Democratic Recession in West Africa

Challenges to Revivalism

Edited by Gbenga Gbesan
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Proceedings of the Open Society Forum

Open Society Initiative for West Africa
About the Open Society Initiative for West Africa

The Open Society Initiative for West Africa (OSIWA), established in 2000, is part of the global network of autonomous Soros Foundations. OSIWA works to build vibrant, open democracies in 18 countries, including the 15 members of the Economic Community of West African States – Benin, Burkina Faso, Cape Verde, Côte d’Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo – as well as Cameroon, Chad, and Mauritania.

OSIWA supports civil society organizations and advocates at governmental and regional levels on issues of governance, law, justice and human rights, public health and development, information, communication technology, and, media.

OSIWA is based in Dakar, Senegal, with country offices in Nigeria, Liberia and Sierra Leone.
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Foreword

This publication presents the outcome of the second Open Society Forum on “The Emerging Recession in Democratic Consolidation and Advancement in West Africa” held in Dakar, Senegal, and a follow up to the first launched in Ouagadougou, Burkina Faso, on “African Integration: Opportunities, Challenges and Prospects” in 2008. The choice of the theme for the second forum was driven by the emerging trend towards democratic recession in West Africa, as reflected by new cases of military coups and truncated electoral processes marred by malpractices and violence enshrined within manipulative constitutional processes with little or no regard for the rule of law. The speakers at the forum, Professors L. Adele Jinadu and Augustin Loada, made presentations on “The Limits and Challenges of Electoral Governance and Politics: Cameroon and Nigeria” and on “Constitutional Challenges and Lessons Arising from Niger, Guinea and Côte d’Ivoire”, respectively. The presentations reviewed the chronicle of democratic governance in West Africa and identified the trends towards “democratic recession” and “receding democracy”.

As Prof. Jinadu explicitly argues, in many African countries, certainly not just in relation to Nigeria and Cameroon, “the challenges have historically revolved around, and indeed they continue to revolve around, how to achieve political consensus among the political leadership and the generality of the political elite... over electoral governance.” It becomes imperative that Africa’s march towards a democratic society must take into cognizance “the opening up of state and society, and decentralizing the political and institutional processes in inclusive ways to reflect diversity.” He sums up the challenges to electoral, constitutional and political reforms on the need to address how to “(a) facilitate the ‘procedural certainty’ that will guarantee the ‘substantive uncertainty’ of electoral competition and its outcome..., and (b) manage diversity in an open and just democratic society, under constitutional government and the rule of law.” He concludes by emphasizing that Africa’s march towards a democratic society must involve the engendering of popular confidence in elections to ensure the people’s mandate, and by making elections a common feature of the daily life of the people in choices they make at various political and institutional levels.

In turn, Loada’s situating of democracy on the power of the “common good and general will” amplifies the challenging task of democratic renaissance in West
Africa. It is an effort required to curtail the threatening cancer arising from “constitutions manipulation and democracy order aberrations” in the region. The paper identifies various factors responsible for the evident turbulence, which he divides into internal and external factors. The internal factors are anchored around “the obsession to dominate power by the Heads of State” and therefore the manipulation of existing processes and looting of state resources by perpetuating corruption. This is further compounded by the external factors amongst which he cites several instances of countries characterised by deviant political behaviour with respect to perversion of constitutions. He cautions that such constitutional anarchy is becoming “potentially contagious, infectious, contaminating the democratic and constitutional process” from one country to the other, while noting the role of externally driven quest for the region’s mineral resources. Nevertheless, the paper concludes on an optimistic note that the civil society is capable of playing a role, along with the continental and regional intergovernmental bodies, such as the African Union and the ECOWAS, using the African Charter for Democracy, Elections and Good Governance, as well as the ECOWAS Protocol on Democracy and Good Governance as a prod. He recommends the “need to re-design the democratic process, to graft it with renewal and re-tooling, with a view to engendering revival of the virtues and values of democracy among the broad spectrum of the society”, through the creation of a level playing field that will ensure fair and credible elections, as well as the education of the citizenry.

The discussions at the forum broadly agreed with the position of the presenters and came up with various recommendations addressed to specific stakeholders including civil society, national governments, intergovernmental institutions, the international community and OSIWA. Central to these recommendations are the need for constitutional and electoral reform; the strengthening of institutional frameworks and mechanisms; and support for an empowered civil society.

The perspectives presented in this publication and the discussions remain the responsibilities of the participants, they do not represent OSIWA’s view; however, the emerging perspectives on democratic governance in West Africa have highlighted that the need to continue to interrogate these views is necessary. This publication has been supported by OSIWA to facilitate the interrogation of these ideas.

Nana Tanko
Executive Director
OSIWA

6 – Open Society Forum
About the Open Society Forum

The Open Society Forum is a medium created by the Open Society Initiative for West Africa to provide a platform for broad range, diversified members of the West African society to discuss a wide range of issues affecting the development of the region. Given that issues confronting the region often demand knowledgeable, informed and incisive articulation from the West African perspective, the Forum meets the challenge of raising vital subjects and issues towards highlighting the roadmap that best serves the cause and course that may lead to the region’s emancipation – politically, economically, socially, culturally, technologically, etc.

It is believed that the Forum would have fulfilled its mission when it has successfully brought about in West Africa an environment whereby:

- There is established a kind of an institutionalised framework serving like a regional-centred think-tank or policy discussion forum that can articulate issues of overriding interest to West Africa;
- There is in West Africa the promotion of an atmosphere of intellectual dialogue on a broad range of issues and concerns to the people of the sub-region;
- A sort of network mechanism that aggregates views and opinions of interest groups in the West African society is evolved through dialogue that critically examines and proffers consensual solutions on the way forward in tackling some of the developmental challenges facing the sub-region;
- A platform and medium is in place that will be respectable and influential to advocate for the changes suggested and sought; and
- Through the publication of its proceedings, the possibility of further outlets to stimulate thoughts and actions with a view to concretising actions toward assisting the region in the quest to harness her abundant human and material resources for the development of her citizens would have been realised.
Is democracy at risk in West Africa? Is the fear real or imaginary? From where and what sources? What gives rise to such anxiety or apprehension? If the indication is true, how best to counteract the creeping democratic regression from gaining ground in the region? Then, ultimately, what measures are required to inspire a spirit of renewal, imbue democracy revival as a productive system both at the governmental level and as a mechanism capable of delivering tangible benefits to the majority of West Africans?

Those were the issues of engagement at a high-level forum comprising scholars, researchers, development workers, media executives, civil society and other distinguished participants from diverse segments of the community’s populations. Organised by OSIWA and held in Dakar, Senegal, from 15 to 16 December 2009, the Open Society Forum placed on the state and status of democratic practice in the West African region on the public agenda.

The Forum and by expansion, the topic ‘The Emerging Recession in Democratic Consolidation and Advancement in West Africa’ in particular was necessary for several reasons. Firstly, one of the main objectives of the Forum was to visit from time-to-time issues and/or subjects – political, economic, social, cultural, technological, etc. – which have overwhelming impact on West Africa’s development with a view to highlighting the roadmap that best serves the cause and course of the region. The Forum was conceptualised as more, rather than less, of a regional-centred think-tank or policy discussion forum to articulate issues of overriding interest to West Africa.

Secondly, the subject of democracy, a seemingly over-beaten one like a well-used coin at the maiden outing was necessary. Since 2006, the monitoring of the developments pertaining to governance in West Africa by OSIWA in conjunction with CODESRIA, has consistently shown that deficiencies in the practice and observance of democratic tenets remains a recurring theme in the region. The 2006 report, for instance, sums up the common fundamental overarching issues concerning democratic governance as relating to the need to:
“... Establishing a social contract for the functioning of the polity; institutionalising a culture of democratic accountability at all levels of government and in all aspects of public affairs; building and/or consolidating a culture of peace in the political system; and promoting a greater fairness.”

Simultaneously, the grim portrayal of democratic developments in the region in the 2008 report is no less flattering. Rather than lessening, the report maintains, the yoke that constrains the region’s march towards constitutional order is becoming more burdensome to instituting a culture of government chosen by the deliberate choice of the people. New manifestations are developing to complicate already complex problems. Optimism of a new age founded on new values and new norms capable of ushering in a new era from which the old unproductive ways will give way to an encouraging new dispensation is under a new threat, and the region is sliding toward democratic recession.

Having extensively considered and weighed all the issues surrounding the trajectory and travails of democratic practice, norms and behaviour in West Africa, bearing in mind all the broad ramifications, too, the Forum identified the serious emergent issues contributing to the current state of decline of democracy in the region, and identified the chief ones as:

- **The character of the state**

  The nature and character of the state in many West African countries raises very serious questions and doubts about the possibility of obtaining functional and enduring democracy across the region.

- **Politicisation of the administrative machinery of government**

  The administrative machinery of government have suffered acutely from politicisation in West African countries. The patronage and spoils system undercut merit, professionalism, skills and competence, precipitating loss of confidence which can neither enhance nor enrich democracy.

- **Zero-sum politics**

  Political contests have become warfare, fought with so much bitterness and acrimony that do not augur well for national cohesion with the consequence that the
polity now lack nationalism and patriotism. The result has been the undermining of democratic progress in many West African nations.

• **An incongruence in the political and democratic culture**

The evidence of incongruence between political and democratic culture is clear. To the extent that overlap is difficult, creating a dysfunctional situation. Rather than reinforcing the other, the apparent result is palpable disequilibrium.

• **The non-independence of the electoral administration and management agencies**

From all accounts – empirical and practical – there is rarely a model electoral agency or commission that is truly independent and unfettered by subtle or obvious interference in the discharge of its onerous duties. In many instances, the absence of legislative, financial cum administrative freedom to pursue their goals often predispose the agencies or commissions to vulnerabilities from political pressures and outright control in some cases.

• **Elections are approached as a merely routine exercise**

Elections and their outcome in the region certainly often run counter to the expressed expectation of the true essence of elections in a functional democracy. Indeed, for most countries of the region, the ballot box has turned to the equivalent of the barrel of the gun – the previously illegitimate instrument of ascending to power.

• **The burden of leadership in the advancement of democracy**

The region’s political class visibly and openly demonstrate a poverty of ideas regarding democracy, its nature, and basic values. There is hardly a distinction between the self and the state, the personal and public interest, or the overall objectives that should be the overriding goals driving public policy. Indeed, the region, according to some views, has been subjected to its second colonialism, an internal slavery of the people by their so-called elected leaders.
• **Weak and ineffective political parties**

It is difficult to arrive at a singular exception of a country in the region where the political party system can be said to have truly measured up to the best democratic tradition despite the prevalence of multi-party arrangements. The rule rather than the exception is usually to have a dominant party – *the party of the government and the party in government* – with no dichotomy whatsoever.

• **Undermined potential of youths to sustain democracy**

The potential and prospect of the youth as agents and catalysts to nurture democracy, more so given their importance as the future leaders on whom the task of governing tomorrow will rest, is seriously undermined in all West African countries. Democracy, certainly, does not grow from the top; it can neither be forced nor hawked as a doctrine.

• **Media’s power and role are still circumscribed**

Democracy needs a vibrant media environment. Whilst there has been grudging acceptance of the necessity for liberalising the media in West Africa, a preponderant percentage of the countries in the region remain far from guaranteeing the environment and atmosphere that will make free and independent media thrive. Government in many countries still dominate the ownership of the media, the effect of which is to use them in ways inimical to the evolution of participatory democracy, by not tolerating alternative and dissenting views besides regurgitation of official viewpoints.

• **Defective constitutions that detract from democratic stability**

Figuratively, the end, or literally, the ground on which to anchor all the different points raised thus far, has been the defectiveness of the Constitutions in most of the countries. Even in countries that have had successful transfer of power through periodic elections, stability and national cohesion remains a big issue, largely because of unaddressed fears and concerns, either of minority groups, or of the larger majority regarding citizens’ welfare and social security.

Consequently, the Forum believes that there is urgency for the renewal and revival of both the spirit and tenets of democracy in the West Africa region. It recommends and suggest the following:
Reforming national constitutions across the region

In the light of the historical experience and contemporary developments in the region, constitutional reforms should be seen as a matter of urgent and utmost importance as panacea to halt deteriorating democratic climate and culture and to move toward building functional, stable and progressive democratic West African nation-states.

Strengthening the media and imbuing a strong sense of commitment to professionalism

Given the fact that free, independent, credible and responsible media serve as essential ingredients to a functional democracy, it is essential that:

- The Freedom of Information (FOI) law be passed by countries that are yet to do so; and as an addition,
- A constitutional guarantee should be provided for the existence of free and independent media, with a proviso that on no account or under no guise or circumstances should the freedom of the media be abridged.

Building the youth as the vanguard of democracy in the region

In order to realise the untapped potential of the youth that for long has been neglected as veritable agents of change, and invest in them as the custodian and future guarantor of democratically viable countries and region in West Africa, the Forum passionately appeals to:

- **National Governments** to initiate comprehensive youth development policies that will address issues relating to the welfare, education and employment of the youth;
- **ECOWAS** to initiate a protocol addressing the issue and subject of youth development across the region;
- **OSIWA** to mainstream youth development as a major strategic goal in its agenda for the development of the region, and thus, be at the forefront of the national/regional youth policy advocacy change.
Need for benchmarks to evaluate constantly the region’s democratic performance

As a way of practically ensuring that the performance or progress of countries do actually meet up to anticipated democratic objectives or goals, there is need for benchmarks or parameters toward objectively assessing and rating achievements within, among, and between countries of the region. In this wise,

- **At the national level:** The Forum calls on the civil society groups – working either individually or in concert through networking with others – to take up the challenge of assessing the impact of government’s performance, and publishing and disseminating such results obtained;

- **At the OSIWA level:** To sustain and enhance the Governance Monitoring Project it began in 2006 and which has helped in enlightening areas of governance challenges in West Africa.

Political parties need to be made more idea- and programme-centred rather than woven around personalities

- To build the political party system that can add value and nourish democracy in the region, the Forum suggests amongst others, that the funding of parties by the government encourages political corruption as well as fierce struggle for power and, therefore, should be discontinued forthwith;

- That the Office of the Ombudsman should be established to regulate the conduct of parties. It should possess the power to receive their annual and audited reports and financial statements along with the power to investigate allegations and cases of political and financial corruption against parties and candidates.

The independence, integrity and impartiality of Electoral Commissions are crucial to sustaining democracy in the region

The three essential ingredients – independence, integrity and impartiality – serve as assets to the work of an Electoral Commission when present, and conversely, constitute liabilities when absent, that either make or mar the democratic stability of a country. It is suggested that to enhance the integrity of the Electoral Commissions:

- Members should publicly declare their assets and liabilities on appointment and after their tenure;
• All procurements by the Commission should be by open tender;

• The Commission should publish an annual report of its activities and finances, which should be available to interested members of the public;

• The Commission should have internal disciplinary procedure to investigate complaints and/or allegations against its staff, and the report of the outcome of the investigation/disciplinary action(s) taken made public;

• No member of the Electoral Commission shall be eligible to contest for election within ten years of having served as a member or appointed staff of the Commission;

• The Commission shall be limited only to the conduct of elections.
1. Preamble

Is democracy in recession in West Africa? What justifies the concern? Are there indicators or parameters providing evidence to prove the fear? Is the anxiety real, true, or simply imaginary? Do West African countries have any measure of commitment to democratic ideals? Alternatively, were the waves of political changes that swept through the region at the tail end of the 1990s which ushered in civilian governments in many of the countries merely window-dressing? What aspects of the political life induce fears of democratic recession? Are there countries within the region manifesting, or have already exhibited, prognoses of democratic revival within the short spell that rule by consent of the people was in the ascent in West Africa? In what ways and manners have the symptoms manifested? What should be done, how should it be done, and to what end should the emanating ideas and efforts be directed?

