Political Institutions, Agency,
and Contingent Compromise:
Understanding Democratic
Consolidation and Reversal in Africa

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We are far from the stage of a revolution in the democratic process in Africa, and yet democracy is the option which the governed prefer and which is easily denied them by government.

—Olusegun Obasanjo, 1991

In Africa... democracy is everywhere under construction; and yet, it is everywhere in doubt.

—Richard Sklar, 1986

Democracies become consolidated when people learn that democracy is a solution to the problem of tyranny, but not necessarily to anything else.

—Samuel P. Huntington, 1993

As the decade of the 1980s ended the world was in the midst of what many observers hailed as a worldwide democratic revolution. Samuel Huntington has described this period as the “Third Wave of Democratization” (1993), involving mostly the countries of Eastern and Southern Europe and South America. What was most significant about this process was not only that it signaled the collapse of Soviet-style communism, but also, through the miracle of satellite communications technology, these dramatic events were on a daily basis beamed into the homes of people in even the most remote corners of the earth. The world watched as the Berlin Wall came crashing to the ground; as the Romanian dictator Nicolai Ceaucescu fell victim to a popular uprising; as Czechoslovakia executed its velvet revolution; and as South Africa dismantled apartheid and replaced it with an all-race, multi-
party democracy. Such events seemed to have a contagious effect, awakening democratic sentiments in societies long characterized by authoritarian rule. Nowhere was this truer than in Africa. Although Africa lagged behind in the Third Wave of Democratization, by the early 1990s all but a handful of authoritarian regimes on the continent had embarked on political liberalization programs leaning in the direction of multiparty democracy.

At this time, there was widespread agreement in the scholarly community that the significance of these changes was profound, and that serious attention should be devoted to studying these transformations. The moment was early, and some cautioned about forming too hasty and wrong-headed conclusions. While some scholars celebrated “the triumph of Western values,” the demise of communism, and, indeed, Africa’s second independence, others urged caution. Africa had had a false start with democracy before and there was no evidence that this episode would be any different. The question of the depth and durability of these political transitions in Africa begged for answers. However, the initial efforts to provide answers seemed based more on normative biases in favor of liberal democracy, and fervent hopes, than upon empirical evidence. Trying to do empirical research on this subject proved extremely difficult. In describing the field research problem as it related to Eastern Europe at the beginning of the Third Wave, Sidney Tarrow suggested that trying to come up with meaningful, testable hypotheses was like “trying to paint a moving train,” or “trying to hit a moving target” (Tarrow, 1991: 12). Africanist researchers faced similar dilemmas. Nevertheless, they forged ahead.

What has been the record thus far? To what extent is there evidence that meaningful democratic breakthroughs have occurred? Even though it may still be too soon to tell very much, it would seem fruitful to engage in an interim assessment of democratic consolidation in Africa. We are now entering into a period of what are commonly viewed as “second elections,” the elections following the ones that initially ushered in this latest round of experimentation with democracy. In some places, there were some initial limited democratic gains, but they were manifested only in some procedural minimums. Indeed there are some observers who will concede nothing more than that there has been some political liberalization in Africa, and not clear evidence of democratic consolidation. In a number of places, autocratic rulers simply allowed for multiparty elections while continuing to maintain a firm grip on politics and power. In other cases opposition forces, with the aid of civil society were able to topple the old order, and to promise a new day for democracy. However, from this point on matters were out of the hands of civil society and in the hands of traditional politicians.

Despite this mixed record, it seems reasonable to begin to raise questions about the extent to which democracy is being consolidated in various African countries and about the factors that might be contributing to this trend. In places where democratic consolidation seems not to be taking root, the question is why? What obstacles seem to be standing in the way?

The purpose of this essay is to critically assess the factors (structural as well as human agency) that seem to have facilitated or inhibited democratic breakthroughs and the consolidation process in Africa between 1990 and 1996. The remainder of the discussion is divided into two main sections. The
first section considers theoretical perspectives on democratic consolidation, and sketches the outlines of an analytical framework that guides the second section. Particular attention is paid to the roles of institution building and human agency in democratic consolidation. The second section, based on empirical evidence, focuses on selected trends in the democratization process in Africa over the past several years. Examples are drawn from several countries. In the final section, I consider prospects for the future of democratic consolidation in Africa.

The primary thesis of this essay is that in order to assess trends toward democratic consolidation in Africa one must evaluate the efforts of state leaders in terms of their institutional choices and their statecraft. More progress toward democratic consolidation is made in places where leaders are willing to engage in contingent compromises, thereby building trust in their chosen constitutional approaches to democracy, and through calculated statecraft, to make clear, credible commitments and promises that support this process. Groups that feel that their citizenship rights are protected and that incumbent regimes are committed to good governance as well as to democracy, even in times of economic hardship, will most likely not exercise their "exit option" or to engage in extra-constitution activities to make their voices heard (Haggard and Kaufman, 1995: 325-28).

