

The Challenge of Democracy in Africa : establishing democracy in multi-ethnic and multi-tribal societies.

Summary of a 143 page essay
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The apparent difficulty of most African States to establish democratic societies that do not only produce multi-party political democratic systems of government but also violence free changes in government, is a fact that very few Africans can deny. African leaders and politicians themselves do recognize the fact that western systems of democracy have failed to take root in many African countries. This failure is the root cause of the lack of security and peace in many countries. In addition to this, Western nations are putting pressure on many African governments to establish democratic political systems that produce good governance and a liberal economic system. In response to this pressure, many African leaders are struggling to establish democratic systems that will perpetuate them in power.

The creation of the New Partnership for Africa's Development (NEPAD) is a recognition by African governments and political leaders that they and the countries they lead all have common problems and that there is need to seek common solutions to these problems. There is an emergence of a collective consciousness and vision that if African countries have to develop then a way must be found to enable Africans and their nation-states to extricate themselves from the cycle of insecurity, political conflict and violence as well as from the endemic diseases such as malaria, HIV/AIDS and other communicable diseases that plague the African continent today depriving the people from participating fully and making them increasingly excluded from the global economy.

NEPAD has as one of its principal objectives, the promotion of the awareness that peace and security, through good governance and democracy are the principal conditions that will bring about sustainable development in Africa. It is now generally acknowledged by many African political leaders and intellectuals that development is impossible in the absence of democracy, the respect of human rights, peace, good governance and political stability. The democracy and good governance initiative, which is part of the plan of action, is thus an important plank in the NEPAD program It seeks to strengthen the political and administrative framework of participating countries in line with internationally established and recognized principles of democratic governance and the respect of the rule of law. The initiative will require capacity building and institutional reforms by focusing on the areas of administrative and civil services, strengthening parliamentary control, participation in decision making, combating

corruption, embezzlement of public funds and judicial reforms. NEPAD intends to strike at the root cause of instability and insecurity in Africa.

In his essay the author has chosen to focus on the same areas because according to him, they are most connected to the questions of good governance, Political stability, accountability and transparency. Unless Africa can create societies that are characterized by their fairness, their openness, the respect of the rule of law, democratic governance, Africa will not be able to carry out any meaningful development programs much less unite. Africans not only need to gain confidence in each other, they need first of all to gain confidence in themselves. Without such confidence, Africa cannot respond meaningfully to the pressures that the International Community, especially the western nations are putting on it in the economic as well as the political field.

The Bamako Declaration is another parallel attempt, this time by African governments and political leaders mainly of Francophone Africa, meeting with their counterparts from other parts of the francophone world, to examine the ways and means of building truly open and democratic societies. One of the most important point that came out of the Bamako Declaration according to the author is the recognition that western systems of democratic governance may not necessarily be suitable for every single country especially those of the developing world. The acceptance that there could be many forms of democracy and that essentially each form should reflect certain established and accepted universal principles, according to the author constitutes an important step in the liberation of the African society from the apron-strings of western thinking and institutions.

The Bamako Declaration was followed two years later, by a program of action adopted by the heads of states and governments of the Francophonie at their 9th conference held in Beyrouth on the 18th, 19th, and 20th of October 2002. There again it was decided that priority areas included the strengthening of democratic institutions, the rule of law, parliaments, Judicial systems, Administration, local governments, control and regulatory mechanisms as well as institutions for mediation and conciliation.

The Bamako Declaration and NEPAD are attempts to face this challenge and to find adequate solutions to it. African intellectuals are also rising up to this challenge and this is reflected in many papers on democracy and good governance that appear frequently at the many conferences that are organized today, all over the continent to promote, good governance, democracy and reconciliation. One such conference was a sub-regional seminar on "**Democratic Institutions and Peace in Central Africa**", in the Republic of Equatorial Guinea, on the 18th to the 22nd of May 1998. At that conference, Prof. Mwayila Tshiyembe, Director of the Institute of African Geopolitics, based at Nancy, France, made the following observations in his opening address: "**The debate that we are engaged in, will surely be futile, if it is limited to lyrical recitations, on the rule of law,**

democracy, participation, elections, multi-party politics the separation of powers and other well known gestures that are lacking in real social significance.

The futility of such an exercise is even more apparent because about eight years ago, sovereign national conferences and similar forums on the establishment of democratic societies, drew up new constitutions, which were meant to provide solutions to most of the issues that are now subject of our present conference. The fact that these same issues are again the subject of this conference, is enough proof, if ever one was needed, that the process of democratization in black Africa, has been a complete fiasco. Instead of stubbornly refusing to face this fact, common sense requires us first of all to examine the reasons for this failure and then to propose a means of finding a way out of the present exercise that is getting us no where."¹