Democracy, definitely, holds no pretensions regarding its universal problematic nature. Apparent is its troublesome character as a concept often fraught with academic, scholarly and intellectual polemics. Secondly, there are complications from the norms of observance of democratic tenets in daily life. However, to a very discerning extent, evidence bears the indisputable fact that the vast majority of the West African peoples desire to see their interests reflected in terms of both leadership choices and in the running of the affairs of state. Historical reminder points to the fact that the majority of countries in the region did attain independence as multi-party states, if this meant nominal inclination, because no sooner than the independence flags were hoisted than the arrangement gave way to single party or military rule. From the era of military to single party domination, which for almost three decades (1960–1990) suffused the political atmosphere of the region, the turn of the twenty-first century introduced a new period of competitive politics. At the levels of the regional oversight bodies, there was also a perceptive change. For instance, at the Economic Community of West African States (ECOWAS) and the African Union (AU), the common position has turned against any form of undemocratic takeover of government.

But the crucial question that pleads for an answer is, what makes a democratic state? Or, putting it simply, what features mark out a democratic state? To answer the question, essential components of a democratic state can be distilled
from a convergence of theories and practices and can be limited to four main fundamentals.

The first is, “Opportunities for the Common Man.” It is held that, “The essence of democracy consists … in the kind of life it opens up for the ordinary citizen.” It is quite explicit that no meaningful gain stands to be realised from collective life where inequality predominates or opportunities are unequal and unfairly distributed.

Social benefits or common wealth must be accessible to all without any form of discrimination whether resulting from the advantage or position of birth, sex, social standing or status in the society, or creed. Part of the ethos of a democratic state is to offer protection to the individual citizen against economic exploitation of all kinds, and direct activities from the point of collective benefit rather than pandering to selfish or narrow interests of a group. Given that democracy implies solidarity, the democratic state will offer a shield of protection to the ordinary citizen against all those hazards, for which, “… the citizen is not responsible, especially illness and unemployment.”

Next, as a distinguishing mark of a democratic state is, “Equality of Rights”. Every member of a democratic state should have “… political rights equal to those of any …” other fellow citizen. Well worn as it may be, the adage of “one man one vote” goes beyond the philosophical base of democracy, it is its true foundation. Beyond this established ground norm of democratic life, are other surrounding liberties and freedoms open to the individual citizen as a member of the society. A free citizen under an equally democratic government, apart from freedom to vote as his/her conscience so dictates, without let and hindrance too, enjoys independence of conscience and thought, to praise or blame the institutions and leaders of his/her country; criticise policy and offer alternatives; have no fear of police, unless when crime has been committed. A democratic state upholds all these freedoms because, “… the political life of [the] community is based on a complete freedom of discussion out of which emerges the public opinion which is the ultimate source of authority.” In essence, citizens’ freedom validates state’s sovereignty, and both are mutually inclusive.

Thirdly, inflexibly woven into democracy is “Discussion and Change”. Democracy thrives on differences, and a democratic state not only welcomes it but also provides mechanism for handling the divergence. Guérin adequately expresses this
point in “le problème français,” when he states, “Whatever the form of government, a regime is democratic when the will to social cooperation of its members is stronger and more spontaneous than its anarchical impulses.” Therefore, in the course of pursuing change, because a democratic society, by all rational order, is an ever changing and renewing one, new point of views are not only tolerated but treated as points of departure to arriving at new possibilities if encouraging to the advent of common good and the general welfare of the society. Openness will direct the course of public decision to which neither the door is barred against nor the window closed from any citizen in airing his opinion and views as best as his/her capacity allows.

Finally, at the heart of democracy is “Majority Rule.” The visible evidence of democracy as practice in the daily life of the society is the acceptance of the majority rule over the minority. The age-long dogma proposing that “Any democratic system, of whatever form, depends on the ultimate authority of majority opinion, for the alternative would be the supremacy of some minority and this would be neither democratic, nor effective,” remains the soul of the practice of democracy.

Regarding contemporary developments in the West African region, since 2006, OSIWA and the Council for the Development of Social Science Research in Africa (CODESRIA) began the joint Governance Trends Monitoring Project in West Africa with a view to monitoring developments in the region that have overriding impact on governance and democracy. Employing eighteen reporting teams distributed all over the ECOWAS region, the researchers monitored emerging issues of serious significance within the national territories. Quarterly evaluation and extrapolation of key emerging issues were drawn from the reports, subsequently followed by codification to select those with grave implications on the development of the region for the eventual annual report.

One subject identified by the maiden Governance Trends Monitoring report was the recurring and potentially dangerous subject of political succession that was posing serious threat to the democratic process that was just beginning to get underway and taking hold in the region. Reports from the various countries painted grievous and grim scenarios of two dimensions. There were attempts by incumbent political leaders in some countries to elongate their tenure. In some cases, the perversion of the democratic order was successfully perpetrated through a dubious procurement process of tinkering with the constitution. The second variant was the sometimes open, and at times subtle, grooming of children and siblings
as replacements or possible successors. Besides the direct usurpation of the democratic right of the people, the parallel situation of hegemonic hold on a political party by a dominant figure either as the main financier or as the party founder was also witnessed. Rather than be mass organisations, political parties were more or less power machinery established to fight narrow political interests. Consequently, the subject of political succession in West Africa was held as constituting a direct threat to the healthy growth of democracy in the region. Summing up the general over-arching issues facing West Africa as at 2006, the report noted, amongst others, the following imperatives:

“Establishing a social contract for the functioning of the polity; institutionalising a culture of democratic accountability at all levels of government and in all aspects of public affairs; building and/or consolidating a culture of peace in the political system; and promoting a greater fairness.”

No less of importance also were questions relating to,

“Broadening the participation of the citizenry in the political process; ensuring that marginalised groups – especially women and youth – are better represented; and, defending the human and civic rights of the citizenry. These governance concerns lie at the core of politics in contemporary West Africa although the way they played out in different countries varies.”

The 2007–2008 report was no less discordant in the scant portrayal of democratic developments in the region. Rather than lessening, the yoke constricting the region’s march towards constitutional order and government by deliberate choice of the people was increasingly becoming burdensome. New manifestations to complicate already complex problems were developing. The optimism of a new age founded on new values and new norms to usher in a new era, where the unflattering old ways will give way to an encouraging new dispensation, gradually dissipated by a new threat – the slide of the region toward democratic recession.

As indicated in the 2007–2008 report, worrisome occurrences were developing at an uncomfortable pace in the region with potential ominous threat to democracy and open society that once held promise. Among the danger signals to the democratic order include the major issues of:
• The emerging scenario of political regression and constitutional recession that could not but threaten the move toward democratic consolidation and advancement in West Africa;
• The unending struggles and fierce contest for control of power and the political space;
• The way to police West Africa’s fledgling democracies in a way that makes constitutional order attainable in a multi-ethnic society.

When functioning properly, democracy is like a wheel perpetually driving the society in motion; if clogged, the orderly movement is impaired, and if for too long, the machine is stalled, it eventually, generates inertia. It is uncharitable to truth to dismiss the anxiety about the trajectory of democracy in West Africa as a mere academic exercise. Over the last few years, there is a growing cynicism about truly whether any dividends stand to be derived from competitive electoral politics because widespread has been the feeling of despondency and dejection among the people, the vast majority whose voice and votes ought to count as determinants of the course of their society. Perhaps, no phrase captures more picturesquely and truthfully, the collective state of anguish than the summation of Adebayo Olukoshi, in his prefatory remarks to the 2007–2008 Governance Trends Report, wherein he states that, “Something is really missing about the quality of democracy in West Africa.

To put it succinctly, is democracy at risk in West Africa? From where and what sources? How best to counteract the democratic revisionism that seems to be gaining ground, inspire the spirit of renewal of democracy as a productive system and form of government?

Those questions decided the focus of the maiden edition of the Open Society Forum under the general theme of: “The Emerging Recession in Democratic Consolidation and Advancement in West Africa,” with two sub-themes that sought to situate issues surrounding it under the perspectives of

• Limits and challenges of electoral governance and politics with Nigeria and Cameroon as cases in point; and
• The dimensions of the constitutional challenges and lessons from Niger, Guinea and Côte d’Ivoire.
Why should the challenges of electoral governance and constitutional dilemma be the focus of the Forum? Again, why are these selected countries – Nigeria, Cameroon, Niger, Guinea and Côte d’Ivoire – the object of the enquiry? There is no bias or prejudice to account for the selection of either the issues or the countries except that both issues and the countries present demonstrably echo effects through which the larger democratic challenges confronting West Africa can be meaningfully appreciated. For sure, as documented in a host of literature, the general governance framework in West Africa, certainly belittles democratic ideas in empirical practice, a virtual trait discernible without exclusion in majority of the countries of the region. Under the assumption that a thriving democracy ought to be erected on constitutional order, the derivatives, which necessarily must include the rule of law, effective judicial systems, equitable and just system of distribution of national wealth, social and cultural values that feed into public morality, coupled with the main pillar, which are free, fair and credible elections.

The last point is of crucial importance because without free, fair and credible elections, the pillar and pivot to anchor the prospect for the consolidation and advancement of democracy is ruined as demonstrated by the experiences of Nigeria and Chad during their respective 2006 and 2007 elections. Both countries failed, fell below the internationally acceptable standards in the conduct of their elections, the effects of which have lingered and continued to challenge their democratic aspirations. As evident in events thereafter, progress on many fronts in Nigeria and Chad has remained stunted. Acutely missing, too, was the zeal and sense of collective enterprise that democracy should have infused in the people towards nation-building and national development. On the contrary, a cycle of unfulfilled hopes and dilemmas tend to be viciously undermining civil governance. Democracy, thus, was not only at crossroads but faced with crisis of confidence among the people as the best option of governance to the long years of authoritarianism. As in the old era, government again represents a big disconnect to the people, perceived as “theirs” rather than as a vital democratic organ to rejuvenate the collective wishes, inspiring “ours” syndrome among the people. The consequence was detachment and alienation of the greater mass of the people from the body politic and the entire process of governance.

Indeed, moving from one country to the other in West Africa, the inescapable encounter visibly, is with abridgement, abuse, or complete affront to constitutional order, perpetrated and perpetuated in one guise or the other. Collectively, the region thus presents a challenge to democratic revivalism.
BACKGROUND PAPER I

2. Limits and Challenges of Electoral Governance and Politics: Cameroon and Nigeria

L. Adele Jinadu¹

The context of the challenges: History and politics

What do the experiences of Cameroon and Nigeria illustrate about the electoral challenges facing them, and indeed Africa? It is useful to begin the exploration of this question with a capsule indication of important features of their political history and forms of government, which provide one critical background or conjectural context in the unfolding logic and contradictions – the limits and challenges – of electoral politics and electoral governance in both countries.

Cameroon, the French Cameroon as it was then, became independent on January 1, 1960, while Nigeria became independent on October 1, 1960. The French Cameroon was part of what was initially a German colonial territory called Kamerun, which following the defeat of Germany in World War I became a League of Nations mandate territory divided into French Cameroon and British Cameroons. While France opted to rule the new mandate territory transferred to it as a trust territory, Britain administered the British Cameroons as part of Nigeria. Following a referendum in 1960, the southern part of British Cameroons voted to become part of the newly independent Cameroon, while the northern part voted to remain as part of independent Nigeria. With the incorporation of the southern part of British Cameroons into the Republic of Cameroon, after a referendum conducted only in French Cameroon, in which a federal constitution

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and presidential system were proposed, the country became the Federal Republic of Cameroon on October 1, 1961.

The referendum to decide whether the British Cameroons should rejoin the French Cameroon or remain with Nigeria, with all the ethnic and linguistic undertones that the question raised, as well as its insertion into the general elections in the penultimate years of the decolonization process in both countries, but more so in Nigeria, illustrates the intersection, the push and pull between ethnicity, language, and regionalism, on the one hand, and, on the other hand, competitive electoral and party politics, and constitutional reforms. More particularly, the push and pull goes to illustrate the problematic role of electoral and constitutional reform in managing diversity, in both countries.

The problem arising from this intersection remains at the core of the challenges of electoral governance and politics in both countries. At various times in the constitutional and political history of both countries, threats of secession or demand for home-rule by ethno-regional groups have characterized, and indeed continue to be a recurrent feature of their electoral governance and politics. To illustrate: in Cameroon, President Ahidjo allegedly concentrated powers in the presidency and the country was declared a one-party state, with his party, the Cameroon National Union (CNU), the only legal party, in order to contain ethnic conflict. Yet fears of ethno-regional domination persists as a salient feature of electoral politics in the country and are underscored particularly by the constant refrain of greater political devolution, and the sometimes alternation of demands and threats of secession by Anglophone Cameroon.

In Nigeria, even before independence, virtually all the leadership of the three majority ethnic dominated regions in the country threatened secession at one time or the other, while ethnic minorities in each of the three regions demanded home-rule in their own heartlands within the regions, as a condition for independence. Some even attributed the vote of the southern part of British Cameroons to reunify with the French Cameroon to the fear of majority ethnic domination by the Igbo, the dominant ethnic group in the Eastern Region of Nigeria, if it opted to remain with an independent Nigeria. Fears of ethnic domination have persisted as a major issue in electoral governance and politics in the country since independence, in Nigeria reaching an apogee with the attempted secession of Biafra and the civil war to end it, and underscoring the on-going volatile and violent political activities in the Niger-Delta area for resource control, more meaningful home-rule in the area,
and more inclusion in governance at the federal level, deemed to be under the control of the majority ethnic groups, even as there are echoes of a resurgent Biafra.

Viewed from a comparative perspective, the insertion of ethnicity into the electoral governance and politics in both countries raises a number of interrelated interesting theoretical and applied policy questions. Are multi-layered forms of constitutional arrangements like federalism, as in Nigeria, more efficacious than unitary ones, as in Cameroon, to attenuate and manage ethnic-political conflicts, particularly election-related violent political conflicts? If so, and for this reason, are they preferable over the centralized unitary state, and should they be recommended as the mode of governance in the multi-ethnic state in Africa? Or, is the centralized unitary state preferable as the answer to the centrifugal effect of ethnicity as a force for disunity and violent conflict in the African multi-ethnic state? What would such a comparative study tell us about the nature and direction of citizenship claims and their implications for ethno-political conflict in the multicultural state? [For aspects of the debate, see El Badawi, 2001; Hechter, 2004; Jinadu, 2003; Kalin, 2004; Kustik, 1979; Mengisteab, 2002; Rotchil, 1966; Wimmer, 2004].

In other words, do federal systems and unitary ones differ among themselves in their political structures and in their institutional processes, including electoral governance, for managing ethnic relations and ethno-political conflicts, and if so, why and with what effect?

**Divergences in patterns of governance: Implications for electoral governance**

To raise and answer these questions is to explore in what respects the fundamental differences in the trajectory charted by the post-colonial constitutional and political history of the two countries have shaped their politics and electoral governance. Nigeria remains a federal system, while Cameroon ceased to be a federation, reverting to its preunification unitary system of government in 1972, based on the result of the referendum in May 1972, in which it was proposed to abolish the country's federal system and revert to unitary government, with enhanced presidential powers. While Nigeria was under military rule for the greater part of its postcolonial history, Cameroon has been spared that unwholesome experience, although there have been reported attempts of coups d’état, notably in the early 1980s, following the hand-over of power by President Ahmadou Ahidjo to President Paul Biya in 1982.
When not under military rule, Nigeria has essentially been a multi-party state, though with generally single dominant parties at federal and state levels. But at the federal level, it has generally tended to have a coalition of two or more parties forming government at that level, until much more recently. On the other hand from 1960 to 1966, Cameroon was a single-party dominant state, from 1966 to 1990, a single-party state, and since 1990, a single-party dominant state. Yet, there are current fears in Nigeria that, in spite of multi-partyism, there is a dangerous trend towards a dominant single-party system, which poses an imminent threat to democracy in the country, through the manipulation of the electoral governance process and calculated state repression to decimate opposition parties, by the ruling party at the federal level and in most of the states of the federation, the Peoples’ Democratic Party (PDP).

The election of the Nigerian president, under the first-past-the-post system is qualified by the additional constitutional requirement of a minimum threshold of the share or percentage of the total of state-by-state votes cast during the presidential elections for the leading candidate before he/she can be declared winner of the presidential elections, failing which, in the case of two or more candidates, a run-off election between the two leading presidential candidates must take place. On the other hand, the presidential elections in Cameroon, also based on first-past-the-post system, require only a simple majority, unlike Nigeria’s. Elections to Nigeria’s National Assembly are based on the first-past-the-post electoral system, while those to Cameroon’s Lower House, the National Assembly, are conducted under parallel systems, namely single member constituencies using the first-past-the-post system, and multi-member constituencies using the first-past-the-post system, and multi-member constituencies using party list proportional representation system.

