

African: the Exhaustion of Electoral Democracy against the Resurgence of Presidential Third Termism and beyond?

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pp. 11-19

Introduction

The introduction of liberal democracy in Africa arrived as a consequence of the changed post-cold war global dynamics, seeking to create different relationships between the North African Maghreb region on the one hand and Sub-Saharan Africa on the other, as they related to the Bretton Woods institutions of the World Bank and the International Monetary Fund (IMF). Central to the system of liberal democracy is the notion of constitutionalism and regular political transitions mediated through scheduled elections. In Africa this became an alternative to the staid, post-colonial one party-state-system. Launched with much fanfare in Benin during 1990, the subsequent Benin model produced a wave of elections in over 20 African countries before 1994 (Adrienne, 2016: 172). In the immediate aftermath, Gabon (1990), the Republic of Congo, Mali, Niger and Togo (1991), Zaire now the Democratic Republic of Congo (1992) and Chad (1993) all opened up following street protests and spirited campaigns by the political opposition. The outcome of the new wave resulted in the departure of long serving presidents such as Kenneth Kaunda of Zambia and Kamuzu Banda of Malawi (Bierschenk, 2009: 338). Entering the shoes of the departing presidents was a combination of activist academics from the universities law faculties working hand in glove with civic societies, nascent opposition parties and labour movements.

Meanwhile, the African Union (AU) welcomed the democratization initiative and sought to consolidate this through adopting complimentary protocols such as the Charter on Democracy, Elections and Governance of 2007 (ACDEG). This continental framework provided impetus for sub-regional economic and security communities (RECS) to draw similar Principles and Guidelines on Governance and Electoral Conduct in the East African Community (EAC), the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC) amongst the leading entities. However, even against this euphoria and elaborate continental and sub-regional legislative arrangements, by the early 2000, substantive evidence was emerging of deliberate push back and reluctance to embrace liberal democracy multi-partyism. The reasons why the reluctance to transform post-colonial entities are varied, ranging from lack of political will, the absence of credible election management boards and commission as well as the

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paucity of opposition political parties able to challenge the incumbents to bring about change. This list however, misses out on at least two important variables: that of sitting presidents seeking power retention beyond the third term and secondly, the phenomenon of siblings, sons of presidents who manage to take over with the support of key aides and then continue the unending rule as witnessed in Gabon and Togo. This article seeks to make a contribution towards answering the question why electoral democracy has stalled in Africa by employing relevant case studies that provide empirical evidence to the two dimensions. It is therefore arranged in three sections after the introduction with the first looking at the phenomenon of third-termism followed by the era of the siblings in power before making conclusions and recommendations. To that end, this article argues that now that the 1990s enthusiasm and euphoria has become exhausted, the determined power retention intentions of some of the incumbents are likely to take the continent back to the immediate post-colonial era of one-party-state system.

The Golden Era

The introduction of liberal democracy tenets in Africa during the 1990s was part of the withdrawal of the then United Soviet Socialist Republics (USSR) and the unbridled ascendancy of Washington to almost unfettered global influence. In 1992, Samuel P. Huntington had published his seminal thesis, *The Third Wave of Democratisation in the Late Twentieth Century* in which he noted that Africa had missed out on all the waves which occurred between 1828-1926, 1943-1962 and finally, from the 1970s and 80s (Scott, 1993).

However, even as this text was going to print, significant parallel developments were already taking place. Following the end of the cold war, the Bretton Woods Institutions of the World Bank and International Monetary Fund (IMF) launched an initiative to integrate African countries into the global, market economy subject to conditionalities. The policy prescription relied upon was the so-called *Washington Consensus*, initially crafted for Latin American countries and later simply imposed on African states (Williamson, 2004: 5; Williamson, 2004-2005).

It is significant to note that the Washington Consensus was aimed at the 47 Sub-Saharan states before the independence of South Sudan while excluding the North African Maghreb countries of Algeria, Morocco, Tunisia and Egypt. Because this was about the further integration into the market economy of countries that had remained outside, in contrast, the North African region, in spite of the ruling monarchies and military regimes, these had already found accommodation within the volatile oil and Middle Eastern geo-strategic considerations.