The above observations of Prof. Tshiyembe may at first sight appear to severe, especially to those who believe that here and there, some progress and successes have been achieved in the process of democratization in Africa. Indeed, the author thinks that all is not doom and gloom in Africa, the least that can be said is that on the continent, political leaders as well as a majority of the population are becoming more aware and conscious of the fact that genuine efforts have to be made in the building of democratic societies. In some limited number of cases there have been genuine attempts to hold free and fair elections, which have resulted in fairly peaceful changes of government. Nevertheless, it must also be accepted that there is much more to democracy than the peaceful transition of power. In those countries that have witnessed a peaceful transition of power through fair and free elections, the risk of political violence and other social and political upheavals are still quite high. This is because, though elections may be free and fair and result to peaceful changes in government, the fundamental Multi-ethnic and multi-tribal nature of the society, remains the same and in times of political conflict can easily produce violent confrontations. African nation-states need much more than multi-party politics and elections to consolidate democracy the rule of law, human rights, social justice. They need political institutions that are tailor-made to fit the particular nature of each African nation-state.

This essay deals mainly with the difficulties that are confronted in the building of truly democratic societies in Africa, where the respect of constitutionality and the rule of law is the rule rather than the exception. The author thinks that It is too easy to place all the blame on successive political leaders and governments for the lack of acceptable progress in the process of democratization in Africa. he maintains that it is not easy to build integrated and

¹ Off the cuff translation from the original French version by the author.

harmonious societies, in nations that are made up of a diversity of ethnic, tribal and cultural groups. Such a task is complicated by the fact that these African nation-states were created by colonial powers and borders fixed without any regard to already existing social or political entities or ethnic and tribal affinities. The difficulties that must have faced the first African political leaders and governments, in forging a single nation out of this purely colonial creation, according to the author were indeed enormous and must have seemed to them, an impossible task. The author does not regard this as an attempt to provide excuses to those African leaders who denied basic human rights to their own people and subjected to oppression, violence or to some who continue to do so today. According to him it is a simple recognition of the fact that other factors contributed and continue to contribute to the violence and political instability of many African nations, which the earlier leaders were unable to deal with and the present ones know no better. That is why he believes it is necessary to examine these other factors in order to find additional solutions to build nations out of these multi-ethnic, multi-tribal and multi-cultural societies. To do this, requires a change of attitude and perception. The culture of blame and excuses must be abandoned in favor of an honest and critical examination of the colonial and post-colonial society against pre-colonial African societies. He expresses the need to study how the pre-colonial African society was organized is that one may understand the true nature of present societies and the social and political forces that are carried over from pre-colonial times, which are still active and strong. It is in this context that Pro. Tshiyembe in addressing the Bata conference, had this to say: **"History has taught us that no people can take on the challenge of survival and development, by relying only on the history and culture of other people as the unique source of inspiration, while at the same time denying their own history, culture and creative genius."**² Africa must therefore, turn to her own history and creative genius as the first step in finding that inspiration that will enable her to build new and democratic a society.

The essay is about the building of true democracies in the multi-ethnic, multi-tribal and multi-cultural societies that make up Africa's many nation-States. It begins with the issues of human rights, which the author regards as tangible but often misunderstood or misinterpreted birthright of every human being. Human rights, he says are often presented in African countries by the west, western dominated or inspired national and international organizations as some package deal of rights and freedom invented by the western civilization, offered to the emergent democracies of Africa and the third world, as a gift in a bid to make them part of the so-called civilized world. He takes issue with this approach. Africans must be taught that human rights are rights that they inherited from birth, which were violated in a wholesale fashion by the slave slavery, the slave trade and by colonization, and subsequently by successive post-colonial,

² Off the cuff translation from the original French document by the author

authoritarian and dictatorial regimes. These rights, he insists, which each individual must be learn to assume and defend, is not a package deal coming from anybody or international organization or even the central government of their own nation-state. Democracy is about running a society or country in such a way that these rights and freedoms are respected and defended. Constitutions provide the legal framework and the basic laws that give the broad principles under which these rights and freedoms are managed and enjoyed in society. It will be very difficult to have sustainable and lasting democratic societies in Africa until and unless constitutions provide African nation-states with democratic institutions that are drawn up specifically to fit each one of them.

The essay maintains that, in Africa most constitutions fail to work because they are not fine-tuned to the realities of the society. Political realities on the ground do not always seem to find solutions in constitutions and sometimes such political realities may in fact be in conflict with constitutional provisions. It recognizes the need to draft constitutions that are based on the local realities rather than on some intellectual or academic provisions found in other societies books on constitutional law.