However, the membership of Cameroon’s yet to be elected Senate, established by the country’s 1996 Constitution, is made up of ten members, seven members from each of the country’s ten regions, elected by indirect universal suffrage on a regional basis, with the remaining three to be appointed by the president. Although the president of Nigeria enjoys executive powers, the powers are limited by the federal constitution and do not extend to executive powers granted state governors by the constitution, and by constitutionally entrenched separation of powers among the branches of government at the federal level. The president of Cameroon, however, is invested with an amplitude of constitutional powers, which are not constrained by the entrenched checks and balances imposed on the president’s powers by the
coordinate division of not only executive branch powers but also of legislative and judicial powers in a federal system like Nigeria’s. In other words, the polycentric nature of executive political power and authority in Nigeria creates, by definition, various diffused layers and centres of political power, for dispensing political patronage, which in many and different ways constrain and limit the president’s ability to monopolize or centralize political power in the country.

At the federal level, Nigeria’s general elections in 1965 saw the return to power of the ruling Northern Peoples’ Congress (NPC), albeit it formed a coalition government with a coalition of opposition parties. With the return to civilian rule in October 1979, the National Party of Nigeria (NPN) came to power at the federal level, as the senior partner in a coalition with other parties. The NPN was returned to power in the contentious 1983 elections. Since 1999, with yet another return to democratic rule, the PDP has been returned to power at the federal level in elections held in 2003 and 2007, reflecting a trend towards single-party dominant rule at the federal level.

The point to make is that although flawed in each set of elections, Nigeria’s federal elections have typically returned the ruling political party to office, as has been the case with Cameroon in presidential elections held in 1970, 1975, 1980, 1984, 1988 (under one-party rule), 1992, 1997 and 2004 (under multi-party rule). However, unlike the case in Cameroon, where, with the exception of Ahmadu Ahidjo’s handing over power to Paul Biya in November 1982, there has been no change in the person serving as president, Nigeria has had such a change.

**Defining electoral challenges: The primacy of competitive politics**

In spite of these differences, the major electoral challenges facing the democratic project in Cameroon and Nigeria, with their deep historical roots in the nationalist struggles against colonial rule in both countries, are not dissimilar and derive from the character of the state and the political culture that frame, shape, and impel politics in the two countries. The challenges have historically revolved, as indeed they continue to revolve, around how to achieve political consensus among the political leadership and the generality of the political elite in the two countries over electoral governance. In this respect, the challenges, involving coupling electoral governance and electoral reform with constitutional and political reform, have substantively concerned how to: (a) facilitate the ‘procedural certainty’ that will guarantee the ‘substantive uncertainty’ of electoral competition and its outcome, in other words,
their “ex ante indeterminacy” [on this formulation, see Mozaff er and Schedler, 2002; Przeworski, 1991]; and (b) manage diversity in an open and just democratic society, under constitutional government and the rule of law. Diversity, in this context, is defined as political pluralism, the tolerance of and respect for different points of view and their representational or organizational forms in state and society, and socio-cultural or ethno-communal pluralism, based on mutuality, reciprocity and recognition among ethno-linguistic groups in both countries.

To say this, is to go back to Fanon’s emphasis on the primacy of politics to Africa’s development, to underscore the imperative of getting democratic politics right, to seek the political kingdom first, to appropriate Nkrumah’s famous historic expression. Getting democratic politics right is to be understood in the twin-related sense of opening up state and society, and decentralizing the political and institutional processes in inclusive ways to reflect diversity. To this must be added, as a corollary, engendering popular confidence in electoral governance and elections as a reflection of the people’s mandate, by making elections a common feature of the daily life of the people in choices they make at various political and institutional levels. In other words, there is need in both countries to demystify elections and to pursue and practice them as routine dimensions of peoples’ activities at various levels.

From this theoretical compass, therefore, elections are, or should be, accountability and participatory mechanisms, closing the gap between town and country, and between various social strata, in both countries, through decentralized political arrangements and institutional processes, which establish “…a large number of well-informed nuclei at the bottom.” [Fanon, 1968:194]

The debasement of politics as a closed public arena is at the bottom of the general crisis of politics and electoral governance in both countries. Unless the crisis is resolved, other objectives, particularly, economic and social ones will be in vain. This point needs emphasis, because the distinctive feature or principle of democratic elections, as against typical elections in authoritarian or closed political systems, lies in the possibility and prospects of the electoral defeat of the incumbents holding elective public political offices. This possibility as in the case of multi-ethnic African countries, like Cameroon and Nigeria, requires an open, inclusive political space for competing economic, political and socio-cultural groups and interests.

This feature of democratic elections derives from the procedural certainty built into the various levels of the electoral governance process. Faithful compliance
with this procedural certainty is what makes the substantive outcome of democratic elections uncertain. This point is important in that it shifts focus away from electoral outcomes as such to the set of antecedent conditions and procedural rules that define democratic elections. It is the indeterminacy or uncertainty of the substantive outcomes of democratic elections – expected to be assured by the certainty of the faithful adherence to, and application of, as opposed to the arbitrary, partisan and unfair application of the procedural rules of competitive elections for public political offices – that brings out clearly the importance of impartial electoral governance as a critical and central antecedent condition for elections in liberal democratic theory and practice.

Elections and global human rights standards

Bringing the political will to bear on achieving a consensus, anchored on a theory of human (economic, political, and socio-cultural) rights, as elaborated in the African Charter of Human and Peoples’ Rights, for example, over faithful adherence to the procedural certainty to assure the substantive uncertainty of electoral outcomes among the political leadership and political elite in both countries will help to reduce, and possibly, eliminate, election-related violence and ethno-political conflicts, with the grave and present danger they pose for democracy and sustainable development in both countries. Indeed, the challenges of elections in Cameroon and Nigeria should, in this respect, be situated within the broader ambit of provisions defining the notion of free and fair elections, or of credible elections, in international conventions like the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples Rights, among others, compliance with which national governments are accountable to, and can be held accountable by, the international community, at least through its power of “moral suasion”, and now increasingly, through punitive sanctions and political conditionality.

A dimension of this evolving global inversion into the electoral governance and political processes of both countries has been concern with issues of diversity and political devolution or decentralization, in going beyond the theory of possessive individualism, with its focus on individual rights to give recognition to group rights as a basis for collective political action and the redefinition of citizenship, as they relate to the less than equal citizenship rights, enjoyed by women in relation to men, and by other marginalized groups, like ethno-linguistic minorities, youths and the physically challenged as a result of residual legal and cultural impediments,
which continue to diminish from their effective enjoyment of not only their right
to vote and be voted for but other rights as well.

Adopting this global comparative perspective, therefore, to electoral governance in
Cameroon and Nigeria, given the limitations of cultural or national specificities,
requires proceeding from a baseline provided by the emergent global consensus
about the minimal components of credible elections. With the recent wave of
democratization sweeping through transitional societies, opening up their political
spaces, and the interest in election monitoring to legitimize their electoral proc-
tesses, the issue of cross-national comparison by requiring compliance with a mini-
imum threshold of a universally acceptable electoral governance process, that also
takes account of the need for diversity, has come to the fore of the international
policy agenda.

Nature of the challenges

In significant respects, on-going debates and raging controversies over electoral
reform in Cameroon and Nigeria are responses to the cumulating documented
catalogues, produced by international observer monitoring groups, as well as local/
national ones, of electoral malpractices during presidential, legislative, and local/
municipal elections in both countries. These reports document and illustrate in
details how the management of the electoral process and elections in the two coun-
tries had contravened or fallen short of international conventions and standards,
to which both countries have acceded, and have, perhaps, domesticated. If we
take Nigeria, as an example, Ibrahim [2007:3] and Jinadu [2008:8-10] provide a
catalogue of the more significant infractions of the electoral governance process in
the country. For Nigeria, there have also been reports by government-appointed
commissions and special committees, which, in discussing the problem of elec-
toral fraud and malpractices in the country, have pointed accusing fingers at both
the electoral management body and the general public as culprits. Regarding the
culpability of the electoral body, the Federal Electoral Commission (FEDECO),
in the flawed and controversial elections of 1983, the Political Bureau appointed
by the Babangida administration to prepare a blueprint on the proposed return to
democratic rule in 1987, had this to say in its report:

“The conclusion we read from the contributions is that if the body charged with
the responsibility of administering elections had been honest, competent, and
non-partisan, we would have had fairer and freer elections.” [Federal Republic of Nigeria, 1987]

On the other hand, the Judicial Commission into the Affairs of Nigeria’s FEDECO between 1979 and 1983, appointed by the administration of General Buhari to look into the controversy that preceded and followed the same set of elections in 1983, laid the blame squarely on the general public:

“when we cry out against rigging, it is only because we have been outrigged. In such a setting, we consider that it would be unfair to lay the blame for electoral malpractices on a few score persons. For everyone whose malpractice was exposed, there were probably hundreds of others who did the same thing but got away with it.” [Federal Government of Nigeria, 1989]

In its 2008 report, Nigeria’s Electoral Reform Committee (ERC), established by the Umaru Yar’Adua administration, attributed what it described as “Nigeria’s mixed experience with democratic elections since independence,” among other factors, to:

the character of the Nigerian state as the area for electoral contests; the existence of weak democratic institutions and processes; negative political culture; weak legal/institutional structure; and lack of independence and capacity of the Election Management Bodies.” [ERC, 2008:28]

Much the same set of observations can be made to characterize post-colonial elections in Cameroon. [See Mentan, 2009] What emerges from the various observations is that the sources or causes of flawed elections in both countries are complex and multifaceted, with their roots in material, psycho-cultural, and topographical factors, and go beyond compromised election management bodies. They range from the general poverty in the two countries and the huge, even prohibitive costs of elections and electioneering, difficult topographical terrains, which make some parts of both countries virtually inaccessible, to poor infrastructures and to the orienting zero-sum culture, which anchors competitive electoral politics among the political elite, through the political mobilization of ethnicity and a complicit electorate and citizenship.

From these various observations of the flawed nature of electoral governance in both countries, the list of documented major deficits in their electoral governance process significantly includes, but is not limited to, the following:
• Abuse/misuse of the power of incumbency.
• Lack of confidence in electoral bodies to conduct free and fair elections;
• Severe financial, logistics and topographical impediment to and constraints on the work of electoral management bodies;
• Inadequacy/unreliability of voters’ register, and failure to release them promptly, and to receive claims and objections against them, in line with regulations;
• Manipulated nomination processes, at party level and by electoral bodies or their officials, including failure to receive nomination papers of opposition candidates or the requirement for prohibitive nomination fees and deposits by candidates;
• Inadequacy of staff of electoral bodies to conduct elections, failure to maintain a regular/permanent list of volunteers for electoral duties, and the consequential reliance on ad hoc staff, who are poorly trained for electoral duties, and who are recruited mainly from the public services, whose allegiance generally tends be to the government party;
• Lack of allegiance of party polling agents to their candidates and parties, and their ready complicity with the declaration of false results at polling and collation centres, especially at polling stations, and at collation centres;
• Stuffing of ballot boxes, either within the polling units or elsewhere;
• Controversy over the nature of the ballot paper, its distribution before the election, and over use of fake ballot papers;
• Multiple voting and voting by under-aged or unregistered/surrogate people;
• Falsification of results;
• Paucity of polling booths and non-information/inadequate information about their location/including diversion of polling booths from one location to another;
• Inadequacy of polling stations to ensure secrecy of the ballot;
• Electoral violence, during electioneering campaigns and on voting day;
• The partisan pro-government role of the police and security services in harassing opposition candidates and their role in conniving with or not taking action to prevent electoral malpractices before and during election;
• Lack of confidence in the electoral governance process by the public, including its management by the electoral bodies, and a general scepticism that nothing can be done to ensure the sanctity of the electoral process, making them ready to participate in and commit electoral malpractices;
• Tardy and expensive adjudication processes, which encourage electoral impunity;
• Manipulation of constituency delimitation;
• Manipulation of the media for partisan electoral gains;
• Lack of effective participation by women in the electoral process, leading to their effective disenfranchisement, e.g. failure to register them for cultural and political reasons, and their marginal positions in the political parties; and,
• The lack of internal democracy that is apparent within the political parties.

Electoral trajectories: Theoretical compass, political economy of elections, the antinomy of popular struggles and deficit of political will

Unfortunately, there appears to be lacking, in both Cameroon and Nigeria, the political will to confront constructively and faithfully the daunting challenges posed by these deficits, in the larger and overriding public or national interest. The ruling regimes and ruling parties in both countries have firm control over the executive and legislative arms of government, where the constitutional authority to introduce, legislate and implement electoral reform lies. The inheritance elite, particularly the fractions of it, that constitute the successor regimes in both countries, has generally used state resources to gain unfair electoral advantage, in periodic rituals of flawed and “choiceless elections,” in which, “people are voting without choosing,” [Quotations from Mkandawire and Ake, in Laakso and Olukoshi, 1996], and in flagrant breach of the procedural certainty expected to make the substantive outcomes of elections uncertain.

To explain and understand why this political will is lacking, we need a theoretical compass that locates the roots of the crisis and, therefore, the challenges of electoral governance in both countries in the character of the typical African state as the site for zero-sum electoral forms of competition for the acquisition of political power and with it control of the vast economic power it confers. This partly explains why
electoral politics, in both countries but more so in Nigeria, has historically and over the years increasingly assumed violent and deadly war-like forms.

In both countries, the structural-material basis of politics, with its psycho-cultural derivates or reinforcing political culture, has led to the progressive violation of one critical institutional hallmark of liberal democratic theory: the normative separation or rather insulation of administration from partisan politics. This has largely contributed to undermining, eroding and, therefore, weakening the professionalization and independence or autonomy of public institutions in both countries. In the case of electoral governance, the abuse and misuse of the power of incumbency for unfair partisan political advantage in both countries clearly attest to this conflation of politics and administration, which has gravely contributed to the desecration of the electoral process, with regulators, and generally the electorate becoming active or inactive collaborators in the grand larceny of the people's electoral mandate. The current debate on, and a major challenge of electoral reform in both countries have largely turned on how not only to ensure the effective insulation of electoral administration and management from partisan politics; so as to engender general confidence in the conduct of substantially free and fair elections by their election management bodies, but also to craft and mount advocacy to raise awareness among the general public to defend their mandate. This is why, in both countries, there is widespread concern with advocacy work by pro-democracy civil society organizations. As presently enabled and constituted by the constitution or by statute, the Independent National Electoral Commission (in Nigeria) and Elections Cameroon (in Cameroon) are not, and cannot be independent of the ruling regime in exercising and performing their electoral regulatory and oversight powers and functions.

In both countries, therefore, it seems that if, for their own political self-preservation, strategically placed mainstream fractions of the hegemonic political leadership and political elite are tardy or reluctant to embrace reform, the prospects for substantive electoral reform to create conditions conducive to free and fair elections and to manage diversity, in a manner to engender confidence in the electoral governance process, lie in the radicalization of oppositional politics, through a coalition of progressive and pro-electoral reform social forces in state and society, and cross-cutting ethno-communal, gender and party lines.

Indeed, in both countries prospects for progressive radicalization are not far-fetched or impossible, given their histories of long drawn-out agitational politics
for electoral and political reform by coalitions of marginal, mainly ethno-linguistic, regional, political and women’s groups, and other groups in state and society for a more competitive, inclusive and participatory political process and for an electoral governance framework removed from partisan political control, especially by governments and ruling parties, and in which the people are prepared to defend their mandate from being stolen or being denied the right to vote. For example, in Nigeria under both civilian and military rule, the struggles for democracy and against authoritarian rule have always significantly focused on the nature of electoral governance and the imperative of its improvement and strengthening to consolidate democracy through electoral reform, to create a political and sociocultural environment for meaningful multiparty politics, anchored on respect for and promotion of political and ethno-cultural pluralism.