An early Sub-Saharan respondent to the initiative was Benin when the ruling party's Central Committee, during its sitting in February 1990 decided to adopt the new ethos. Implementation of the break with the past was to be through a wildly popular National Convention Conference. This soon spread like wild fire to other countries adopting the now popularised Benin Model affecting Gabon (1990), the Republic of Congo, Mali, Niger and Togo (1991), the then Zaire now the Democratic Republic of Congo (1992) and Chad (1993) (Bierschenk, 2009: 388). The wave also spread to former Anglophone and Lusophone countries, affecting over 20 countries between 1990 and 1994, culminating in the deposing from office of long serving presidents such as Kenneth Kaunda of Zambia and Kamuzu Banda of Malawi (Adrienne, 2016: 172). More recently, street protests have resulted in the dislodging the 'big man' syndrome when, on 30 October 2014, protestors set ablaze parliament buildings in Burkina Faso when President Blaise Compaore attempted to extend his rule after 27 years in power, forcing him to flee (Al-Jazeera Africa News, 30 October

2014). In February 2019, months after the forced removal of the 82 year-old and wheelchair bound, Abdel Azziz Bouteflika of Algeria, the scheduled elections have been suspended as protestors agitate for political and institutional reforms as well as the 'departure of identifiable old guard' before a new page can be turned in the country's political history.

Beyond the electoral crisis states, the following have emerged as positive outcomes and now enjoying peaceful transfer of power through elections. The list includes the latest addition, the Gambia after the ousting of President Yaya Jammeh followed by Botswana, Ghana, Liberia, Sierra Leone, South Africa, Malawi, Tanzania, Zambia and the island states of Mauritius, Seychelles and now Madagascar. This also includes Nigeria in spite of the obvious chaotic manner of electoral conduct by the outcome has been widely accepted and legitimized the incumbents (Aig-Imokhuede, 2009).

In the vanguard of the new political elite were academic professors from the universities law faculties working with civic groups and organised labour movements. Available evidence suggests electoral democracy in Botswana, Ghana and more recently in Gambia, Nigeria in spite of the messy organisational characteristics, Malawi, Mauritius, Namibia, Seychelles, Liberia, Sierra Leone, South Africa, Tanzania and Zambia have created peaceful centres of stability on the continent (Aig-Imokhuede, 2009).

Furthermore, in the first decades of the introduction of electoral democracy in Africa, attention focussed almost exclusively on the presidency with little attention paid towards local government. To this end, the removal from power of the likes of President Kenneth Kaunda of Zambia in 1991 and Kamuzu Banda of Malawi in 1994 which had been preceded earlier with the first multiparty elections in Mozambique in 1992 all concentrated on presidential and parliamentary elections. For most then, it was only after 2014 that Malawi and more recently in Mozambique and DR Congo in 2018 that the countries' elections now included local government. The impact of the extended reach in most cases simply collapsed the very fragile and nascent capacity within the EMBs. Furthermore, in the DR Congo, the outlying areas in the Eastern Kivus are still plagued with violence and conflict resulting in the Election Commission abandoning any attempt to hold elections in the volatile region.

Three decades later, the democratisation project through elections has stalled (Okpèh, 2009). In February 2016, the AU's Department of Peace & Security as well as Political Affairs issued a communique citing disputed elections and the undemocratic behaviour of incumbents as representing the new site of conflict in many countries on the continent. Curiously, the leading Benin model has also witnessed transformation and regression: with the military on the streets firing live ammunition at protestors against abuse of power and perceptions of electoral fraud (Hendricks & Kiven, 2018; Small, 2006). The actual reasons why Benin and other likeminded states have sought the slippery slope is located in the two areas of presidential third-termists and secondly what we think is a new feature: that of siblings continuing the conduct of their fathers in ensuring sustained power retention.

