too impressive and too widespread to be ignored: the popular rejection of military rule in Nigeria; the demise of apartheid in South Africa; the down fall of Samuel Doe in Liberia and Kerekou in Benin; the gains of pluralism and multi-partyism in Niger, Madagascar, Cameroon, Zambia, Algeria, Gabon, Cote d'Ivoire, Guinea, Zambia, Mozambique, Angola, the Congo and Sao Tome and Principe; the growing democratization processes in Kenya, Somalia, Sudan, Togo, Ghana, Sierra Leone, Ethiopia, Cameroon and Zimbabwe (Fayemi, 2009).

Internal and external factors contributed to the democratisation process in Africa. Internally, it was occasioned by the development failures of many African states in the 1980s and the demand for improved governance led to the rise of pro-democracy movements in African states, which

resulted in concerted popular agitation for change. On the external front, there were serious concerns from international agencies and donor nations on the autocratic regimes in many African states. The pressure from the international scene for universal human freedom and life

with dignity, coupled with promises of improved bilateral relations for non-dictatorial states, stimulated the drive for democratisation in Africa. However, this democratization trend taking shape in many states of Africa has paradoxically not yet produced the expected result of societal transformation, as cases of civil war, genocide, poverty, corruption, insecurity among others still dot the path of many African states (Fayemi, 2009).

Role of elections in the Democratic process

The role of election in a democracy cannot be over emphasised. Every modern definition of representative democracy includes participatory and contested elections perceived as the legitimate procedure for the translation of rule by the people into workable executive and legislative power. According to National Democratic Institute (NDI), genuine elections are not merely a technical endeavour; they are a fundamental human right linked to a broad array of institutions and the ability of citizens to exercise other civil and political rights. Elections are a periodic test of the strength of democratic institutions, and they illuminate the underlying nature of the competition for political power in a country. Elections perform three major roles, viz: (a) Elections are a vehicle for the participation of citizens in the democratic process, and they help to build capacities that are central to achieving accountable, democratic governance; (b) Elections are part of making democracy deliver a better quality of life by linking voters' interests to the act of selecting a candidate, party or policy through public discourse and balloting; and (c) Elections are a means for managing the potentials for violent conflict and advancing human security (NDI).

Contemporary political regimes feature a bewildering variety of forms of political participation. However, in democratic regimes, the one form of political participation that is definitionally connected to the concept of democracy is the act of voting in competitive elections. In the final quarter of the twentieth century, several dozen countries around the world underwent democratic transitions that made this unique form of participation available to their citizens for the first time in memory. Regardless of

the prior regime type, the underlying popular demand in these political transitions was to offer citizens the chance to choose their rulers a choice that is exercised via participation in direct, competitive elections (Kostadinova and Power, 2007).

Though elections alone are not sufficient to make a democracy, no other institution precedes participatory, competitive and legitimate elections in instrumental importance for self-government (Lindberg, 2006). Lindberg argues that elections in newly democratising countries do not signal the completion of the transition to democracy but rather fosters liberalisation and have a self-reinforcing power that promotes increased democracy in Africa's political regimes (Lindberg 2006). Elections also facilitate the institutionalisation of and deepening of actual civil liberties in the society and are a causal variable in democratisation. This is not to say that elections are the only important factor in expanding civil liberties and democracy.

Elections constitute an important element in liberal democracy. They are a viable means of ensuring the orderly process of leadership succession and change and an instrument of political authority and legitimisation. The failure of elections or their absence largely defines the predominance of political dictatorships and personalised rule in Africa. The current wave of democratic enthusiasm has evoked a process of competitive and multiparty elections. This has provided a platform for the civil society to make political claims on the state. However, both the structure and process of elections, the former being the organizational infrastructure for managing elections and the latter, the precepts and procedures of elections, remain largely perverted in Africa (Adejumobi, 2000). Election rigging and brigandage, violence and election annulment are common practices. The trend is towards a reversal to the old order of despotic political rulership under the guise of civil governance. Elections in their current form in most African states appear to be a fading shadow of democracy, endangering the fragile democratic project itself (Adejumobi, 2000).

Elections may be regarded as the main 'ritual' in democratic societies by means of which citizens periodically renew their commitment to the norms and institutions which embody the democratic state. However, in independent Africa, elections have always been a major issue for political leaders. It is without doubt for this reason that the Charter on Democracy has attached a number of guarantees to the organisation of this ritual, amongst others that it be supervised by the AU (Kane, n.d).