In Cameroon, the descent to authoritarian one-party rule and the failure of federalism generated contradictions, which found expression in popular struggles for electoral reform, for the return to multiparty politics and for political devolution to take into account not only the ethno-regional or geopolitical but also the linguistic diversity of the country. Also, central to the demand for electoral reform in both countries is how to ensure and secure the independence of their electoral management bodies from partisan political control and interference, the reform of the party system, mainstreaming women into the political process at all levels, and empowering, through political and voter education, electorates prepared to defend their votes. For example, in Cameroon, the boycott of the 1997 presidential elections by the three main opposition parties, the Social Democratic Front (SDF), the National Union for Democracy and Progress (UNDP), and the Cameroon Democratic Union (UDC), and another opposition party, the Union of African Population (UPC), was over the rejection of their demand for an independent election management body in the country.

What this means is that the broader political economy against which the prospects in both countries must be contextualized is that provided by another, generally, salient dimension of democratic transitions in Africa. This is the context provided by the contradictions generated by the struggle for democracy itself. The context is one in which, as has been pointed out in the case of the Latin American experience with democratic transitions [O’Donnell, 1989:68], advances along the road to democracy are interrupted by reversals and regression towards authoritarian rule, which in turn give rise to heightened opposition and resistance by pro-democracy forces. On the one hand, as the wave of democratic transitions swept through the
continent, hegemonic fractions of the political leadership, and more generally of the ruling political elite, as well as their supporters in state and society, are forced by irresistible political exigencies to embrace democratic advances for strategic self-defensive purposes, in an expression of what Claude Ake [1979] described as “defensive radicalism,” and on conditions, which see them retain their hold on political power, taking advantage of their power of incumbency. But, on the other hand, the concession to democratic forces much sooner than later leads to rear guard action by them, aimed at a reversal to the status quo ante. They ferociously try to monopolize political power by taking measures to close or undermine recently opened and liberalized competitive political spaces, by scuttling newly compacted rules and institutional processes, particularly those for improved electoral governance, intended to ensure democratic consolidation and democratic political succession, and by unleashing the arsenals of state violence and harassment on pro-democracy forces, who oppose them.

Furthermore, in both countries, this rear guard action has taken the form of ruling parties' exploiting, for their own electoral advantage, the opening up and liberalization of the political space, by encouraging the proliferation of opposition parties, disorganized, poorly funded, and disunited, with some of them serving effectively as proxies for the ruling parties. In Nigeria, there are now over fifty recognized political parties, while on one count the political parties in Cameroon are about twenty. During the 11 October 1992 Presidential Elections, fought under the first-past-the-post electoral system, for example, President Paul Biya was reelected with only 39.98% of the total votes cast. But pro-democracy groups in both countries easily see through the ruse and charade of competitive electoral politics, under such circumstances, as nothing but subterfuges to continue business as usual. According to Mentan [2009:26], “The Biya regime crafted Cameroon's multiparty Law No.90/56 of 19 December 1990 with an eye on opposition party multiplication, fragmentation and weakening as a means to perpetuate the CPDM's [Cameroon Peoples' Democratic Movement's] tight grip on power. ...In fact many of the political parties created during the early years of Cameroon's multiparty experience (1991–1992) were mainly CPDM moles responsible for infiltrating opposition groupings...” [Nyamnjoh, 2002; 2005; Nkwi and Socpa, 1997, both quoted in Mentan (2009:26) make the same point.]

Yet pursuing rear guard action in this way to reverse the democratization process is also self-defeating, as the long tortuous, often violent struggle for democracy everywhere only too well illustrates. This round of repression will inevitably generate
its own antithesis in the form of even more determined opposition to democratic reversal and creeping slide into authoritarian rule by pro-democracy forces.

Thus in Nigeria, the ongoing struggle for electoral reform arose out of the need to arrest the reversals of the democratic gains of the 1999 democratic transition. Indeed, it draws on a history of violent struggles and protests in the country against desecration of the sanctity of electoral governances in the postcolonial history of the country. [Dudley, 1973; Anifowoshe, 1979] To illustrate: In the Northern Region, the 1961 regional elections were characterized in Tiv Division by violence, which spilled over into 1964, as part of a general opposition to the attempts of the ruling party in the region, the Northern Peoples’ Congress (NPC) to manipulate the electoral process to make electoral inroads and gains in Tiv Division. The 1964 general elections to the federal parliament were conducted amidst tension and apprehension, and turned out to be contentious, pushing the country to the brink of disintegration. The United Progressive Grand Alliance (UPGA) wanted the elections postponed, and, with its demand rejected, decided to boycott the elections. Except in the Northern Region, the Western Region, where voting took place in most constituencies, the boycott was successful in the Eastern Region, where there was a threat of secession, and in four of the five constituencies in Lagos, where no voting took place. A constitutional crisis followed over the powers of the President to invite the party or coalition of parties, which had won the majority of the national parliamentary seats to form a government. The constitutional impasse was resolved, with the adoption of a six-point agreement, which included the formation of a national government, the adjudication of the legality of the election by the courts, and a constitutional and electoral reform/review within six months.

In the Western Region, the regional general elections in October 1965, following upon the constitutional and political crisis in the region, which led to the declaration of a state of emergency in the state in May 1962, and the federal elections crisis of 1964, were also contentious and violent, with the opposition party, UPGA alleging that the government party in the region, the Nigerian National Alliance (NNA) had massively rigged the elections. Even, the Chairman of the Western Electoral Commission, Eyo Esua wrote to the Governor of the Region, Sir Odeleye Fadahunsi to demand nullification of the elections, although other members of the commission disagreed with him. The carnage and killings that followed precipitated, among other factors, the military coup of January 15, 1966.
The 1983 state and federal general elections revived memories of the contentious and controversial federal elections of 1965, and the western regional elections of 1965. Together with the general sense of corruption and the economic crisis of the country, the lack of confidence in, and therefore the credibility of the state and federal general elections and the legitimacy of governments at state and federal levels in 1983, constituted a precipitating cause of the military coup of December 31, 1983/January 1, 1984.

One of the lowest points of the progressive decline of elections in the country was the annulment of the presidential elections of June 12, 1993, precipitating yet another constitutional and political crisis of monumental proportions for the country. Yet, paradoxically, coming in the heels of the relatively non-controversial elections to executive and legislative offices at the state level in 1991, and federal legislative elections in 1992, the June 12, 1993 presidential elections were adjudged, by and large, the best conducted ones in the country’s post-independence electoral history.

Controversy and post-election violence trailed the conduct of the 2003 and 2007 federal and state general elections, with national and international observer and monitoring teams drawing attention to its substantially flawed nature. The 2007 state and federal elections declined even deeper and more precipitously, recording much more decimating pre-and post-election violence, including assassinations, than previous ones since independence. Following on the national controversy generated by the conduct of the 2007 elections, and the international condemnation that also followed it, the President, whose election was challenged at the Presidential Election Tribunal, empanelled an Electoral Reform Committee (ERC) to look into the management and conduct of the elections and recommend measures to improve electoral governance in the country. In its Report, the ERC observed that “…the 2007 elections are believed to be the worst since the first elections [in the country] were held in 1922.” [ERC, 2008:41]. Election Tribunals had to nullify a number of state and federal legislative seats and the election of about four governors, with one elected Governor removed and replaced by the Supreme Court.

In the case of Cameroon, the struggle for electoral reform and democratic reversal has continued unabated in spite of the return to multiparty politics in 1990, the creation of the National Elections Observatory and its replacement in 2006 by the 12-member Elections Cameroon, ELECAM. Though on a smaller scale than in
Nigeria, violence has accompanied some of the elections in Cameroon, especially the presidential elections of 1992 and 2004, and the municipal elections of 1996, while the 1997 presidential elections were boycotted by the three major opposition parties, the SDF, UNDP, the UDC, and a smaller party, the UPA. The Cameroon Supreme Court also nullified results in a number of constituencies for serious irregularities in the May 1997 and June 2002 elections to the National Assembly.

**Convergence of constitutional, political and electoral reform:**

The paradox of constitutional reform

A major electoral challenge in Cameroon and Nigeria, as indeed elsewhere in most of Africa, is, therefore, how to prevent and, where necessary, arrest democratic reversals, by sustaining the momentum and high expectations unleashed by recent democratic and electoral reforms, no matter how fragile or insignificant, in the form of competitive politics and newly designed oversight institutions in both countries. This momentum in the case of Nigeria, if vigorously cultivated by pro-democracy forces in state and society in the country, can find external pan-African reinforcement in the country's accession to the African Peer Review Mechanism and in its membership of ECOWAS. For both countries, the moment can be reinforced in the democracy initiatives of the African Union, which provide other pressures for the struggle against democratic reversal and regression on the continent. Sustaining the momentum of the democratic struggle in both countries will require political mobilization of people's power along Fanonist lines, and evoking Cabral's "return to the source", to link the urban and rural populations, in pressing the demand for strong, and independent legislature, judiciary and public regulatory institutions, like electoral management bodies, and the sustenance of a vibrant civil society, as countervailing forces against an overly and mindlessly strong executive – by broad coalitions of pro-democracy forces in state and society.

Nigeria's postcolonial history, more than Cameroon's, underscores the convergence between constitutional and electoral reform, although this convergence has its roots in the decolonization process in both countries, in the form of constitutional and political reform which saw the gradual transfer of political power to the emergent political class in both countries, a process which necessitated the formation of political parties to contest, competitive elections, and the gradual adoption of universal adult suffrage. In postcolonial Nigeria, the convergence is evident in military-brokered democratic transitions in the country [e.g. 1979; 1989; and 1999], and in the on-going post-1999 transition debate about constitutional and political
In both countries, in a manner reminiscent of the anti-colonial struggles of nationalist forces pressing for constitutional and electoral reform from colonial administrations, the convergence also illustrates the political pressures exerted by and underlying the persistent struggles of pro-democracy forces in state and society to advance the democratization of the governmental and political process and in opposition to perceived reversals or regression of democratic advances and gains. What the haltingly limited success of the struggle in both countries also underscores is the conflict of interest in getting those constitutionally empowered in the executive and the legislature to undertake and bring about reforms, which will undercut the advantages they derive from the status quo.

In the Nigerian case, for example, the initial scepticism which greeted the establishment of the Electoral Reform Committee (ERC), headed by a former Chief Justice of Nigeria, Hon Justice Muhammed Lawal Uwais, was confirmed, and the euphoria which attended the release of the widely well-received recommendations in its Report dashed, when the Government White Paper rejected its most fundamental recommendations, “aimed at promoting greater inclusiveness and minimizing both pre- and post-election tension,” in the country. Notable among the recommendations rejected were those to ensure and strengthen the independence and fiscal empowerment of the Independent Electoral Commission, introduction of a combination of first-past-the-post system and modified Proportional Representation System, based on closed party lists at the federal, state, and local government levels, to ensure diversity, in a way that ensures that “all major stakeholders, especially the political parties that perform well [in elections], women and other interest groups are not sidelined in the emerging governments,” and the speedy adjudication of disputed elections before candidates declared as winners take their oaths of office.

To add insult to injury, in utter disregard of popular opinion in favour of the recommendations of the ERC, the President forwarded watered down or distorted versions of some of the recommendations, which it accepted, as bills for electoral reform to the National Assembly, knowing fully well that they would be shot down, since some of the bills would first require amendment of the relevant
sections of the constitution, before being considered. Many regarded this action by
the government as a strategic delaying plot to buy time and ensure that no signifi-
cant electoral reform would be passed before preparations for the 2011 elections
accelerate into top gear by mid-2010.

Paradoxically, what has transpired in the Nigerian experience with linking electoral
reform with constitutional reform is the opportunity it offers those who are averse
to electoral reform to stymie and unduly prolong the reform process deliberately
by exploiting the tedious and rigid constitutional amendment process, requiring
not only the votes of two-thirds of all members of each house of the national as-
sembly, as stipulated in the constitution, regardless of vacancies, in support of
the amendment, “the alteration” of the constitution, but also the approval by the
resolution of the houses of assembly of not less than two-thirds of all the 36 states
of the federation. The difficulty of constitutional amendment in Nigeria is borne
out of the fact that except for the change to republican government in 1963 and
the creation of the Mid-West State in 1964, no constitutional amendment has
been effected under civilian rule in the country. Indeed, the NBA [2008:21-22],
based its recommendation to Nigeria’s Electoral Reform Committee (ERC) for “a
thematic constitutional review relating to all provisions that have direct bearing
on the electoral process,” on the ground that “waiting for a holistic review of the
constitution with the attendant political, cultural and tribal agenda/interest might
scuttle our chance of rebuilding our electoral system. History has taught us that
wholesale review of the constitution in Nigeria never works.”

This is why the recommendations of the country’s Electoral Reform Committee
have been stuck in the debate and controversy surrounding constitutional reform
in the country. It is, also, why some have argued that electoral reform can and
should be dissociated from constitutional reform in respect of recommendations
not requiring the tedium of constitutional amendment. Alternatively, others have
suggested that, given the urgency of electoral reform ahead of the next set of federal
and state general elections in May 2011, and provided there exists the requisite
political will in the executive, legislature and the hegemonic fractions of the politi-
cal elite at the federal and state levels, piecemeal, as opposed to once-and-for-all
wholesale amendment of the constitution can and should be effected. Aspects of
the recommended electoral reform that require constitutional amendment could
include the modality for enabling, and fiscally empowering the electoral manage-
ment body and the electoral system.
It should also be added that in another respect the rigid constitutional amendment process in Nigeria has its redeeming feature. It provided the strategic opportunity for social and political forces in state and society opposed to the proposal to amend the constitution to enable President Olusegun Obasanjo run for a third term by removing the maximum two four-year term provided for in the constitution to mobilize opposition to it across the country, particularly through application of pressures on federal and state legislators. In the case of Cameroon, if resistance to the amendment of the two-term limit on the president failed, it was due as much to state repression and the fact that the constitutional provisions for effecting the amendment are flexible, a function, perhaps of its unitary system of government. It is also noteworthy that contrary to what seemed to have been the practice in the early years of the postcolonial history of the country, as in 1960 and 1972, constitutional amendments are apparently no longer subject to referenda.

In Nigeria, an important thread in current debate over the nexus connecting constitutional and electoral reform is about the consultative process. The thread centres on how the views of Nigerians on the nature and substantive content of the constitution are to be ascertained, and whether electoral reform should be effected through piecemeal amendment to the present constitution, or through a new process of constitution-making. The questions touch further on the electoral governance process to replace the existing one, namely, who or what agency should be responsible for electoral administration, and with how much autonomy or independence, the mode of voting (e.g. open versus secret ballot, or a combination of open and secret, as in the current modified open ballot system), the type of electoral system (e.g. First Past the Post/Plurality Versus Proportional Representation, or a combination of both, or variation of each), the modalities for pre-and post-election adjudication of election-related disputes, including their prompt resolution, and whether the party system should be a two-party or multi-party one.

It is pertinent to point out that electoral reform in Nigeria has also, historically, raised troubling concerns over the relationship between law, morality, and politics, and about the role of law as a force for political and social change. The concerns have in recent years raised, yet, another set of challenges about elections and electoral reform in the country. The manipulation of the law, deriving from the inherent ambiguity of the language of the law and excessive focus on procedural technicalities, as against the spirit of the law and the substantive issues in election dispute and its adjudication, to frustrate the spirit of the law, and to distort, even desecrate the electoral process, thereby further diminishing confidence in the law and the
electoral process. This was a major substantive and procedural issue raised by the Nigerian Bar Association (NBA) in its submission to Nigeria’s Electoral Reform Committee (ERC). Regarding the failure of the electoral system in Nigeria to support democracy and transparent electoral system, the NBA [2008:8] argued that,

the legal framework for elections [in Nigeria] has created a system, which allows the law to be used to wrought injustice and distort due process. The graphic reality is that the electoral history and extant system does not adequately promote democracy.

Major recommendations made by the NBA on the reform of the electoral process and justice framework include: (a) shifting the burden of proof to candidates declared elected and electoral gatekeepers; (b) requiring certification of results by courts before the announcement of results, i.e. to make their issuance a judicial and not merely an administrative process; and (c) enlarging the scope of locus standi in electoral matters. Virtually all these recommendations by the NBA were reflected in the recommendations of the ERC, and were rejected by the federal government in its White Paper on the ERC Report.

Concluding reflections

Let me now conclude with some reflections on the two major challenges of electoral governance in both countries, which provided my point of departure: (a) facilitating procedural uncertainty to ensure the substantive outcomes of electoral competition and elections; and (b) managing diversity.