Consolidating Democracies: Theoretical Perspectives

How do We Know Democratic Consolidation When We See It?

In contrast to early scholarship (Lipset, 1959; Moore, 1966; Rustow, 1970; Binder et al., 1971), which attempted to identify the preconditions for democratic consolidation, more recent work seeks to answer the question: "What conditions seem most conducive to the development of viable democracies?" (Przeworski, 1995). There is now general agreement that a cultural predisposition toward democratic institutions and practices considerably enhances the prospects for democratic consolidation. Horowitz (1991), Diamond (1997), Huntington (1993), Shin (1994), and others lay considerable emphasis on the formation of a democratic culture and the habits of democratic practice. This can only occur if democratic institutions are put into place, and allowed to function freely. Linz (1990: 158) argues that, "a consolidated democracy is one in which none of the major political actors, parties or organizations, interests, forces, or institutions consider that there is not any alternative to the democratic process to gain power, and that no political institutions or group has a claim to veto the actions of democratically elected decision makers."

While some scholars suggest that institutional design critically shapes the development of a democratic culture, others emphasize the role of governing elites in the creation and promotion of democratic institutions and practice. Przeworski, for example, suggests that without an effective state, democracy will not be sustained. Moreover, "the effect of democratization on political and economic conditions is contingent on the institutional viability and effectiveness of state institutions" (Przeworski, 1995: 4).

Although democratic institutions can be imposed on a society, and over time they could come to achieve widespread legitimacy, the general ten-
dency is for the process of democratic consolidation to be a gradual and even halting process. Huntington (1993a: 172) notes that the first attempts to establish democracy in a society with no or only limited experience with this form of governance frequently fails. But, second efforts generally succeed. Even allowing for this, Huntington (1993b: 13) holds out little hope for sustainable democratic breakthroughs for countries such as those found in Africa. He suggests that this is largely due to their abject poverty and propensity toward political violence, and that fundamental social and economic structural changes must take place before democracy is to have a chance in most of Africa.

Larry Diamond (1997: 5) is less sanguine about the prospects for democratic consolidation in Africa. He argues that, more than anything else, African societies simply need time, time to build democratic institutions appropriate to their particular cultural and political circumstances, and to learn democratic habits.

Not only is democratization usually a gradual process, it is also usually uneven. Richard Sklar (1987: 691) has suggested that it is a mistake to look for "whole cloth democracy" in developing countries. Instead, he suggests, democracy comes in fragments and pieces. Leaders in contemporary Africa, for example, while yielding to pressures for political liberalization, have often stopped short of a full commitment to liberal democracy. There might be more press freedom without there being absolute press freedom; multiparty competition might be allowed without credible commitments on the part of incumbent politicians to absolutely free and fair elections. Huntington has noted, "A general tendency seems to exist for Third Wave democracies to become something other than fully democratic" (Huntington, 1996: 10). In the short run, democratic forces will often have to settle for partial victories such as the adherence of mainstream politicians to some procedural minimums of liberal democracy, such as multipartyism, regular elections, associational recognition, limited freedom of the press, and a respect for individual and group political rights (O'Donnell and Schmitter, 1989: 8). This is not to say that they should be content with limited democracy, but only that progress toward full-fledged liberal democracy is likely to be gradual and halting.

Bearing all of this in mind, it seems reasonable to suggest that in the near term, rather than being able to talk in any meaningful sense about democratic consolidation in Africa, we are likely only to be able to evaluate tendencies in that direction. In any case, toward this end, the commitment of politicians to some form of democratic compact and to the building and utilization of democratic institutions to achieve political ends is crucial.

Institutions and Consolidation

In order for democratic consolidation to have a chance of succeeding, political institutions that are acceptable to the major stakeholders in society must be agreed upon by political elites, and they in turn must be able to count on the support of their followers (Przeworski, 1991). Social conditions may be favorable for democracy, but without attention being paid to the design of democratic institutions, consolidation is likely not to occur. While there is general scholarly agreement on this proposition, there continues to
be considerable debate about the desirability of institutional engineering, particularly in deeply divided societies. There are those who suggest that getting the institutions right far outweighs other factors contributing to democratic consolidation. Ottaway (1997) argues that it was just this type of thinking that seemed to guide Britain and France during the process of decolonization in Africa. They assumed that democratic institutions could be effectively grafted onto African states. However, this proved not to be the case. Social and political conditions existing in most African countries led to a rejection of nominally democratic institutions, in favor of various forms of authoritarianism. Similarly, consociational formulae have proved to be impossible to implement wholesale in Africa. Instead, the pattern has been intense negotiations, with leaders engaging in strategic interactions and making contingent compromises that lead to "rules of the game" that, while falling short of being optimal for all actors, allow progress toward democracy to be made. The process is helped along by the realization on the part of political elites that progress can only be made through bargaining and compromise (Sisk, 1995).