The utility of elections in a constitutional democracy rests on several pillars, all of which are shaky in Africa (Oko, 2009). In many African countries parties split or are formed around leaders, who bring their popular support base with them. Ethnic groupings have created more national disunity and governments have tended to be more tribal than national in structure, with inter-tribal oppression becoming common practice. This in effect has created more societal tension and turmoil (Wangome, 1985).

There is a widely held conviction that democracy can produce the best social systems, ruling classes, citizenry, social and gender relationships and governing systems as reflected by their decision-making processes (Lumumba-Kasongo, 2005). Elections are an integral part of the democratic process and the ballot box has not only become the preferred tool for selecting leaders, elections are also recognized as the only acceptable way to access power (International Peace Institute (IPI), 2011).

Problems of Representative and Viable elections

Democracy rests on three constitutive elements deeply rooted in human rights doctrine viz: (a) Free and fair election. (b) Freedom of association. (c) Freedom of expression.

Free and fair elections are procedural guarantees for expressing the will of the voters, whereas freedom of association and freedom of expression provide the necessary competitive framework for the holding of free and fair election (Cogen and De Brabandere, 2007, Ayanleye, 2013). For a truly representative government, the political actors must have been endorsed by the populace. According to Robert Dahl, a truly representative government must be based on *...the principles of popular sovereignty, competitive political participation and representation, and independent judiciary, free fair and regular election, universal suffrage, freedom of expression and conscience, the universal right to form political association and participate in the political community; inclusive citizenship and adherence to the constitution and the rule of law (Sharma 2007, 36, Ayanleye, 2013:70).*

The question then is does the African democracy meet these criteria? Are elections in Africa really instruments of democracy? How are aspirants for political offices recruited? Do the electorate have a choice in the type of "leaders" they get or are these leaders foisted upon them?

Although many African countries have embraced multi-party elections, these have not automatically

led to multi-party systems. Rather, in sub-Saharan Africa, the spread of multi-party politics in the 1990s has given rise to dominant parties. A majority of African states have enjoyed multi-party elections, but no change in government (Bogaards, 2004). According to Ed van Thijn and Roel von Meijenfeldt, democratisation process in the South African region is being driven by the ruling elite and this has led to the emergence of dominant ruling parties and weak and ineffective opposition parties (Bogaards, 2004). This, it is submitted represents electoral process in most parts of Africa. In Nigeria for instance, the People's Democratic Party has held on tightly to power since the beginning of Nigeria's fourth republic in 1999 with virtually no meaningful opposition from other parties. The dominant parties are dangerous to the democratisation process for they undermine checks and balances among institutions of the state. Two, political parties lack internal democracy. This leads to entrenchment of personality cults around party leaders and what is referred to as god fatherism. The electorate often have no input in the choice of candidates as such are often imposed by the party leaders.

The prevalence of corruption also warps the political process. Many public officials in Africa seek re-election because holding office gives them access to the state's resources, as well as immunity from prosecution. When the stakes for remaining in office are so high, candidates are more likely to buy votes or rig an election, as happened in Nigeria's 2007 elections. These "are more reliable and less difficult ways of winning an election than trying to gain voter approval by being a good government" (Hanson, 2009).

Another problem with elections in Africa is the issue of violence. Ideally, elections are meant to be a peaceful means of change of government, where the people have the power to vote out an unpopular government. The winner today may be the loser tomorrow by the power of the ballot. However, elections in Africa are often marred by violence. Violence often occurs before, during or after elections. An unpopular government may through the use of violence perpetrate itself in power or the people may resort to violence to protest the outcome of an election where such does not reflect the popular will. It was argued that electoral violence can be the result of poor constitutional drafting, echoing a concern that some African states are more preoccupied with appearances of democracy than

enrooting its practices. In many countries across the continent, elections and power, mostly executive power, constitute a means to access the state's resources and wealth, thus, it is often a do-or-die affair. The incumbent often uses state resources to muzzle opposition and maintain a stronghold on power. A former president of the Republic of Congo, Pascal Lissouba, once professed that "one does not organize elections to end up on the losing side" (Essoungou, 2011). Omotola (2008) argues that rising electoral violence in Africa is closely connected with the neo-patrimonial character of the African state, the nature of contestation for power, the weak institutionalisation of democratic architectures, including political parties and electoral management bodies (EMBs).

Corruption undermines the democratic process in Africa. Corrupt individuals and multi-national companies invest heavily in elections that produce many leaders on the continent and these investors reap the gains of their political investment through tax evasion, imposition of individuals as ministers for specific juicy portfolios where they can make their money back through corruption and win contracts that they are least qualified for (Ikubaje, n.d).