Procedural certainty

(I) Electoral administration and election management bodies. It seems to me that a major overhaul of election administration in both countries to make it more effective and independent of the government is a desirable policy option. But to achieve this will require turning a critical searchlight on the powers and functions of the electoral body, including its fiscal empowerment, in such a way as to turn it into a fourth branch of government. It should be so restructured as to make it independent of the deployment of political influence and its use to create an unfair playing ground, in favour of a political party or coalition of parties, and to the disadvantage of other parties.
This requires that the mode of appointment of its members, their tenure, in other words how they get enabled and disabled and their sources of funding should be insulated from partisan politics, and made seriously independent of political officeholders. This may require imaginative institutional innovation, whereby their appointment is made, and their operations supervised by an institution, made up of a small group of largely distinguished, non-partisan personalities drawn from various spheres of state and society life. Their function should be to rescue the public interest, from the political class, and to whom these oversight institutions shall be accountable and responsible.

(II) Abuse of power of incumbency for improper electoral gain. This remains a serious contributory factor in the flawed electoral governance and electoral administration, which is increasingly assuming alarming proportions, as it has gone beyond the use of state personnel, vehicles, state financial resources, and media to include the employment of the full panoply of state power to harass and intimidate political opponents. It has fuelled tension and violent acrimony. It needs to be seriously addressed, with the law and the requisite sanctions against it vigorously enforced by the appropriate regulatory agencies.

Managing Diversity in the Election System

There is need to adopt some modified form of proportional representation to make electoral governance and elections in both countries, particularly in Nigeria, more competitive. Adopting a modified proportional representation system, as the experience of Lesotho, Mexico and South Africa illustrates, will make electoral outcomes closely approximate or more adequately reflect the relationship between proportion of electoral votes won by a political party and its legislative representation, i.e. the number of legislative seats it won in the legislative elections. It will also serve to counter the zero-sum or do-or-die approach to electoral politics, which the unmodified first-past-the-post system tends to encourage, while also providing a more conducive environment to bring diversity, especially enhanced gender diversity, to bear on legislative representation. Proportional representation can also be used to add diversity to executive branch political appointments, by allocating a certain percentage of cabinet positions to opposition political parties that secure a certain percentage of votes cast in presidential elections.
Avoiding “fetishism of design” and nurturing people’s power

Lastly, in approaching the challenges of electoral governance in Cameroon and Nigeria, and indeed elsewhere in Africa, pro-democracy stakeholders in both countries must avoid what an Indian scholar characterized in the context of the debate for electoral and party reform in the country as the “fetishism of design,” the “simplistic belief in the magic of design,” particularly if it is “understood as a legal-constitutional design alone.”

What is required in Cameroon and Nigeria is, perhaps, much more than focus on designing and crafting reform alone, to anchor the constitutional and political reform agenda, of which electoral reform is a subset, in both countries on a broad-based social movement, made up of a coalition of pro-democracy and pro-reform stakeholders in state and society, cutting across various social and sectoral groups in both countries, and strategically tapping on fissures or little openings of firm and solid democratic support within the class of public political officeholders. To do this is to rehabilitate the core ethical vocation of politics and law as the pursuit not only of the res publica, and of the fiduciary obligation of every citizen but particularly public political officeholders and public functionaries to keep faith with the animating and anchoring vision of an open society.

The aim of such a radical and progressive social movement will be to rescue the public interest from public officeholders and engender a cultural reorientation away from the combination of a legal and political culture that appears to condone, encourage and even reward impunity, whether vicariously or in deliberate ways that compromise, distort and sully electoral governance institutions and processes in both countries.

If this appears as a tall order, the history of democratic consolidation shows that everywhere this has been achieved it has been the outcome of prolonged political struggles by a coalition of social groups determined to bring about change by applying pressures within the ambit of the law, and outside if impelled by the force of circumstance to compel public political officers to override their conflict of interest in opposing democratic change and, perhaps, commit collective group suicide by accepting the imperative of electoral reform.
3. Constitutional Challenges and Lessons from Côte d’Ivoire, Guinea and Niger

Augustin Loada1

Introduction

In discussing democratic recession, we need first to agree on what is meant by democracy. When we talk about democracy, we are referring here to the “minimalist” concept of democracy as opposed to a material, substantive definition. In the first case, democracy is based on ideas of common good and general will (power of the people, by the people and for the people). From this perspective, the democratic process is perceived from the point of view of elections and political rights. As Joseph Schumpeter contends, “the democratic method is the institutional system culminating in political decisions in which individuals acquire the power to pronounce on these decisions at the end of a competitive struggle relating to the peoples’ votes.” Seen from this angle, democratization will therefore involve the organization of competitive, transparent and fair elections for the selection of the people in government.

The next step would then be to deal with the issue of democratic construction in Africa from a historical perspective, since it is influenced by a triple historical foundations, namely pre-colonial, colonial and post colonial, each epoch or era reflecting cumulative experiences. From these experiences stem factors, which are sometimes favourable or unfavourable to democratic construction and consolidation. From the historical perspective, the process of political liberalization, which had been initiated with decolonization in the 1950s–1960s was generally reversed

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a few years later, with an intensity that varied from country to country. The new ruling elite quickly set up authoritarian regimes based on a single party system, on the pretext of promoting development and national integration. Then, there came a cascade of military coups d’état, which largely illustrated the failure of post-colonial civilian regimes as well as the failure of planting democracy in Africa. Due to the structural defects of power arrangement, the confrontations between the various political forces for the control of the state and exercise of power resulted, in many countries, in violent conflicts occasioning massive human rights violations.

At the end of the 1980s, authoritarian African regimes faced a severe legitimacy crisis. The democratisation struggle, which engulfed the international environment at the end of the 1980s, also served to precipitate the crisis of political liberalisation in many African countries. Both internally and externally, there were pressures. Depending on the local circumstances, the internal and/or external actors played a decisive role in the advent of the changes, which took place at the end of the 1980s in West Africa. This combination of internal and external dynamics, today, account for the failures of the democratic process, which can be observed in several countries of the sub-region.

According to some writers, the democratisation era of the 1980s–1990s, far from resulting in genuine democracy, only culminated in a mere “authoritarian decompression.” Indeed, authoritarianism quickly made a rebound, a point of general disenchantment noted in many writings on democracy in many transitional societies. [Buijtenhuijs and Thiriot, 1995]

Ironically, even the international donor community that fought with fervour on the need for political liberalisation recanted to put up with democratic façades and now tend to replace the democratization premium with the concept of “good governance.” Indeed, since the 1990s, we have seen democracy being perjured in Africa, especially in its most basic and ideal standpoint of the right of the people to choose their leaders. Rather, the reality has been making the sacred democratic process a mere routine. Instances abound of multi-party elections taking place, often with no change resulting but accompanied most times by electoral fraud and corruption. These elections have at times resulted in deadly post electoral violence as was the case in Togo, or in civil war as for example in Côte d’Ivoire, causing the international community to intervene. In other countries like Niger, the government that swore to protect the constitution after coming in through constitutional means was the very one determined to affront the constitutional order, in a bid at
self perpetuation at all cost. A few countries, however, went through exemplary
democratic transition programmes, and in spite of difficulties, had continued to
strengthen their democratic steps. These are Bénin, Cape Verde, Ghana and Mali.

However, the recent political developments in francophone Africa have been
marked by the now commonplace, more or less, crude phenomenon of consti-
tutions manipulation and democratic order aberrations. The notorious examples
are evident in Niger, as already stated above, but also include Burkina Faso and
Senegal. In these and among many of the countries, some of the evident aberrations
are the undisguised attempts at evolving political dynasties, self, siblings or
cronies successions, and the best-established case being that of Togo. The trivializa-
tion of the constitutional and democratic order as well as the resurgence of coups
d’état – real and feared – that was thought to have been consigned to the history
of the region, should prompt concern if democracy is not receding in the franco-
phone in particular and the region in general.

Furthermore, there is need to ask whether the euphoria of the democratization
process of the 1990s had not been exaggerated considering the heavy constraints
weighing on the democratic process in Africa. Was it right, reasonable and ration-
al to think that the profound authoritarian heritage surrounding Africa’s history
could disappear overnight with simplistic wish and enchantment with push for
political reforms as occurred during the 1990s? Whatever be the case, it is estab-
lished today that the putative infantile steps at democratization appears to have
broken down, if irretrievably, of course, in several West African countries. There is
no choice but to acknowledge that the current democratic process in Africa, more
particularly in West Africa, shows that this process is going through a period of
turbulence. But if one looks beyond the surface, it is possible to see that, problems
notwithstanding, it is impractically possible to stop the seed that has been sown.
Democracy has been planted, the desire for it has ignited a passion among the
people of the region that has led to the growth and existence of many resilient civil
society groups pushing for the democratic process agenda in the region.

Political Turbulence and Democracy: Cases of Côte d’Ivoire, Guinea
and Niger

Even the “Afro-optimists” of democratization in Africa would agree that current
political developments in the sub-region show that the democratic process is go-
ing through a period of turbulence. What are the origins of the current difficulties
confronting the democratic process in West Africa? In other words, where can the specific factors that are at the root of the current upheavals be situated or located?

There are several factors, and depending on the context, some of them are dominant. But essentially, the factors can be grouped into two compartments – internal and external.

**Internal factors**

The internal factors responsible for the abnormalities stifling democratic progress in the region can be traced both political and/or economic causes.

At the political level, the current defects in the democratic order can in part be attributed to the nature of the hybrid regimes, which emerged in Africa since the early 1990s sequel to the “democratic transitions” of many of the countries. Several notions have been put forward to explain the meaning of what some have called the “democracies with adjectives,” sold to the African continent, to replace the forms of governments characterised by terms or concepts such as “illiberal democracy” or “electoral authoritarianism”[Schedler, 2006]. It is important to explain briefly and make a distinction between the two terms or conceptions of government. Both terms however share a similarity that must be understood, in that either, as the terms imply or suggest, describe regimes that are neither democratic nor en-route to democracy. “Illiberal democracy” or “electoral authoritarianism,” can be differentiated from the electoral democracy in that the former two are neither based on an effective separation and balance of power nor on an independent and impartial justice system, even though they can periodically organize elections, which are not done under the traditional authoritarian regimes. Electoral politics under the system of “electoral authoritarianism”, as John Stuart Mill says, produces “representative institutions without a representative Government.” William Case, believes this type of regime is often a legacy, bearing fruit, notably through the skilful and strategic manipulation of the electoral process. Among the known means used has been the restriction of civil liberties of the people, the exclusion of opponents from the political process or the splitting up of the opposition, the exclusion of voters from electoral lists, electoral corruption, intimidation ballot rigging and etc. Indeed, the target of the offensive weapon of the “electoral authoritarian” regime is the very sacred instrument of the state – the constitution, which is often debased, violated, and rendered worthless. The fundamental law – the constitution – upon which the power and control of the state rests is turned to a worthless
document, its provisions at the whims and caprices of the despotic ruler, and even forms the pedestal on which the tyrannical leader erects the absolute power. Thus, no institutional restriction or constraint is permitted or allowed to conflict with the stranglehold on power. Antithetical to democracy in all ways, nothing is legally, morally or ethically righteous whether by force of constitution or arising from any other reasonable corpora. Rather everything is as ordained by the sole possessor of power, including the divine right to determine and prescribe a successor. Power and office become family property that can be transferred along bloodlines or to anointed heirs, even if it means legitimizing such a dynastic succession by perverting the constitutional process.

Admittedly, this type of hybrid regime has empirical realities in many of the governments that have evolved under the concept and understanding of the “presidential system” in Africa. A reality that has negated the optimism that characterised the wave of democratization and the beginning of the push for constitutionalism during the 1990s. Several had hoped that this phenomenon would be attenuated but nothing of the sort has happened. The subject became a recurring issue in many workshops and intellectual fora devoted to the examination and analysis of political power in Africa. The irony is that rather than lessening, the phenomenon has gradually spread, become cancerous, and has now emerged forcefully at the heart of the debate on constitutional order survival and democratization in the continent.

The role of “electoral authoritarianism” cannot be glossed over as a rational explanation in understanding the inherent weaknesses of most of the constitutions in practice in many of the troubled states of West Africa and the continent as whole. It can be held responsible in part, too, if not in substantial magnitude, for the weakness of the parliament, the justice system, the public services delivery machinery, the political party system, indeed, if not for the non-functioning or malfunctioning of the entire organs of the state. This centrality of the obsession to dominate power by the head of state, above all else, stands as one of the challenges confronting numerous francophone countries. This obsession lent credence to incumbents pursuing all means to effect absolute rule tantamount to the reign of “monarchs or majesties” over their countries and people.

Virtually in almost all the countries, such as Niger and Burkina Faso, beset with this problem, there is ample evidence. The issue is not about consolidating or advancing democracy, rather it has been always first and primarily about consolidating
the powers of the heads of state, advancing their status, and meeting their preroga-
tives which are often at variance with democratic requirements. Examples equally
abound that the only time that the constitutions frequently are deemed ripe for
review or amendment, irrespective of the previous exigencies or necessities, would
be when the issue of tenure elongation of the incumbent head of state has become
a matter of “national interest”. Even in the countries where compelling national
needs underpinned constitutional amendment such as in Benin, the President was
not absolved of the attempts at manipulating the process with a view to ensur-
ing the consolidation of personal power, and ensuring the subordination of other
critical institutions of the state – such as the Constitutional Court and the me-
dia – that can provide effective checks and balance to his control. In Mali, rather
than encourage unfettered growth of the opposing political parties, a new way was
found by the incumbent to dominate the political power by dangling the carrot
in the direction of the so-called “independents” with whom it was easy to reach a
compromise.

From the analysis of the current practice of politics in many of the countries of the
region, it will be dubious and pretentious to claim that the cause of constitutional
order and democratic principles is being adequately served in West Africa. It can
even be said further in relation to Africa, that the two have so far proved a distant
attainment or accomplishment.

Constitutionalism is weak and democracy fragile because the imperial nature of
political leaders of the region, at the onset, did not anticipate or factor in the
political liberation equation. The nature and character of the political elites of
the region were such that they were averse to power sharing. When one of the
mechanisms or organs of the state becomes too powerful, accumulates power in
the literal sense of the word, hypertrophic, that is, beaming with the exaggerated
growth and complexity, the natural result is to prey on less fortunate arms, and
therefore, cause imbalance in the system. It contributes to the planting of the idea
that the constitution “serves no purpose.” And in effect, once it is established that
one of the organs of the state, over and above others, can and could dominate
others without effective checks, the door has been thrown wide open to all forms
of abuse – political, economic, social, financial and administrative. Democracy is
about shared power, shared responsibility, share values, a joint enterprise, with all
component parts as equal partners in the collective governance of the state business
as prescribed, and in accordance with the law, which in this context is the constitu-
tion – the Supreme Law. Hegemonic hold on power or dominance of the political
landscape is nothing but an aberration to the practice of democracy. It is the sure source and harbinger of all forms of perversions and political troubles.

At the economic level, the unbridled quest to personalise the collective heritage, that is, the resources of the state, appears to be one of the sources of the current difficulties. This is not a new development in the political economy of the region, but the alarming proportions the trend has assumed now make it more worrisome. Even in the countries of the sub-region often cited as tolerable examples of stable democratic change, the level of corruption that appears hydra-headed and uncontrollable has tainted every claim of democratic gain. Corruption hinders good governance, and for a democratic regime, it is even more wounding as it detracts from public trust and faith in the system, the result of which is to generate widespread scepticism regarding the entire governance process that will not augur for the advancement or consolidation of democracy. How true this is. A barometer of the general public feeling about contemporary developments in West Africa can be seen in the view expressed by a citizen below,

“One often hears of the brazenness with which corruption is perpetrated and if this is only what will be repeating itself at the corridors of power, then it’s no use advocating for change. It is better to stay with a known corrupt power that is already in place because they – the political office holders have already had their fill. The new ones, campaigning for change are not without their self-enrichment aspiration which they tend to hide until they get to office. And this being their priority, rather than taking care of the citizens they will first look after themselves.”