The evaluation reveals a negative picture of either no progress or severe regression, epitomised by the floundering Benin model itself with national contexts characterised by increased insecurity and instability as acknowledged by the AU. For example, Benin, Burundi, Cameroon, DR Congo, Equatorial Guinea, Guinea, Chad, Niger, Mauritania, Gabon, Kenya, Togo, Republic of Congo, South Sudan, Sudan and Zimbabwe have been cited as particularly exhibiting repressive states, 'banning opposition activities and ordering the military to open live fire' on protestors (BBC News, 6 May 2019; Gift Tichaona Tsvetere, 2015). Furthermore, there have been incidences of serious disputed elections resulting in unending street protests in Angola, Cameroon, Eritrea, Equatorial Guinea, Guinea, Malawi, Lesotho, Ethiopia, Kenya, Burundi, Sudan, Egypt, and the Central African Republic (C.A.R) amongst others.

The Third Termism

When term limits are found in presidential system, they act as a method to curb the potential for monopoly of power, where a leader effectively becomes “president for life” or “a king.” In (Angola, Algeria, Egypt) Nigeria, Niger, Zimbabwe, Burkina Faso, Madagascar, and presently Burundi, elected leaders have attempted to stage ‘a coup from within’ embarking on personal consolidation at the expense of democratic consolidation. While 34 African countries have two-term limit provisions in their constitutions, only 20 per cent of these limits have been compiled with (Riedl, 2014, cited in Durotoye, 2016: 39).

Against the wave of democratisation which was underpinned by new constitutions providing limited terms and shared responsibilities between the three spheres of government comprising, the executive, the legislature and judiciary, has emerged a group of presidents willing to amend the constitution in order to extend their stay in office (Emerging Trends, 2016: 12, 26, 42; Mtembu, 2017/18). According to Adeolu Durotoye since 1990 to 2000, eleven presidents had attempted to amend the national constitutions in order to extend their stay with seven succeeding (Durotoye, 2016: 40-42). Between 200 and 2015, fifteen African presidents also embarked upon constitutional amendments with the majority of them succeeding (LeBas, 2016: 170). A graphic regional trend that has emerged in Central Africa where the presidents amended the national constitutions extending their stay to 2034. This includes: Algeria, Burundi, Cameroon, Chad, Djibouti, Egypt, Eritrea, Gabon, Republic of Congo, Rwanda, South Sudan and Sudan, Togo, Uganda (Hendricks & Kevin, May 2018). Meanwhile, countries such as Burkina Faso, Mali, Central African Republic (C.A.R), Eritrea, South Sudan, Sudan, Kenya, Zimbabwe and Somalia area experiencing such severe internal political and security crises at the centre of which is violent conflict and electoral jostling (Mtembu, 2017/18). Combined, these states constitute a significant portion of member countries that have simply failed to make the transition from the dominant political system to the competitive style that has been argued as the preferred choice towards being about peace and stability on the continent.

An important feature of the Third Termists in the Central African states is that there are serious tensions between the presidents resulting in a situation of no peace-no war but clearly the embers of conflict continue to smoulder (Mtembu, 2017/18). For example, in July 2019, the latest attempts to reconcile Ugandan President Museveni and Rwanda's Paul Kagame were made in Luanda, Angola, after each of the countries had shut their borders to trade and human traffic. A little earlier, the AU has sought to appeal to Museveni to intervene in the deteriorating situation between Burundi's Pierre Nkurunziza and Kagame. Meanwhile to both Museveni and Kagame, relations with DR Congo former President but still influential leader, Joseph Kabila continue to fester without solution. Furthermore, the same cauldron of crises has also drawn in President Guess of Republic of Congo in the milieu. Of this group of presidents, while Kabila eventually failed to amend the constitution to extend his stay in power, all the others have removed the age limits and become almost life presidents to be in office beyond 2034.

In these countries, the public sector institutions of Election Management Bodies (EMB) and the Election Commission (EC) have all been skewed to have their mandates answer to the perceived, external national threat by the presidency. In the event that the presidencies change and the threat disappears, then fundamental work to reconstitute effective ECs and EMBs will become the first priority before the nations enjoy free and fair democratic elections.