According to the author elections and the fight for political power have been the major source of conflict and violence in Africa. Simply having free and fair elections in Africa, he believes will not provide a lasting solution to the conflicts and violence that surround the problems of the exercise of political power. The adversarial systems of party politics that have been copied from western democracies, will still produce winners and losers, the winners shall be mainly of one or more ethnic groups, and the losers shall equally be from other ethnic groups. Africa, he proposes, may have to move away from the western style of democracy, which he has described in this essay as “Conflictual” and seek a form of democracy, which can be described as “Consensual”. Conflictual systems of democracy tend to emphasize the differences in policy rather than the areas of agreement. A consensual system of democracy, will seek to reach agreement and compromise, as a condition for getting everybody to participate in the process of political decision-making. It is hoped that such a system will reduce the chances of conflict and violence. This essay examines how such consensual democracies can be structured and established

Post independence parliaments in Africa, the author suggests have been on the whole mostly weak and ineffective, and generally dominated and controlled by governments. These parliaments failed to a very large extent, to hold governments accountable for their acts. African constitutions must make realistic and practical provisions for the control of the acts of the executive by the legislature. The functions and powers of the legislative branch of government are examined and it is suggested, that for parliament to be truly representative of the people and their aspirations, constitutions must seek to establish truly representative democracies in which the people can truly be said to speak

through their elected representatives. A parliament of truly elected representatives would seek to encourage participation, instead of withdrawal and cooperation instead of alienation, among the people. Parliaments in African nation states while representing the interests of individual citizens, who elect its members, must also recognize and protect the collective legitimate interests of ethnic, tribal and cultural entities that still form the basic social structure of African societies.

The author insists that Africa needs good governance, and good governance depends on the ability to hold the government accountable for its actions. The issue of the separation of powers has therefore received particular attention in this essay, because according to the author, the excessive accumulation of powers by the executive branch, by post independent governments and one party states, contributed greatly to the failure of democracy and of constitutionality in African nation states. The decentralization of government as a means of recognizing the legitimate claims of ethnic, tribal or regional entities has also received close examination.

The judiciary, which is the third arm of government, after the legislature and the executive, has been paid special attention. A strong and independent judiciary is indispensable to a democratic society. On it, falls the burden and responsibility of arbitrating between the other two branches of government whenever a conflict arises and between citizens and the state. In general terms, it provides the medium of settling disputes between individuals, communities, corporate bodies and between individuals and these bodies. The reason for having an organized society the essay goes on, is above all to provide protection for all individuals, secure their freedom, dignity equality and peaceful existence. In establishing a democratic society, where there is no law of the jungle, where the rich, strong and powerful and the poor, weak and not so powerful, are given equal rights and human dignity, an independent judiciary he maintains cannot therefore be by-passed. It is the bulwark of any democratic society. Quite often, according to him, justice is seen as a matter between the parties in court. One party wins and the other loses. This is the concept of justice that is rooted in western democracies, judicial systems and philosophy, which was inherited by post-colonial African societies. The author does not see much in this type of system about the reconciliation of the opposing parties in a case and the reconciliation of these same parties with society. In pre-colonial Africa reconciliation and the restoration of harmony between the parties and between the parties and society, was part and parcel of the judicial system. One of the purposes of a democratic society is to ensure that all benefit from an equal justice no matter the social standing wealth or power of any of the parties. Justice should be accessible to everyone and cannot be made the personal property of the rich and powerful and the lawyers they can hire, or even the judges that render it. In a democratic society justice should be rendered for the people and in the name of the people. Justice therefore belongs to the people, so any judicial system must

administer justice that is fair and seen to be fair by the ordinary members of the society. In the multi-ethnic, multi-tribal and multi-cultural societies of Africa, a more vigilant, dynamic and independent judiciary is required. Such a judiciary must be able to resist the pressures that may come from the executive arm of government as well as the rich and powerful. It must also be able to resist the pressures that are ever present in society and above all the powerful influence of ethnic groups, tribes and cultural or religious entities.

The author also examines what he regards as two very strong and powerful institutions that are vital to the functioning and survival of a democratic society today. These institutions according to him did not exist as permanent structures, in the many forms of traditional rule in pre-colonial Africa. These are a permanent army and a permanent bureaucracy or civil service. These came with colonization and remained after independence, were used, to a very large extent, by post independent African governments as instruments of oppression and violation of human rights. Originally designed to serve the people they have gradually become a power unto themselves. Very often in the past, weak African governments have been manipulated and controlled by these two institutions, which remained accountable to no one. On the other hand some governments through financial reward and promotions do also manipulate the members of these institutions and use them to oppress the people, violate human rights and perpetuate their stay in power. It will be necessary to examine how these institutions can function in multi-ethnic and multi-tribal societies in a manner that makes them servants of the people, not their masters.

While there is a large convergence of opinion among Africans, that African societies need constitutions that are tailored to the specificities of these societies, opinions are still very varied as to what type of changes are needed to make constitutions respond to local conditions. My hope therefore is that, this essay will contribute in some little but significant way to this on-going debate.

The real problem is not that African intellectuals are in any way indifferent to questions of freedom, democracy and human rights on the continent, indeed they are not. It is rather that they are confronted by a population that is apathetic and seem to have resigned themselves to a fate they have suffered continuously since independence. There is need for a massive campaign of education and awareness among the people about issues concerning freedom and democracy. The people of Africa must be transformed from a population resigned to a doom, often predicted by many western organizations and media services, to a people filled with hope for a bright future. Once the obstacle of constitutional instability, has been removed, and a true democracy established, the people of Africa can settle down to enjoy long periods of stability. It is then, the author concludes that the real transformation of Africa will begin and the people would indeed be able to benefit from the great wealth that the continent possesses.