From the experience Côte d’Ivoire, Guinea and Niger, the issue of access to and control of the economic resources can be identified as one of the major causes of current conflicts. In the same way, it is one of the reasons stalling or damping the process of crises resolution. Take Côte d’Ivoire for instance, with rife allegations of corruption against the “reformers,” that is, state functionaries, who yesterday were vocal critics of government but today are the ruling elites are no holier than Caesar’s wife! The public feeling is that having for a long time remained on the sidelines as activists and opposition politicians, they are now behaving as if they made a mistake in the past, which had denied them the crass opportunism. With left and right hands, they have been grabbing, exploiting their new-found political status as the new “ruling masters”. As to be expected, corruption in the economic sphere cannot but have an effect on the political arena. In this context, the imperatives of
an election to end the festering crisis expectedly is of no major concern, hence the adoption of various delay tactics to create or perpetuate deliberate procrastination.

With regard to Niger, several observers have tended to link the obsessive ambition of President Tandja to hang on to power indefinitely to the discovery of major mineral resources like uranium and oil. The anticipated huge substantial revenue was not only juicy but also alluringly irresistible that it fuelled the compulsive desire for power. What political gimmicks could not be imagined, and success envisaged with a bulging state purse? The Executive cannot be short of “cash” to dispense patronage, pursue populist agenda to hoodwink the electorate; and can even afford to buy support from the religious and traditional leaders! It becomes expedient to exploit the poverty and illiteracy of the populations, rather than work conscientiously to tackle the problems of the people. Thus, resources that ought to be benefits to the country and the people often turn to curses because of leadership greed. This is also the case with Guinea and typical of several other countries in the Central Africa region.

As early as March 2009, for instance, a report by the ICG had warned about the possibility of the ruling junta in Guinea clinging to power for an indefinite period in order to preserve and continue to enjoy privileges its members have become accustomed to. The report did note that,

“…the exercise and the sinecures of power may well prove to be too attractive for [the Junta] to agree to give it up. The principal dangers for the transition constitute the disagreements within the Junta, then within the entire security forces, to the extent that the latter have started to quarrel about the power and its privileges, and will eventually end up dividing themselves into community factions” [ICG Report – “Guinea: The transition has only just begun,” Briefing Africa N°58, 5 March 2009].

May be it can be said that nothing is new under the sun in the sad trajectory of Guinea because well before the arrival of the Junta, the control of Guinea’s tremendous wealth had suffered from kleptomaniac penchant of many of its leading elites that had occupied vantage positions in the leadership of the country.
External factors

The external factors also have both political and economic roots. At the political level, political behaviour deviant of constitutional respect, or more aptly, constitutional anarchy, can become a potentially contagious infection contaminating the democratic and constitutional process of a country. As examples have shown, the successful attempt by a neighbouring President in the bid to manipulate the democratic institutions of the state toward securing tenure elongation or enforcing dominance over the political landscape can, and does lead to contagion. The hanging on to power by Blaise Compaoré since 1987, his capacity to manipulate Burkina Faso’s state institutions cannot but have effect – whether immediate or delayed – on neighbouring countries. Since the wave of democratization swept across West Africa in the 1990s, President Blaise Compaoré was the first leader from the sub-region to have toyed with the tenure extension debacle. First, he successfully manipulated the system to secure extension of his presidential mandate to 1997. Three years later, the goal post was again shifted on the recommendation of the Council of Elders, constituted by his government and actually put in place by President Compaoré to douse tension that erupted following the assassination of the Burkinabe journalist Norbert Zongo, who had vigorously pursued the subject of Presidential time-limit and had made it known that:

…reversal of the amendment to the Article 37 of the Constitution and the re-introduction of the principle of restriction to two consecutive presidential mandates. Indeed, its revision in 1997, although it was in conformity with Article 164 paragraph 3 of the Constitution, affects an element, which is capital for our young democracy: the principle of political change made obligatory by the Constitutional Law of 1991.

Based on the provisions of the Constitution, no Burkinabe President could exercise power or hold office for more than two consecutive terms. However, in spite of this, the Constitutional Council decided on October 2005 that President Compaoré could still validly submit his candidature for two consecutive periods, which totally in defiance of the principles of the Constitutional clause. Thus, President Compaoré was elected in November 2005 and still re-eligible for another tenure after completion of the first tenure that would lapse in 2010. Ordinarily the two-term limit means that the president ought not to legally and validly present his candidature for the 2015 presidential election. But for some months now there has been surreptitious moves and talk of an impending review of the Burkinabé
Constitution, for the purpose, among other things, of once again deleting the clause restricting the number of presidential terms in office. It is a case of the hand of Esau and the voice of Jacob!

Another illustration of how politically contagious diseases easily spread manifests in the attempts at building political dynasties. Typifying this disorder that is assuming the status of a political malignant tumour are the examples of dynastic succession in Togo in 2005, in Gabon in 2009, and before those as experienced in the Democratic Republic of Congo and host of others. It is becoming evident that a successful attempt at one becomes an inspiration for another, an infamy that has made the contrasting political developments of Guinea under Captain Moussa Dadis Camara and Mauritania of General Mohamed Abdulaziz a case of two fingers of the same leprous hand.

Pertaining to the economic factors induced by external agents, the roles of the foreign economic powers and their international companies for the control of the continent’s resources—which is sometimes undertaken by one complementing the other, or at times both rivalling each other—in the exploitative manner, cannot exculpate from blame. Take the examples of Guinea and Niger, where the economic activities of China or of the multinationals such as AREVA have been denounced as not furthering the national interests of the two countries. The known fact is that these countries and/or multinationals do not hesitate to sign juicy contracts with the regimes in power, thus giving them the resources required for repression and for their consolidation in power.

All these internal and external factors have had negative impacts on the democratic processes with the result that a change in attitude and behaviour is an imperative antidote, particularly if foreign governments can maintain an arm distance from anti-democratic regimes in the region.

The Critical Groups, Behavioural Traits and Their Importance to Democracy

Here we will make the distinction between the behaviour of the internal and external actors.
Internal actors

The principal actors essential to the democratic process and deserving special focus and attention are the political parties and the civil society organizations. The political parties, it should be acknowledged, in most cases, are poorly conceived and poorly managed, even if the shortcoming is not peculiar to the African continent alone. In fact, if one were to consider the traditional roles of a political party, there is bound to be difficulty in evaluating whether parties actually exist in Africa. Yet in some countries of the region, there are so many political parties, with some numbering up to more than a hundred political parties.

Regrettably, the so-called parties are not more than power contraptions, while the evidence of the dynamism that the multi-partyism has brought to the democratic process is no more than a mob reaction than sacredness of political ideas and philosophies. In reality, and quite often in Africa, parties exist as “political enterprises,” trading vessels of a powerful individual or of a coterie of interest groups to navigate the ocean of power, with the sole ambition of cornering and controlling state apparatus and its resources.

Within the major political parties several factions co-habit which are more or less informal groups formed around a leader and which struggle to take control of the party leadership so as to have dominance in the choice of who gets what – whether in the elective positions or appointments into government offices.

Most times the parties are not run democratically internally. Especially when they are in government, they are intolerant, rarely have respect for alternative views or matured enough to endure criticisms without imputing ulterior motives. With regard to the opposition parties they are not always more virtuous than the ruling parties which they revile endlessly. They often lack tactical or strategic plans in their quest for power, and have little human and financial resources to compete with the ruling parties.

However, whether in government or in opposition, the temptation to resort to non-democratic methods to assume or preserve power within the parties is enormous. Corruption, violence, manipulation of ethnicity and religious sentiments are weapons to be deployed in their quest for power. Rarely, the parties engage in issue-based politics. Such being the case, without effective political parties, it is obvious that having stable democracy is a mirage because there cannot be effective governance as a by-product.
Indeed, the noticeable weakness of the political party system in the region places the fledgling democracies of most of the countries in fatal danger. In several countries, the ruling parties, which already benefit from the numerous advantages that their positions conferred, always have the tendency to perpetuate a hegemonic hold on power to the point of wanting to create, and sustain a single party system. Given the proclivity for the zero-sum game, there cannot but be harmful developments bound to be detrimental to the opposing parties in particular, and the society in general.

From the opposite end, too, the weakness of the opposition – their lack of unity of purpose, their fractious nature and lack of strategic vision – not only make them vulnerable as easy prey for the strong ruling party but also make them less of a strong alternative to counteract the abuse from the ruling party. In the absence of any organized, serious and credible alternative, apathy from the electorate and this in turn predispose the country to despotic reign. Such is the case in Burkina Faso where the opposition has lost its credibility owing to its divisions and easy compromise, especially with the ruling party.

On the other hand, in one of the rare examples, where the opposition and civil society are relatively strong as in Niger, the lack of strategic vision, to anticipate and plan deft moves to counter the plots and ploys of the ruling party become their Achilles’ heel. To what end, for instance, was the effectiveness of the opposition's strategy of boycotting elections? In contrast, what would have been the political situation in Niger if the opposition and civil society had not joined forces, applied pressure on the electoral commission to perform their duties fairly and without being impartial? Would it not have been more effective? Similarly, for the dissenting group within the ruling party that broke away, would it not have been a more effective strategy to remain within the fold and fight it out with President Tandja? In retrospect, these are some of the overwhelming questions.

Contrary to the homogenous image that many of the ruling parties tend to portray about themselves, the reality is that within their folds, there are factions and rival groups fiercely contesting for dominance and control of the party machinery. Nothing stops the exploitation of the cracks within the ruling power bloc to outwit them, break their ranks, and forge consensus with those that might have identical position with the opposition. The best illustrative example is undoubtedly that of Niger where a section of the ruling party formed a coalition with the opposition to challenge the obsessive hold on power by President Tandja.
Generally, with regard to the civil society, their effectiveness is often constrained by lack of human and material resources. This impairs their capacity to wage sustained battle in favour of democracy. The weak nature of the civil society further compromises their ability to hold out tenaciously, engage the government towards protecting the democratic rights of the people. To this can be added the lack of complete independence or autonomy of a large number of the civil society organizations, as many tend to be appendages of the government, soliciting for assistance, cash or kind or both, that eventually cost them their integrity as public voice and mandate protector. Also, the civil society organisations are not without their internal politics and politicking, which may not be disconnected from leadership crisis and petty bickering over status and roles of their functionaries.

Over and above the challenges posed to democratic consolidation in West Africa has been the inability or failure of the government to subordinate the military to civilian authority. Granted that it is not easy to wean the military that had tasted power, enjoyed the spoils of office, even in a way, the anti-democratic and repressive attitude of the civilian regimes no less provide excuse, albeit unjustifiably, for the military to want to take over power. As underscored by a March 2009 Report of the ICG, in reference to the late General Lansana Conté in Guinea, who left a legacy of security forces known for their brutality in the country, a brutality used most support Conté's desperation to cling to power. The rest, as it is well known, has now become history.

**External actors**

Quite often, the role of Western nations has been ambiguous. In one breath, they exert pressure on authoritarian regimes to democratize. At another level, they unabashedly support despotic governments, aiding and abetting them, until they become open sore of embarrassment. The recent past diplomatic tension that occurred between France and Togo, for instance, should not obliterate the protective role that the former played in sustaining the despotic President Gnassingbe Eyadema’s regime. Similarly, too, was France’s double-speak in connection with the Mauritanian military government which she recognised on the feeble excuse that Mauritania supports the war on terrorism.

Overall, the analysis of the causes or challenges to efforts at stabilising and sustaining democracy in the West Africa region, understandably, is complex because the problems stem from diverse and myriad sources. Expectedly, no one approach can
satisfactorily cure the political afflications whose roots are deep and their outward manifestations as pervasive as the canker-worms. It is the reason why there are currently upheavals concerning democratic governance in the region.

**Democratic Forces vs Anti-Democratic Agents in West Africa**

Democracy does not automatically eliminate authoritarianism. Incidentally, there are examples of democratic despots wearing the deceptive mask of serving the “will of the people” when in fact and deed their motivational drive is – self. Nonetheless, a close analysis of the political power relationships in the region shows that there exist pockets of forces, the peaceful soldiers of democracy whose resilience had helped immeasurably in extending the frontiers of liberty, freedom and justice for the people. With the support and encouragement of the international community, they had withstood most of the tyrannical regimes, boldly and courageously faced repressive governments, and but for them the little gains that had been made by the democratic advancement of the region would have been impossible. In the exact opposite end too, are anti-democratic agents, whose purpose and penchant is to reverse the gains already made in political liberalisation and return the region to the dark ages of government by fiat.

**Internal anti-democratic resistance forces**

Opposition parties in Niger would earn credit for their exceptional feat in pursuing a dogged stand against anti-democratic leadership. Against all odds, they stood firmly to resist President Tandja’s desperate attempt at revising the constitution to secure a third term. This was notwithstanding the fact that President Tandja used and deployed every arsenal at his disposal, including the judicial system to repress, persecute and intimidate them but to no avail.

If what occurred in Niger with the opposition stoutly fighting for the defence of democracy an exception, the rule and normal occurrence has always been that democracy protection is the terrain of the civil society. Whatever may be the shortcomings of civil society organisations in West Africa, they deserve credit for the noble roles they played in the past, and still playing now toward enthroning the atmosphere of freedom and political liberty, even among the countries most reluctant to change.
As the most formidable force of change, in crisis period or situations, civil society groups, sometimes at their behest, or through the collaboration of other activists, have been known to form coalitions, groups that coalesce into one entity to pursue a particular public interest agenda. Thus in Burkina Faso, Guinea and Niger, political parties teamed up with the civil society to form a coalition to defend democratic values.

The implication or inference to be drawn is obvious. But it should be stated that democracy, too, is not without its inherent contradictions. It is a system that permits, allows, and tolerates all shades of opinion. However, given the past and present of what the civil society has been able to do, there is cause for optimism hinged on the proviso that, with adequate support and encouragement to the civil society, democracy can be erected on even keel in West Africa.

**External anti-democratic resistance agents**

The AU is, indubitably, a step forward in comparison to the defunct OAU, which made the policy of non-interference as a sacrosanct principle then, despite its hindrance to the advancement of the democracy in Africa. Today, the AU appears to be more committed to democratic governance, a commitment that has resulted, among other things, in the adoption of the African Charter for Democracy, Elections and Good Governance [though only a few countries have ratified the instrument for the time being]. The AU had been more forthcoming in discouraging military take-overs in accordance with its declaration that only governments that came in through constitutional methods would be recognised in the continent. This led to the vocal condemnations of the coups d’état which took place in Mauritania and Guinea, and did not even spare President Tandja’s affront. Additionally, an ultimatum was issued by the AU to the Guinean junta enjoining it to promise in writing that the coup leaders would not take part in the presidential election as a pre-condition to lifting the sanctions that were imposed pending the return of the country to full-fledged democracy.

Even if the condemnations and sanctions do not always prevent the ambitious members of the military from attempting taking over government illegitimately, at least, they know that they will encounter hostile environment, face the pain of diplomatic isolation, until they retrace their steps and return their countries to normal constitutional life.
What about the disposition of ECOWAS to democracy in the region? ECOWAS has established a protocol on democracy and good governance, which constitutes the legal basis for its position on violations of democratic principles. The protocol was the basis that determined the intervention of the regional group in the perverse attempt by President Tandja at rewriting the constitution of his country to suit his third-term agenda whim. Likewise, in Guinea, ECOWAS had sought mediation by constituting a contact group to arrive at a negotiated solution to the crisis, which has left the country prostrate politically.

In all of these new efforts at strengthening constitutional order and democratic practice in Africa and the West African region, both the AU and ECOWAS receive the support of Europe, the United States of America, and the United Nations as well.

However, the role of some sections of the international community is sometimes ambivalent, and at times contradictory to the popular stand of fellow countries within the same group, deserves reiteration. While for instance, there was indulgence of General Aziz of Mauritania, the same yardstick was not applied to Captain Moussa Dadis Camara, who had to face pressure for the return of his country to democratic rule. France’s relationship with the aberrant regime of Niger, which President Nicolas Sarkozy even thought it wise to visit in March 2009 shortly before the beginning of the “Tazartche” (Hausa for ‘continuity’, slogan used by pro-Tandja supporters), ran counter to the Europe’s firmer resolve not to tolerate the same government. There should be no room for anti-democratic forces – whether at the regional, continental or global level – if democracy is to take firmer root in the world.