The Undemocratic Siblings extending the reign of their fathers

Togo and Gabon reflect two countries whose underhand political manoeuvring has tended to fool researchers and analysts. We consider the situation in Togo first before that of Gabon.

Togo holds the longest surviving military coup on the continent when President Sylvanus Olympio was assassinated, barely a metre from reaching the American Embassy to seek refuge on 13 January 1963. Part of the military contingent pursuing Olympio included Sergeant Etienne Eyadema, who remained the power behind the throne until he stepped in from the shadows to take over as president on the anniversary date of the assassination of Olympio in 1967. President Olympio's death therefore predated the formation of the then Organisation of African Unity (OAU), established on 25 May 1963, later to become the AU in July 2001. In limiting the reflection on Eyadema's reign given the limited space of this article, once he took over on the anniversary date of Olympio's death in 1967, he remained in power until his untimely death from cardio vascular arrest whilst being flown in an emergency ambulance plane to Paris for treatment on 5 February 2005. Since the advent of multiparty and the temporary Benin electoral wave of the 1990s, Eyadema had successfully stifled all attempts to democratise and allow the citizens an opportunity to express themselves through the ballot box. Employing at least four identifiable elements, Eyadema was able to sustain his stay in office until his untimely death on 5 February 2005. The included: suspending all political parties and declaring, officially a one-party-state under the Rally of the Togolese People (RTP) by November 1969. The RTP, whose membership was exclusively drawn from his ethnic clan tightly controlled all entry into the public sector while exclusive drawn from his ethnic clan. Next, Eyadema paid attention to the establishment of a military and internal security institutions, officered and populated by candidates from his ethnic clan. These have not been hesitant to violently suppress protests and political opposition resulting in millions of southern Togolese Ewe ethnic group forced to flee into exile and refugee camps overseas and neighbouring Benin and Ghana. The latest wave to flee, estimated at over 38 000 was recorded in April 2005 when the election to install Eyadema's successor, his son, Faure Gnassingbe Eyadema.

Only hours after the death of Presidente Eyadema in the emergency plane to Paris, the partisan army moved and named his son, already the country Minister of Equipment, Mines, Posts & Telecommunications, Faure Gnassingbe Eyadema, as his successor whilst isolating the country by shutting all the borders and international airport. Soon afterwards, the military rounded up all legislators to the National Assembly with instructions to change the constitution accordingly. The succeeding steps reveal the automatic reaction of the instruments of power retention, comprising the military, the party, ethnic loyalty and a weak public sector, put into place by Eyadema during his 38 years in power. Elections were held on 30 December 1979 after declaring a one-party-state, followed by the 21 December 1986 single candidature of the presidency in which he easily won. Afterwards, the 25 August 1993 and the 21 June 1998 were under violent repression of the opposition, a closed media and partisan EMB. This trend was to continue under his son following his untimely death.

Succession according to the constitution was designed to install the Speaker of the National Assembly, Natchaba Quatarra. Meanwhile, the Speaker was currently outside the country on official business in Paris and upon being prevented to return back to the country, ended up in Cotonou, Benin (Banjo, 2008: 38-39; Bearak, 13 September 2017). Instead of allowing the constitutional provisions, only hours after Eyadema's death, the army, General Zachari Nandja immediately suspended the constitution and nominated

his son, Faure Gnassingbe as President, while closing down all the borders. This denied the travelling Speaker, Quatarra, the opportunity to return while rounding up all the legislators to gather and amend the constitution accordingly. The ruling party, RPT held 72 of the available 81 seats and easily passed the extraordinary resolution to install Faure as the new President (Banjo, 2008: 38; Godwin, 26 February 2005).