The challenge for Africa is how to make elections a credible and effective for the citizens to choose their leaders as well as vital and integral component parts of the process to deepen democracy. Conducting credible elections is so crucial to efforts to deepen democracy because democracy can hardly be expected to take hold where elections are reduced into symbolic exercise in mass participation with predictable results rather than a process of competition with uncertain results (Fombad, 2007, Oko, 2009). In Africa, elections present two diametrically opposed options (Oko, 2009). An election can be a potent and powerful tool used by the citizens to transform the society by electing leaders who can be trusted to carry out changes in the society or the elections can degenerate into a farce. Although elections do play a critical role for the sustainability of democratic governance, democracy cannot be reduced purely to elections (Kargbo, Hamdok and Kadima, n.d.). The quality of an election constitutes one of the determinants for deepening democratic governance. Various other political processes play an equally important role for democracy to exist and be sustained, including respect for human rights, citizen participation, constitutionalism, rule of law, separation of powers

and checks and balances and equal distribution of the national wealth. Taking cognizance of these broader dimensions of democracy, elections can be the primary inter-linkage between representative democracy and political accountability. High quality elections have a great potential for adding substantial value to accountable governance and the realisation of citizen's expectations.

It has often been argued that the democratic government is better than the best military government as it offer the populace freedom of choice. This may not necessarily be so. Market democracy has no liberating and empowering content, but the legitimation of the oppression of the people (Odukoya, 2005). What the masses really want is the basic social amenities of life. Where this is lacking, all the freedoms in the world would not make any difference.

Designing credible elections
Democratic governance is a concept that emerged from the principles that are based on the understanding that an effective system of democratic governance is one which is based on representative, equitable (across gender and other categories), transparent, accountable and inclusive institutions; a vibrant, responsible and capable media; and a dynamic civil society which is engaged in the political process. Debates about elections in Africa are as common as elections themselves (Essoungou, 2011). However, there seems to be a general agreement about the factors that can help produce credible elections. The crucial ingredients for credible polls have been identified as: **(a)** The establishment of a truly independent and impartial electoral commission. Such an institution can act as a referee during elections and its independence and impartiality can enhance citizen confidence in the process. Commissions should act in a transparent manner and engage with all actors involved in elections. **(b)** Non-partisan domestic and foreign election observers can provide an impartial assessment of the electoral process, further helping citizens assess its legitimacy. **(c)** The media should be able to provide balanced coverage of all candidates and parties. **(d)** Civil society groups should be active in issues ranging from voter education to the promotion of election dialogue and initiatives to defuse conflicts. **(e)** Throughout the electoral process, security personnel must remain neutral.

Political parties are an essential component of democracy. By competing in elections and mobilizing citizens behind particular visions of society as well as through their performance in the legislature, parties offer citizens meaningful choices in governance, avenues for political participation, and opportunities to shape their country's future. In many African countries, however, political parties fail to respond to citizens' concerns and are widely distrusted by the public. When public confidence in political parties is compromised, the entire democratic process suffers. In all sustainable democracies, the party system must be deeply and durably entrenched in the fabric of society (National Democratic Institute).

Competing political parties and candidates must show willingness to conduct themselves peacefully and fairly. Incumbent leaders must set a tone of tolerance and respect for the election process (Essoungou, 2011). It is however worthy of note that some counties are improving in their electoral processes and transitions. For instance in March 2011, Benin Republic held its fifth round of competitive national elections since 1991. Much as in Ghana, Mali, Senegal, Mauritius, Botswana and South Africa, elections in the tiny West African nation, once prone to military coups, have come to embody the best trend on the continent. Other elections, however, point to a different trend. Such contests are mainly window-dressing exercises aimed at legitimizing the status quo. They often occur in countries where the same leaders have been in power for a decade or more. Before popular uprisings in Tunisia and Egypt ousted strongmen from office, most elections in North Africa belonged in this category.

Even after a good election, democracy cannot be taken for granted. In many transitioning democracies, citizens have experienced either minor or no tangible benefits from their new governments: poverty levels have remained the same; government services remain ineffective or have become worse; and citizens continue to feel disconnected from their governments. This has led to the apathy of the electorate to elections. For instance in Nigeria, many eligible voters abstain from elections as they believe the government has nothing to offer them and their votes make no difference in the outcome of elections. Government leaders who fail to deliver basic levels of stability, safety and opportunity risk losing their legitimacy (National Democratic Institute). When they fail to deliver on basic needs for prolonged periods, their poor performance can lead to a crisis of legitimacy not just for particular governments, but for

the concept of democracy as a viable form a government.