**Conclusion**

Democracy is constantly work in progress, a process that equally takes long, and not discounting the fact it may not be disconnected from upheavals that may breed frustrations among the polity. The difficulties observed signify that democratic consolidation is still a path strewn with pitfalls in West Africa. Yet, the recession in no way suggests permanent return to the previous state of authoritarianism or despotic rule. Perhaps, this phase of the prelude to democratic consolidation may be far longer and involve more complex processes than the earlier period of the late 1980s when the struggle for democratization began.
Some conditions have often been identified as helping or helpful to attaining political consolidation in a fledgling or transitional democratic country. One is for the country to be rich in resources. Another is to have a multi-party system that equally assures that no one single party is so big as to dominate the political system. Going by the examples of Benin, Ghana and Mali, which can be said to have more or less, cross the threshold of young and unstable democracy, the second part of the hypotheses could be said to be valid. While the countries are not rich by the standards of some countries within the region that had shown burdensome weakness in democratic order, at least in the area of politics, in any of these countries no one party has been so strong as to monopolize control of the political arena.

One of the important lessons that must be drawn in respect of West Africa is that the survival of democracy and its consolidation will only be possible where the political system is such that it is a testing arena on ideas and visions about how to move the society forward. In this perspective, and borrowing lessons from the case of Niger, there is need to re-design the democratic process, to graft it with renewal, re-tooling, with a view to engendering revival of the virtues and values of democracy among the broad spectrum of the society. The re-engineering of the ideals of democracy that is being suggested should also take account of two important requirements: prevent a single party from dominating the political arena and ensure a level playing ground that can lead to fair, credible and genuine elections. In the same vein, the education of the citizenry has become a political imperative if the quality of democracy is to be enhanced in many West African countries.

It may sound trite, yet it is worth reminding that democracy would have more chances of surviving if it were to respond to the citizens aspirations for a better life. True freedom rests on three essential mutual pillars – political justice, economic justice, and social justice – each a factor on its own, but none possibly standing alone, as the three complements and reinforces the other. So not just making the votes count, the issue of creation and fair distribution of national wealth should therefore receive close attention.

Finally, if the ability to overcome crises or substantial shocks serves as the criterion of judging the capability to be an agent of democratic consolidation, obviously the civil society in the region would pass the test for the courage put forward in resisting oppressive and tyrannical regimes. Good examples from Benin, Cape Verde, Ghana and Mali stand out. The examples should encourage us to renew the fight
to move forward. Democratic consolidation is still possible in West Africa, if the required impetus is given to democratic revivalism.
4. The Challenges: Critical Emergent Issues

From the discussions that followed, a number of points emerged as challenging to the smooth, orderly growth, and subsequently, flourishing of democracy in the West African region. Some of the essential key elements identified relate to:

The character of the state

The nature and character of the state in many West African countries raise very serious concerns and questions about the possibility of obtaining functional and enduring democracy across the region. A clear misunderstanding of the roles and functions of the state prompt such questions – as what is the state and to what use is the state put? Owing to the fact that the society, as an aggregate of the community’s collective life, is composed of many interest groups, to a reasonable account there is need to evolve a superintending authority to mediate the natural inherent dynamics of power play and resultant conflicts. Thus, as Roger Soltau says, “Society must, therefore, set up some agency to which it will entrust the power of controlling and regulating the manner and degree in which power will be used in the collective life.” That agency is the state. It is the duty of the agency to decide “how power shall be exercised within the society by individuals, by groups, or by the state itself, according to the fundamental purposes pursued by that particular community, in harmony with its conception of justice.” Therefore, it is essential that the state as a force or organisation within the society should be looked upon as being distinct from it, and that the justification for its existence is to ensure that its tasks are carried out in accordance with principles that embody common purpose or way of life for all members of the community. The logical inference from this is that the state must and should be seen as a “…creation of will and reason,” with its chief characteristics centre around holding the society together, being inclusive of all the varied components of the society, and ultimately by its singular authority, restrains, commands and organises the distribution of the community’s resources.

Unfortunately, the opposite has been obtained in many West African countries. Taking into account the historical origin of the state as colonial instruments of oppression, indeed, little has remarkably changed years after the decolonisation and/or post-independence eras. The state has not only been weak, but amenable and subject to gross abuse and corruption, a twin-evil that has rendered it object
of impotence. Capturing the state becomes the object of politics, and once this is done, as a participant puts it, “you win all while the losers lose all.” It makes competitive politics fierce and fearsome, a “do-or-die war” employing both fair and foul means.

Secondly, with the state under perpetual hostage by a tiny powerful cabal, the resultant effect of the appropriation, domination and tight-hold on the reins of power allows massive corruption which permeates the entire fabric and organ of the state. In many fora, this point has resonated repeatedly:

Evidences were led to substantiate the fact that corruption has assumed the dimension of a hydra-headed monster in the region. Its manifested notoriety as a cankerworm has gone beyond tolerable limit. Corruption almost in the contemporary West Africa has become a synonym for the state, to the point of its conscious acceptance as a normal way of life, particularly, in the political terrain. Concomitant to this was the apparent low level of commitment among West African leaders to deal squarely with the evil. The net effect has been the undermining of democracy and its consort – good governance. [See the report of the Policy and Advanced Research Dialogue, OSIWA & CODESRIA, 2009:8]

The apparent poor conception and understanding by leaders about the proper role of the state feed into the observed defects in the character of the state. Like psychosomatic disorders, this in turn precipitate a host of noticeable anti-democratic behaviours – the frequently and nakedly demonstrated perversions and abuse of the organs, institutions and machinery of government, which have become the dominant feature of democratic life in the region today. Leaders apt to consolidate their hold on power, are very rarely forward-looking state builders or naturally inclined to extend the democratic frontiers of their countries. This is one of the critical challenges facing democracy in West Africa. Those in whose hands the seeds to sow, grow, and nourish democracy in the region lie, tragically, are the very drawbacks to the enlargement of democracy because they embody deficits in democratic credentials.

**Politicismation of administration and machinery of government**

For Democracy to attain the lofty objectives of providing for the needs of the people arising from the social contract between the elected and the electorate require
an effective, efficient, impartial and professional agencies and institutions of government to carry out policies and implement programmes that have been decided by the political arm of the state. Unfortunately, the administrative machinery of government suffers acutely from politicisation in many West African countries.

It is one of the causes breeding the inconsistency of policy, poor and inefficient delivery of public services and goods, and by and large, favouritism and nepotism that characterise appointments and promotions at the different levels and arms of the civil and public services. The patronage and spoils system undercuts merit, skill and competence with the loss of confidence in the equity and justice of the system. Democracy is neither enhanced nor enriched.

A. Zero-sum politics

Victory at elections confers vast, almost limitless opportunities on the winner, in the use and allocation of state resources. As the first to pass the post – an electoral model virtually in all of West African – the benefits to derive from electoral fortunes are as hugely proportional as relative to the magnanimity of the victorious to be generous to the defeated irrespective of the margin of defeat. Political contest is therefore fought with so much bitterness and acrimony that does not augur well for national cohesion with the consequence that no common national objective unifies the political parties. Rather, the parties are fractious entities, in victory always pursuing opposition-crushing goals, and in defeat determinedly engaging in combative destruction of the ruling regime. The result is the undermining of democratic progress in many West African nations.

B. Political and democratic culture incongruence

There is evident incongruence between political and democratic cultures to the point that overlap is difficult to observe. Rather than reinforcing the other, the apparent indication is that of disequilibrium. Quite often, the political culture encourages anti-democratic behaviour that stems from emphasis on legalese and legal technicality or procedural rules rather than focusing on justice, most especially in the area of election disputes. The effect has always been counter-productive as obtained in the inability to conduct many national elections in the region in a free, fair, credible manner that meets international standards. Also, this dysfunction tends to account for the impunity associated with malfeasance that is associated with the conduct of elections in most parts of the region. Respect is not accorded to
the sanctity of the ballot and the democratic rights of the people because vote riggers and electoral perpetrators often get away with their crimes as they are shielded by the political leadership and the well-connected and influential party leaders.

C. The non-independence of the electoral administration and management agencies

There are a number of issues here. The first is the substantive question of the independence of the agencies or commissions charged with the administration and management of elections in the region. From all empirical and practical accounts, hardly is it possible to get one body that is truly independent, unencumbered by subtle or obvious interference in the discharge of their onerous duties. In many instances, the absence of legislative, financial cum administrative freedom to pursue their goals often predispose the agencies or commissions to be vulnerable to political pressures and outright control in some cases. Beginning with such lack of faith about the integrity of their operations and the concomitant institutional credibility as unbiased umpires, the result is that, too often, in spite of their vital traditional roles, electoral commissions lose public respect and confidence even before they started. Accordingly, elections that ought to be approached and taken as a routine, democratic given become a subject of heated passion and bitter conflict.

The second issue relates to the power and work of the electoral agencies or commissions. In most cases, the powers are not only awesome but lack the necessary checks and balances of administrative mediation or control. Although they could be subject to judicial authority, such cases have proved not only time-consuming but expensive as well. At another level, the nature, character and attitude of the top echelon of the electoral bodies do not help or lubricate the friction or conflict that their work by necessity must induce in their relationships with the public, particularly the partisan political interests of candidates and parties.

The third aspect is that in most of the cases, the agencies/commissions are so overburdened with so many features of the electoral procedures that it takes away their effective capacity in discharging their main function, which is the conduct of free and fair election. The sum total of all these is the derogation of the trust and confidence in the impartiality and fairness that should be implicit in the work of the agencies/commissions by the public, the consequence of which the kernel of democratic ingredients – periodic election – becomes a reactive agent. From this perspective, rather than help the growth of democratic values, electoral agencies/
commissions themselves impair from the positive stride that should be have been grafted into the civil rule that, at least, to a large extent, have become the fact of political life in the region.

**D. Electoral dispute adjudication**

Generally, owing to the very fact that democracy as a form of government rests on law, complementary to it is a judicial system that will be just, fair, equitable, incorruptible and highly professional to ensure quick dispensation and administration of justice. With specific reference to electoral dispute, it is important that the system of righting electoral wrongs or giving succour to those with grievances must not only be expeditious but also be accessible and affordable to claimants of justice and redress.

Whilst the existence of electoral tribunals or courts seems to be an acceptable norm in general practice, for most of the countries of the region, the conduct of the tribunals’ or courts’ role as fair and quick dispenser of justice in a volatile area that elections constitute, is, often, a subject of contention and dispute.

In some countries, the burden of proof is vexatious to the point that litigants feel frustrated about the genuineness of the system to remedy the apparent dissatisfaction suffered. At other points, the judicial proceedings are one and at the same time cumbersome and long. There are examples of countries where cases can sometimes last the entire life span or tenure of an administration.

With avenues that ought to be legitimate route to pursuing redress closed by a maze of contrived delays and process manipulation, a vital building block is chipped off from the stable foundation of a democratic process. When considered, either pre- or post-election violence cannot totally be divorced from this lack of faith in, and on the integrity of the electoral adjudication system to honestly, and with impartiality dispense justice to the aggrieved.

**E. Method of certifying winners**

A tangential point to the one raised above concerns how winners from electoral contest are certified. In some countries, despite pending disputes challenging victories, the winners assume office and continue to enjoy the benefits and perquisites attached thereto, not even excluding the use of state resources to pursue cases at
the election tribunals or courts. On the other hand, opponents have no choice except to rely on their personal resources, which again reinforces the earlier point that, with the perception of the state as a biased umpire leaning on the side of the ‘victorious’, the attraction of violence as a tool to redress the wrong suffered is seen sometimes as the most potent retaliatory means. Yet, not only is violence anti-democratic but it deepens further the political cleavages and divisions polarising the ethnic-based states in the region that are still fighting seriously to establish nationhood and national cohesion. Moreover, without the much-needed national cohesion, there simply cannot be that strong foundation to construct a lasting democracy. This makes the issue of certification, and subsequent, occupation of office by a presumed winner in a disputed election, an issue of importance to instituting a stable and sustainable democratic polity in the West African region.

**F. Elections are approached as merely routine exercise**

The core value that the organisation and conduct of election symbolises as the means and true test of ascertaining the preferences and choices of the people expressed through voting is lost to a system that approaches the important democratic right as a mere routine in the region. Indeed, as said, “if, however, the vote is not the only instrument by which the voter can express his opinion, it is a most important one, for it is the chief instrument by which through the choice of a representative, the elector expresses his opinion.” Furthermore, “And in showing what he thinks of the way in which affairs had been managed in the last years since the last election, he either desires to have a change or to keep with the things as they are.”

Elections and their outcome in the region certainly run counter to the expressed expectation of the true essence of election in a functional democracy. Indeed, for most countries of the region, the ballot box has become the equivalent of the barrel of the gun, the previously illegitimate instrument of ascending to power.

**G. Leadership burden in the advancement of democracy in the region**

Visibly, there is demonstration by the region’s political class of poverty of ideas regarding democracy, its nature, and basic values. This failure expresses itself markedly, especially among the leaders in their relation to power, attitudinal disposition to, and the management of state affairs. There is hardly a distinction between the
self and the state, personal and public interest, or the overall objectives that should be the overriding goals driving public policy. Owing to this poor conception of self and state and society, the personality of most West African leaders portray them in ego-defensive ways, pursuing goals that are inimical and destructive to the very idea and notion professed to be the underpinning philosophy of their regimes, the much touted democratic agenda. The image of the current leaders oscillates between “ballot-box tyrants and boot-strap despots” responsible for the backsliding of the region into the dark ages of the past. Compounding the challenge these leaders posed to the fledgling West African democracy is the undisguised attempt at building political dynasties by replacing themselves with their children or siblings or anointed surrogates. Rather than providing a beacon of hope, on the contrary, they cast a pall of heavy burden, spawning an intricate web by the evident reluctance to divest themselves of the “monopoly of power” keeps rupturing the democratic foundation of the region. It is a trap entangling many of the countries in the region, from which there are no easy solutions. Indeed, the region, according to some views, is undergoing its second colonialisation stemming from the internal slavery of the people by the so-called elected leaders.

**H. Weak and ineffective political parties**

It is difficult to arrive at a singular exception of a country in the region where the political party system can be said to have truly measured up to the best democratic tradition despite the prevalence of multi-party arrangement. The rule rather than the exception is usually to have a dominant party – the party of the government party and the party in government, with no dichotomy as the case may be. Controlling government also means near exclusive dependence on the resources of the state, a limitless opportunity to fund its political activities from the purse and machinery of government, to both the detriment and disadvantage of other parties in opposition.

Even at that, whether in government or in opposition, political parties cannot easily be identified with a particular ideology. They neither espouse clear-cut objectives nor proffer solutions to the pressing problems of the day, which can eventually translate into a recognisable national platform. Or, do they (the parties) act as social mobilisation agents, engaging in recruitment drive of new members; or educate public opinion with a view to improving the content of citizens’ political consciousness. Rather, parties exist as vehicles to attain power, the raw engine directed at the sole pursuit of perpetuation of hegemonic hold on the political...
landscape. The parties of mass movement that once were the fulcrum of the anti-colonial struggle of the yesteryears today had become ineffectual handmaiden of the political elites in West Africa’s contemporary politics.

It is worth reiterating the importance of ideological based, mass oriented and effective political party system to the growth and advancement of democracy in West Africa because the alternative prevailing whereby politics is centred on personalities is with attendant pitfalls. Indeed, as experience of the region has portrayed, “Conflict between personalities can easily introduce violence and bitterness into politics, which more impersonal policies will avoid. They are in fact the open road to dictatorship.” Contrarily, the lesson to be adopted is that, “one of the advantages of strict party organisation is precisely that it tends to depersonalise political controversy, and to keep the struggle within the field of principle and collective interests.” Unfortunately, with this missing in the current political landscape of most West African countries, the threat to consolidation of democracy is quite apparent.

1. No benchmark or apparatus to uphold democratic performance

A number of questions will reveal the import of this important point:

- Are there benchmarks used in measuring democratic performance of West African states?
- Who or which institution or agency conducts the measurement?
- What will be the outcome of the measurement and to what effects?
- Do countries readily yield to moral persuasion in the face of national sovereignty, and if this is the case, what alternative is left to ensure compliance, and again, has there been evidence to prove the effectiveness of the previous steps taken?
- Do countries take for granted positions of regional, continental, and world bodies on democracy?