The international community, ECOWAS and the AU reacted, calling on authorities in Togo to respect the constitution. Threatening to further tighten the diplomatic and military hardware sanctions imposed by the then Nigerian President, Olusegun Obasanjo the AU and the United States, Faure agreed and stood down on 25 February. Meanwhile, an election was immediately called, according to the constitution this had to be held in 60 days and deliberately dated back to the 5th February. This found the political opposition, led by Olympio's son Gilcrest who was in exile in Paris, seriously disadvantaged in relation to the campaign period. Within weeks of the strategic withdrawal from office by Faure, he had overcome, through 'constitutional means' and through an election; all the ECOWAS, AU and Washington expressed concerns returning to office after the violent 24 April 2005 election as "Faure was no different to his father" (Banjo, 2008: 37-43). Later, according to the UN, over 500 people were killed while an estimated 38 000 fled into neighbouring Ghana and Benin from the state sponsored violence. An associated report citing the UN findings asserts:

An estimated 2 500 soldiers dressed in civilian clothes and armed with knives, machetes and nail-headed clubs helped party militants repress opposition rallies, according to the report. (Staff Reporter, Mail & Guardian, 26 September 2005).

President Faure Gnassingbe has remained in office to this day, in spite of sustained protests on Togolese streets and teaming refugee camps in Ghana and Benin. For over 52 years, a single family and ethnic group has ruled Togo with no prospect of change on the horizon.

Case study Gabon: El Hadj Omar Bongo Ondimba to 'Ben' Ali Omar Bongo (1967-2019)

The second case study reflecting siblings taking over from authoritarian fathers and continuing the trend effectively ruling out electoral democracy is that of Gabon. Early in 1967, following President Leon Mba' ill health and death in Paris, the Vice President, Omar Bongo took power.

However, the reality of Omar Bongo's reign was dependent on France as much as allowing him the opportunity to create an effective internal structure similar to what we have witnessed in Eyadema's Togo. To that end, Michael Reed has argued that:

Bongo's ability to stay in power must be credited both to his own talents and to his pragmatic relations with France. They have used each other in a cynical and efficient manner (Reed, 1987: 287).

This incestuous relationship became even more robust after the discovery of oil in Gabon during the 70s.

Within a few months, Omar Bongo banned all political parties while establishing a single national party, the Gabon Independent Party later changed to the Gabon Democratic Party.

Bongo strengthen (ed) his regime by investing the (ruling party Democratic Party of Gabon (PDG) with constitutional support... by 1983 the PDG was the virtual representative of national sovereignty. In order to become a deputy, a member of local and departmental assemblies, or a holder of any other public office, a candidate had to

be invested by the PDG (and come from the Baleke tribe). Furthermore, the inclusion of military officers in the party's central committee completed Bongo's antidemocratic measures (Ngolet, 2000: 64-65).

During the post 1990s, leading the multiparty introduction in Gabon were students, academic staff from the local University Omar Bongo and the nascent civil society who were repelled with force of arms (Mtembu, 2017/18).

Fast forward to case studying Gabon and the post 1990s elections, the real expected change was supposed to have happened in June 2009 when E Hadj Omar Bongo Ondimba died in a Barcelona Clinic in Spain. Already his son, Ben Ali Bongo was the Minister of Defence (MoD) while his daughter, Pascaline held the post of Secretary to Cabinet and the Presidency. The MoD working with the military immediately closed all borders as well as international ports of entry while a power struggle ensued between the siblings. Eventually, Ali Ben succeeded when the ruling party announced his candidature as the presidential nominee. According to constitutional requirements, the succession to El Hadj Omar Bongo Ondimba was through an election in 90 days and the ruling party unleashed violence on opposition parties and protestors. Ben Ali secured a 41.73 % poll and seized complete power (African Elections Database: Elections in Gabon).

Seven years later, the same pattern was repeated, this time with the leading political opposition Ben Ali's brother in law and former AU Chair of the Commission, Dr Jean Ping who had a relationship during which he sired two children with Pascaline-Mferi Omar Bongo (Obangome, 31 August 2016). In that election, Jean Ping claimed to have won and the incumbent launched a ferocious attack on the opposition headquarters that resulted in some deaths and fear of further destruction. Faced with threats, both the AU and UN dispatched mediators to intervene in the electoral dispute and calm matters.