African Union Efforts at ensuring credible elections

The need for good governance and development in Africa led to the New African Partnership for Development (NEPAD). Under NEPAD, African leaders recognised the importance of peace, security, democracy, good governance, human rights and sound economic management as conditions for sustainable development. The NEPAD Declaration was adopted in Abuja, Nigeria in October 2001 with so much promise for Africa as it engaged issues of governance through its African Peer Review Mechanism (APRM). As part of the initiative of AU in promoting democracy and good governance the AU made a declaration on Principles Governing Democratic Elections in Africa, AHG/Decl.1 (XXXVIII), 2002. The AU recognized that democratic elections are the basis of the authority of any representative government and that regular elections constitute a key element of the democratization process and therefore, are essential ingredients for good governance, the rule of law, the maintenance and promotion of peace, security, stability and development. The AU further declared that the holding of democratic elections is an important dimension in conflict prevention, management and resolution and that democratic elections should be conducted: (a) freely and fairly; (b) under democratic constitutions and in compliance with supportive legal instruments; (c) under a system of separation of powers that ensures in particular, the independence of the judiciary; (d) at regular intervals, as provided for in National Constitutions; (e) by impartial, all-inclusive competent accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics.

Further, realising that unconstitutional changes of governments are one of the essential causes of insecurity, instability and violent conflict in Africa and determined to promote and strengthen good governance through the institutionalization of transparency, accountability and participatory democracy the AU adopted the African Charter on Democracy, Elections and Governance (the Charter) in 2007. State parties to the charter agree to inter alia (i) Have representative systems of government with separation of powers between the executive, legislature and judiciary, (ii) Promote democracy, rule of law and basic human rights, (iii) Ensure

democratic rule and constitutional changes of power through free, fair and transparent elections (iv) Respect ethnic, cultural and religious diversity.

To ensure the quick coming into force of the charter, it required only 15 members to ratify it. However, the Charter did not enter into force until February 2012 and presently only 20 members have ratified the instrument out of 54 member states. The objective of the charter as contained in Article 2 are inter alia to: (1) Promote adherence, by each State Party, to the universal values and principles of democracy and respect for human rights; (2) Promote and enhance adherence to the principle of the rule of law premised upon the respect for, and the supremacy of, the Constitution and constitutional order in the political arrangements of the State Parties; (3) Promote the holding of regular free and fair elections to institutionalize legitimate authority of representative government as well as democratic change of governments; (4) Prohibit, reject and condemn unconstitutional change of government in any Member State as a serious threat to stability, peace, security and development; (5) Nurture, support and consolidate good governance by promoting democratic culture and practice, building and strengthening governance institutions and inculcating political pluralism and tolerance; (6) Promote the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs; (7) Enhance cooperation between the Union, Regional Economic Communities and the International Community on democracy, elections and governance; and (8) Promote best practices in the management of elections for purposes of political stability and good governance.

By virtue of Article 17 of the Charter, State Parties re-affirm their commitment to regularly holding transparent, free and fair elections in accordance with the African Union's Declaration on the Principles Governing Democratic Elections in Africa. State parties are obliged to (1) Establish and strengthen independent and impartial national electoral bodies responsible for the management of elections. (2) Establish and strengthen national mechanisms that redress election-related disputes in a timely manner. (3) Ensure fair and equitable access by contesting parties and candidates to state controlled media during elections. (4) Ensure that there is a binding code of conduct governing legally recognized

political stakeholders, government and other political actors prior, during and after elections. The code shall include a commitment by political stakeholders to accept the results of the election or challenge them in through exclusively legal channels.

The Charter empowers AU empowers to impose sanctions in cases of unconstitutional changes of government (Article 23). It defines an unconstitutional change of government to includes: (1) Any putsch or coup d'Etat against a democratically elected government. (2) Any intervention by mercenaries to replace a democratically elected government. (3) Any replacement of a democratically elected government by armed dissidents or rebels. (4) Any refusal by an incumbent government to relinquish power to the winning party or candidate after free, fair and regular elections; or (5) Any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government.

This is a laudable provision, however, the implementation of this article is suspect. There are several rulers who have held on to power by unconstitutional means and they have not been sanctioned. For example Robert Mugabe of Zimbabwe is still the president of his country after 33 years and recently won the election for his seventh term in office amidst controversy and protests by the populace. Yoweri Musevini who has been the president of Uganda for 26 years won a fourth term in 2011 to rule till 2016. Thus by the time his current tenure is over, he would have spent 30 years in office. Several others like Paul Biya of Cameroon, Teodoro Obiang Nguema of Equatorial Guinea, Jose Eduardo Dos Santos of Angola have held on tenaciously to power for a minimum of 30 years each without appropriate sanctions from AU.