The answers to these myriad of questions will unlock, along with other numerous reasons, why the region is in the gridlock of betrayal of democratic ideals that are predisposed to democratic recession.
J. Undermining the potential of the youth as sustainers of democracy

The potential and prospect of the youth as agents and catalysts to nurture democracy, more so being the future leaders on whom the task of governing tomorrow will rest, is seriously undermined, without exclusion of any single West African country. Democracy, certainly, does not grow from top; it can neither be forced nor hawked as a doctrine. Rather, democracy is a complete way of life incorporating principles, philosophy, norms, values, all constellating into a culture, which demands the acculturation and assimilation of the younger generation into the process. Education plays a big part; so also is the society, the way the society – the family, organisations, institutions, governments and its agencies at all levels – indeed, the whole organs and fabric of the community plays out, and lives by, the democratic ideals.

Without that transferral of the spirit and letters of democratic common existence, the youth is denied the value of experiential learning, and little can be achieved later on toward inculcating that spirit and infusing that character of respect, tolerance, accommodation and patriotism that will buoy their loyalty to democracy as the best, time-honoured form of government.

K. Media’s power and role are still circumscribed

Democracy without a vibrant media environment is like tea without sugar. In a functional democracy, the media performs crucial roles: acts as the watchdog, provides window to public opinion, ventilates grievances of the citizens against public institutions, holds public functionaries to public scrutiny, crystallise issues for the public, and encourages participation in public affairs by making the public domain thrive as a market-place of ideas. To be able to perform these onerous roles, the media must be free, independent, protected by law, both in having access to information as well as being shielded from abuse from vested interests whether private or public. In same vein, the media, too, must only display strong ethical conduct in the discharge of its functions but also uphold the highest professional standard and scrupulous maintenance of discipline among its members. Integrity, credibility and honesty are the canons that determine the effectiveness of a responsible, influential and powerful media system in a democracy.

Whilst the necessity of liberalising the media system in West Africa has been grudgingly accepted, a preponderant percentage of the countries in the region are
far from guaranteeing the environment and atmosphere that will make free and independent media thrive. Government in many countries still dominate the ownership of the media, the effect of which to use them in ways inimical to the evolution of participatory democracy in a way that tolerate alternative and dissenting views from official viewpoints. Private ownership of the media fares no better for most owners using the media as tools of furthering their political interests and agenda on the society.

These, coupled with the fact that enforcement of ethics and professional standards by the different professional media associations has been lax, have made the subject of media a significant factor as part of the equation for democratic recession in the West African region.

**L. Defective Constitutions that detracts from democratic stability**

Figuratively, the end, or literally, the ground on which to anchor all the different points raised thus far, is the defectiveness of the Constitutions in most of the countries. Even in countries that have so far had successful transfers of power through periodic elections, stability and national cohesion remains a big issue, largely because of unaddressed fears and concerns, either of minority groups, or of larger majority regarding citizens' welfare and social security. Among the countries overtly perverting democracy, the first casualty has always been the constitutions of the countries, which often-times are amended, then amended, and then amended as the whims and caprices of the incumbents so dictate. It is a burden to overcome to cross the hurdle of democratic recession.
5. Democracy Revival in West Africa: Recommendations and Suggestions

How can democracy be revived in the West African region? The Forum arrived at the following recommendations and suggestions, which it believes, constitute vital imperatives towards redeeming a situation that is as currently perplexing to the teeming masses of the region as it is ominously prophetically dangerous to the future of democracy in the area, if deliberate and pro-active steps, do not follow expeditiously to contain the danger signals.

Reform of national constitutions across the region

In the light of the historical experience and contemporary developments in the region as highlighted in the preceding chapter, the Forum considers the issue of constitutional reforms as a matter of urgent and utmost importance as panacea for halting the downward decline, and building functional, stable and progressive democratic West African nation-states. Accordingly, the Forum calls on:

National governments:

- To institute the necessary machinery that will lead to the evolution of a broad-based, people-centred and acceptable national constitutions that will address the fears and concerns of all groups within their societies;
- To constitutionally provide for, and guarantee as articles of faith expressing fundamental objectives, and irreducible commitment of national governments, state policy relating to provisions for people’s welfare, especially as regards social well-being, care, security and protection from and against unforeseen disasters, emergencies and catastrophes – human and natural; availability and access of every citizen to life-enhancing amenities like education, adult literacy, employment, medical care and housing, all which will be justiceable as a matter of right under the broader context of citizens’ national social care system;
- To make violations of citizens’ rights, liberties and freedoms a criminal offence.
Civil society organisations:

- To mobilise the people to demand for constitutional change and reform;
- To engage national legislatures toward seeing the necessity of embarking on national constitution reforms, which hold the key to political stability, peace and security, democratic progress and order in their respective countries.

ECOWAS

- To take appropriate steps at sensitizing the leaders of member countries on the inviolability of constitutional order to democratic governance which is a precursor to peace, stability and security that the region urgently needs to make progress and achieve development;
- To strengthen the existing institutional frameworks and mechanisms like the ECOWAS Court of Justice towards checking the violations of constitutional order that will only continue to militate against the peace and orderly development of the region.

The African Union (AU)

- To take the issue of constitutional reform as basic guarantor of the democratic stability of the African continent to be of prime importance, and therefore, support, assist, work and encourage efforts in this direction;
- To consider constitutional order and stability as one of the parameters and indicators of democratic governance and accordingly, accord it weight in the African Peer Review Mechanism (APR).

The international community

- To consider motivational incentives for the countries of the region genuinely committed to, and with proven, demonstrated evidence of constitutional change, that promotes democratic governance and stability and well-being of the people.

OSIWA

- To continue its leading role and support in the area of constitutional reform advocacy in the region as well as to further extend and enlarge its earlier commendable contributions;
To maximise economies of advantage derivable from its spin-offs as tools and catalysts of engineering democratic stability in the West African region by making countries buy into and aligning with the challenge of constitutional reform as a key goal. Consequently, the Forum suggests the following entry-points:

i) To have WACSI develop training modules on Constitutional Reform Advocacy that can be implemented by civil society groups for broad segments of the population across the region;

ii) To have WAPILC in conjunction with relevant partners use the public interest litigation as a platform to undertake test cases constitutional breaches;

iii) To have the WADR develop special programmes and investigative news coverage on democracy, incorporate its partner community radio stations through training and programme exchange;

iv) To have WARW develop resource watch tool-kit that can be used by the local and national communities.

**Strengthening the media and imbuing a strong sense of commitment to professionalism**

Given the fact that free, independent, credible and responsible media serve as essential prerequisites to a functional democracy, the Forum recommends as follows:

**At the national level:**

- That the Freedom of Information (FOI) law by countries that are yet do so;
- That a constitutional guarantee be provided for the existence of free and independent media, and that on no account or under no guise can the freedom of the media be abridged;
- That regulations governing the establishment of the media be liberalised;
- That all anti-press laws that tend to hinder the performance of the media's duties such as the sedition law, criminal libel law, etc. be abrogated.

In turn, the Forum, urges:
National media associations:

- To demonstrate highest degree of professionalism and responsibility in the discharge of their duties;
- To initiate and establish effective self-regulating mechanisms that will discipline its members whose acts and conduct run foul of the ethics of their profession;
- To ensure training and re-training of its members as well as link with the appropriate training institutions for media operators toward making inputs into curriculum design for the training in the media work.

Building the youth as the vanguard of democracy in the region

In order to realise the untapped potential that for long has been neglected concerning the power of the youth as agents of change and as the custodian and future guarantor of democratically viable countries and region in West Africa, the Forum passionately appeals to:

National Governments:

- To, without further delay, initiate comprehensive youth development policies that will address issues relating to the welfare, education and employment of the youth;
- To establish youth recreation centres;
- To support and assist voluntary associations and clubs that offer moral, social, cultural and citizenship training/education to youths;
- To set by law an employment age for the youth and establish the appropriate agency to monitor and enforce all provisions pertaining to the development of the youth.

ECOWAS:

- To initiate a protocol addressing the issue and subject of youth development across the region;
- To encourage the founding of the West African Youth Parliament (WAYOP) with necessary support instrument as an organ of the regional body;
• To promote the domestication of WAYOP among member states.

OSIWA:

• To mainstream youth development as a major strategic goal in its agenda for the development of the region, and thus, be at the forefront of the change advocacy at the local, national and regional levels.

Need for benchmarks to constantly evaluate the democratic performance of the region

As a way of practically ensuring that the performance or progress of countries does actually meet up to anticipated objectives or goals, there is need for benchmarks or parameters to objectively assess and rate achievements. In this wise,

• At the national level, the Forum calls on the civil society groups – working either individually or in concert by networking with others – to take up the challenge of assessment and impact of governments performance, publishing and disseminating such results obtained;

• At the OSIWA level, to sustain and enhance the Governance Monitoring Project of the region which it began since 2006 and had helped in illuminating areas of governance challenges in West Africa.

Political parties need to be made more idea- and programme-centred rather than woven around personalities

To build the political party system that can add value and nourish democracy in the region, the Forum suggests:

• That conditions attached to political party registration are liberalised;

• That the evolution of truly representative political parties that bind members together through a shared ideology will not happen if parties are demanded to have national or central outlook – with all that entails in terms of party financing and funding, e.g. offices, staff, etc. – before they are registered. Accordingly, it is suggested that a liberal political party system structure based on local, state and national parties be allowed so that parties can contest for elective offices in relation to their choice and capacity whether as local or state or national parties;
That the funding of parties by the government encourages political corruption as well as fierce struggle for power and therefore, should be discontinued forthwith;

That the Office of the Ombudsman be established to regulate the conduct of parties, and also possessing the power to receive their annual and audited reports and financial statements along with the power to investigate allegations and cases of political financial corruption against parties and candidates.

The independence, integrity and impartiality of electoral commissions are crucial to sustaining democracy in the region

The three essential ingredients – independence, integrity and impartiality – serve as assets to the work of an electoral commission when present, or as liabilities when absent, thus either make or mar the democratic stability of a country. Resulting from the widespread experience cutting across the region in connection with the performance of the various electoral agencies, and against the background of the evident occurrences surrounding the administration, management and conduct of elections, the Forum recommends, concerning:

1. The independence of the electoral commissions:

- The removal of the commissions from the control of the executive arm of government;
- That membership of the commission be made non-partisan that will include representatives of essential and vital institutions germane to the conduct of elections, however, with the executive arm acting as the consenting authority;
- That the budget of the commission be outside the control of the executive arm of government once approved by the legislature;
- That the commission submits annual report and audited accounts to the legislature, the basis of which budgetary allocation and approval would be made for the subsequent year;
- That the tenure of members be single term;
- That removal of members be based on a resolution of two-thirds of the members of the legislature, and in cases of proven misconduct against a
member that member apart from facing sanctions as may be provided by law, will also face proscription from the list of his/her professional organisation, and failure on which part of the association it shall lose opportunity of future representation in the Electoral Commission.

2. To enhance the integrity of Electoral Commissions:

- Members should publicly declare their assets and liabilities on appointment and after their tenure;
- All procurements by the Commission should be by open tender;
- The Commission shall public annual report of its activities and finances, which shall be available to interested members of the public;
- The Commission shall have internal disciplinary procedure to investigate complaints and/or allegations against its staff, and the report of the outcome of the investigation/disciplinary action(s) taken made public;
- No member of the Electoral Commission shall be eligible to contest for election within ten years of having served as a member or appointed staff of the Commission;
- The Commission shall be limited only to the conduct of elections.

3. To make the Electoral Commissions impartial in their duties:

- The Commission and the political parties contesting elections should have a statutory committee – Election Management Consultative Council – which shall quarterly, and as occasion demands, consider and review the issues relating to the conduct of elections;
- Every process and procedure governing the administration and conduct of election should be open and subject to public scrutiny.
6. Conclusion

At the beginning, the anxiety was over the veracity of the receding democratic culture, norms and values in West Africa. In the end was the identification of routes to quarantine the spiral viral effects of the anti-democratic resurgence. In between were the intersections – of possibility of democratic revivalism in West Africa dependent on navigating the right course, or, of anti-democratic political recidivism bound to arise from delayed remedial action. Thus, the crossroads at which democracy is in the region that is approximately one-fifth of Africa, and which almost by the close of the last millennium accounted for two out of every four Africans, with a projection of a staggering population of about 430 million by the next 10 years, is obviously apparent from all indications.

Coming from divergent epochs of colonial history, commonly agreed has been the fact that the resultant scars were not without their effects on attempts at building nation-states within the individual countries, and in the region as a collective political entity. The Gambia, Sierra Leone, Ghana and Nigeria, for instance, were all under British rule with all that entailed in political history and experience and their after-effects on political culture and form of government. On the other hand, through its assimilation policy, France successfully unified Benin, Burkina Faso, Côte d’Ivoire, Guinea, Mali, Niger and Senegal into French West Africa. Portugal however only managed an inconsequential foothold in the region through the colony of Guinea-Bissau, comparable to Germany under which Togo was first a serf but after the first World War lost her only satellite country in West Africa to the two imperial powers, Britain and France that divided the dominion status between them. Liberia remained the only West African country that was never a surrogate to any colonial power. However, by 1974, more than three decades ago, all of the West African nations had become autonomous as independent states. Yet, in ironical context, the post-independence experience of many of the West African countries had been stories of political instability and social upheavals. Some of the worst examples of brutal hostilities and fratricidal wars have occurred – the Nigerian Civil War, the First and Second Liberian Civil War, Guinea-Bissau Civil War, Ivorian Civil War, and Sierra Leone Civil War.

Besides, the region until the advent of the democratic movement in the 1980s was one of the world’s hotbeds for military coups with Ghana, Nigeria and Burkina Faso, displaying more than a fair share of successive dictatorial regimes. A few
others like Benin, Togo and Côte d’Ivoire, as typical examples, were not without equivalent civilian dictatorial rule manifested by one-party state. The result was that despite the advantage of enviable natural resources, the region have remained a paradox of tangible natural endowments producing intangible results. Life span is generally short in the region compared to other regions of the world, youth migration at desperate and scandalous high percentage, while other symptoms and manifestations of poverty continue to exacerbate pressures on the dynamics of community life.

Although hostilities had ended in some of the recently war-torn countries – Liberia, Sierra Leone and Côte d’Ivoire, as the two former had elected leaders with popular mandates whilst the latter – Côte d’Ivoire – is still an outstanding item on the conflict resolution agenda. A few countries, too, like Ghana and Senegal have emblazoned on the horizon the status of relatively stable countries. Nevertheless, the bottom-line issue in the region was, and remains, the question of good quality democratic governance. Even in those countries mentioned as indicative of demonstrable potential of accommodating multi-party political system, critical were the matrices of issues being highlighted as dysfunctions to stable and democratic governance. Many of these issues were exhaustively analysed in Chapter 4 that dealt with the challenges and the critical emergent issues considered to be militating against the political, social and economic development of the region toward building a stable political system that will guarantee constitutional and democratic order.

A loss can result from a badly managed initial gain. As one of the leading political science scholars in attendance at the Forum offered metaphorically, borrowing from the pithy saying of a British humorist, the democratisation process in Africa generally had tended to follow six discordant travails beginning with enthusiasm, followed by optimism, then disenchantment and confusion resulting with the people as guilty for inaction, the eventual result of which to turn the people to victims. May be yes, perhaps, no. West Africa “has a long way to go,” yet, further added another eminent political scientist in the region, with a rider that, “Forces have to rise up to mobilise the people, to defend their collective existence and right to a better society.”

To find one West African country without a democratic disorder or constitutional defect will be rather difficult. Take a look at the listing of the countries of West Africa – Benin, Burkina Faso, Côte d’Ivoire, Cape Verde, The Gambia, Ghana,
Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo – where does the graph for functional democracy and stable country begins and end?

The beacon of hope nursing optimism for democratic revival, however, rests on the fact that even under the era of prolonged military rule, the region, remarkably, “has a thriving civil society [that] was in the forefront of the movement … towards political liberalization.” Now rather than later, therefore, is the time for every segment and sphere of the West African society – governments, labour, students, political parties, domestic civil, regional and international bodies – for collective attention to revive democracy.
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