On 24 October 2018, President Ali Ben Bongo suffered a heart attack whilst on a visit to Saudi Arabia to attend the Future Investment Forum. Government in Libreville immediately went into the defensive, alleging that this was only exhaustion and the president would soon emerge. Several weeks later, Bongo was transferred to Morocco, a favourite place for the Bongo's if we recall the last place that his step mother, Edith Lucie Bongo Ondimba spent four months before her death on 15 March 2009 (France 24 News, 15 March 2009). Edith was daughter to the Republic of Congo President, Denis Sassou Nguesso. (France 24 News, 15 March 2009). The reaction of top aides in closing ranks until Ali Bongo was able to recover demonstrated the 'deep-state' that Omar Bongo and Eyadema have created in Gabon and Togo. The key officials had no qualms in overriding the constitutional provisions and even amending certain section in order to maintain the status quo.

Conclusions

What has been the record of electoral democracy and multipartyism in Africa since its introduction during the 1990s, following the end of the cold war? The evaluation reached in this discussion witnessed an initial wave under the auspices of the Washington Consensus, aimed at only Sub-Saharan Africa. The assumption has always been that the West and the global markets have created a niche for the North African Maghreb region which has not been required to adopt liberal democratisation. The argument is that the region is already firmly integrated in the global economy and the regimes in Morocco, Tunisia, Libya, Algeria, Egypt and even Sudan have been able to serve their interests without changing the guards. Where some of the countries have broken ranks, such as Libya's Muammar Gaddafi, then punishment has been swift and unremitting. Meanwhile, in so far as Sub-

-Saharan Africa is concerned, while the initial experiments took off from Benin during the 1990s under the National Conference initiatives, within two decades, the same has abandoned the so called Benin Model with key sectors of the state, particularly the military showing signs that they are still to be reformed and accept the tenets of constitutionalism, separation of powers and respect the outcome of the ballot box. Instead, even against the OAU and AU ban on the unconstitutional changes of government, several regimes have carried out events that can only be described as smart coups. The events in Egypt against the elected President Mohamed Morsi who was removed and later died in custody on 17 June 2019 without eliciting any recriminations from the West reveals the pregnant interests behind the scenes with the ruling elite and the international community. What has since presented calls for democracy has been the Arab Youth Uprisings employing social media and other forms of protests, including street protests and attempts to occupy prominent city centre parks that had confronted the staid regimes with a home grown challenge (Chalcraft John, 2015; Emerging Trends IDEA Policy Dialogue, 25-27 May 2016). In Sub-Saharan Africa, the initial reaction was to welcome the liberal democratic agenda but soon some countries have simply reversed the provisions in the constitutions and amended the same to return to the one-party-state post-colonial status. In the discussion, the most challenging dimensions are from the embedded regimes on the one hand, with a handful concerned about national security such as Burundi, Rwanda, Uganda and the Republic of Congo and the DR Congo. For this region, until the imagined or perceived security threat that has so been personalized has disappeared, elections do not matter. Further afield, in Kenya, Algeria, Tunisia and Zimbabwe, the incumbent regimes and barely concealed ethnic, cultural and even religious tensions have ruled out transfer of power through the ballot box. Instead, all will go through the motions but ready to undermine the process leading to a charade of observing the constitutional periodic mandates. Again exactly when these situations are likely to change is something that is not on the horizon of the political elite in those states.

Finally, the discussion has sought to identify yet another category that has stifled the advance of electoral democracy, successful in Togo, Gabon and barely concealed in the political machinations in the DR Congo. In these countries under the control of siblings, the states are not hesitant to unleash the partisan military willing to fire on protesting citizens in order to instil fear, intimidation and compliance. The experience of the opposition for example in Eyadema's Togo during the 70s, 80s and 90s has not changed under his son, Faure and yet, the sub-region, AU and the international community appear to acquiesce once the actual violence has ended. Its lasting impact, as witnessed in the Kenyan 2007 and 2018 disputed elections, are the masses still huddled in the Internally Displaced Camps within the country and outside.

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