Article 25 of the Charter restrains perpetrators of unconstitutional changes from participating in elections to restore democracy. Preventing such perpetrators from contesting is very relevant considering the appetite they have for transforming themselves into democrats and legalising their illegalities in the name of restoring democracy. The experiences of Burkina Faso and Togo are illustrative in this regard. President Blaise Compaoré has remained in power in Burkina Faso since 1987, first as a military ruler and then transforming himself to a civilian president through elections he conducted in 1991. Similarly, President Faure Eyadéma of Togo, who was installed by military fiat after the death of

his father in 2005, has remained in office after winning elections held to transform him from a military installed leader to a democratic president. Following international pressure, Eyadéma briefly handed over power to an interim leader on 25 February 2005 till 3 May 2005 when he was sworn after elections held to 'democratise' him (Ebobrah, 2007). It is submitted that the perpetrators of unconstitutional changes in government should be barred from participating in any democratic election for life.

The Charter in article 25 (5) provides that perpetrators of unconstitutional changes of government shall be tried before competent courts of the AU. This is quite laudable and innovative. However, it raises the question of a proper forum as the AU currently lacks any judicial forum with criminal jurisdiction. A reading of the protocols establishing the African Court of Justice and the African Court on Human and Peoples' Rights show that neither of these

judicial institutions is competent to exercise jurisdiction in this regard (Ebobrah, 2007). While it is not impossible for the AU to grant such a jurisdiction or establish an institution in the mould of the International Criminal Court, nothing in the present Charter or AU Act remotely suggests such an eventuality. This would create a problem of implementation. The Charter also imposes duty on states to refrain from harbouring perpetrators of unconstitutional changes of government. This means that such people would have no safe haven in Africa.

Aside from the adoption of the Charter, the AU provides election monitoring teams to countries where elections are held upon invitation by such country. Clause 3.2 of the Guidelines for African Union Electoral Observation and Monitoring Missions requires that a, "formal invitation to the AU is to be made by the country organising the elections, either through the National Electoral Commission (NEC), or electoral authority, or the said government…" Following the appropriate invitation the monitoring then "assess whether or not conditions of organizing credible, legitimate, free and fair elections are in place in the country…"

The primary problem with the monitoring units is that they cannot enforce fair elections. If and only if a country asks for help (which will most likely never happen), can the units try and create an open election environment. When the AU has been given the rights to enter a country, the monitoring units have been proven to be extremely successful. The African

Union has also created a Democracy and Electoral Assistance Unit (DEAU), which is very similar to the earlier mentioned monitoring units.

The provisions of the Charter are quite laudable if implemented with sincerity. It shows that the AU is moving away from the principle of non interference. However, the AU lacks the will power to enforce the provisions of the Charter. As stated earlier, majority of the AU leaders are guilty of contravention of the charter and as the maxim goes, you cannot give what you do not have. The AU opposition to the prosecution of Kenyatta by the International Criminal Court is particularly instructive. The crimes Kenyatta committed were before he became the president, he should therefore be brought to book. Many dictators and coup plotters in the continent have become political leaders and elder statesmen. They shape the African politics and direct the state of affairs of many African nations. If the AU is really desirous of institutionalising democracy, such "leaders" should be made accountable for their past misdeeds. They should be stripped of all paraphernalia of statesmanship.

Conclusion

Elections in most Africa fall short of the basic international standards. Many of African elections are merely window dressing probably to placate the international community. The activities of the ruling/political class have frustrated, and are still frustrating the development of sustainable democratic culture in the Africa. Popular frustration over government's failure to deliver basic services continues to rise. This certainly hinders not only the legitimacy of democracy as the most preferred system of government but also the moral right of the political leaders to command obedience and indivisible loyalty from the entire citizenry.

Conducting free, fair and credible elections is a sine qua non to democratic consolidation in Africa. However, in ensuring credible elections, the issue of corruption must be eradicated. The winner takes all syndrome must be jettisoned to give room for nation building and development. The civil society must rise up to the challenge. They must actively educate the masses on the power of the vote.

The development of strong, democratic, public-sector institutions is a critical component of democratic governance. It is through improved governance that the benefits of democratic development most directly impact the lives of citizens. Conversely, the inability of public sector institutions to function effectively

and democratically undermines the sustainability of democratic reform. Democratization will also be well rooted in Africa when the governments are devoted to its anti-corruption policies and leader who came to power on a corrupt platform duly sanctioned.

The African Charter on Democracy, Elections and Good Governance is a welcome development, however, the AU must implement same judiciously. Though elections are one of the ways to establish connections between citizens and policymakers and by elections citizens encourage the policymakers to pay attention to their interests, policymakers should be more accountable to the citizen.

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