Constitutions are important because they formalize agreed upon political institutions and procedures (Murphy, 1993; Przeworski, 1991: 79–88). This is particularly the case in deeply divided societies. Institutions addressed in constitutions might include a presidential, a parliamentary, or a mixed form of government; types of electoral systems (e.g., proportional representation; majoritarianism; a single transferable vote system); party systems; judicial systems; and so forth. The exact institutions or mix of institutions generally tends to be determined during the course of negotiation. What is clear, however, is that institutions matter in democratic consolidation, and how institutions are chosen matters. At the same time it must be acknowledged that factors such as an incumbent regime that is uncommitted to true democracy, an unfavorable political culture, or exogenous factors, such as international economic crisis, could render ineffective otherwise appropriately designed political institutions.

Przeworski (1995: 5) notes that all societies involved in the process of building democracy face three common challenges: deciding upon substance versus procedure, agreement versus competition, and majoritarianism versus constitutionalism. In the course of deciding upon interim as well as permanent social contracts, elite negotiators must agree on the place of substance versus procedures. Since substance often carries moral overtones, it is unlikely that most social contracts in societies characterized by an extremely diverse citizenry will dwell much on substance. In the modern world, elites representing various communities in multiethnic or multiracial societies might agree that they are committed to multiracialism, but are unlikely to agree that one religion is the state religion. They are more likely to agree on a certain set of democratic procedures such as proportional representation, or majority rule/minority rights, or federalism, or term limits for elected leaders. Those negotiating the new social contract also must decide which issues are sacrosanct and which ones are open to competition. In order to contribute toward the consolidation of democracy, the resulting agreements must at the very least offer frameworks that are open-ended, and capable of processing a multiplicity of claims, interests, and values (Przeworski, 1995: 5).
42). In other words, they must be organic constitutions that codify the rights of citizens of today as well as those of generations to come.

*Human Agency and Consolidation*

Institutions do not create themselves. They are the products of decisions made by elites. Under conditions of democracy, in the course of making institutional choices, these elites must engage in strategic interactions resulting in contingent compromises with one another. In order for democracy to have a chance to consolidate, elites must make the right institutional choices, choices that limit the incentives for elites and their constituents to revert to nondemocratic forms of politics. In other words, key elites must demonstrate a commitment to democracy. It is this kind of commitment that makes it possible for democratic institutions to take root and to become legitimized (Mainwaring, 1992; Shapiro, 1995). Elites committed to democracy can even help fledgling democracies survive crises that would ordinarily spell trouble for a regime not clearly committed to democracy. In the course of attempting to build democracy elites who constitute the state class as well as those representing diverse constituencies face a serious strategic problem: Deciding how to make credible commitments in the form of threats and promises (Przeworski, 1995: 25).

Not only must state elite demonstrate that they are determined to use their authority to effectively govern, but also that they are committed to democracy and social justice that go beyond the procedural minimum. In the process they build legitimacy in the general population, and not just in certain segments of society. Each individual and group must be convinced that they have rights as citizens within the particular polity, and that those rights are protected by constitutional writ (Kymlicka, 1995). A persistent problem in the consolidation of democracy is the need for a commitment on the part of leaders to the procedural minimums of democracy such as competitive elections, rule of law and judicial independence, but at the same time large segments of the polity feel as though their citizenship rights are not being respected. Diamond (1994) notes that: “democratic development and stability...in Africa require that each significant ethnic and regional group feels some identification with and stake in the political system. This requires that, even if they have no share in power at the center, they at least have control over their own more local affairs and the capacity to utilize these resources.”

A primary indicator that democracy is being consolidated is the existence of effective citizenship rights for all. Without this it is impossible to speak of “democracy” in any meaningful sense. When citizens view the political system under which they live as fair, they are most often willing to work through any differences they might have with other groups in society. Under such conditions, elites would likely accept electoral defeat, if they believed the cards were not permanently stacked against them because of their ethnicity, religion, gender or region, and that they might have a chance of winning in some future election. At the same time, ethnic minorities might accept the failure of one of their own to secure a university placement or a bank loan, if they are convinced that they were not discriminated against because of their ethnicity.
Whatever political system obtains can be considered democratic only when citizenship rights are protected. In some cases this democracy can be pursued through undemocratic means such as political pact formation (Karl, 1990; O’Donnell and Schmitter, 1989). Political pacts are the result of deals negotiated among a number of elites representing distinct groups that constitute society. These can be ethnic, racial, religious, regional, or gender-based groups. This method is usually chosen because it tends to reduce open conflict and divisive competition. Pact negotiators are responsible to their constituents, but are generally free to negotiate on their behalf, and to enter into grand coalitions. Negotiators set the agenda, and through a process of contingent compromise they narrow the issues of disagreement and agreement. Each group’s representative has a potential veto power during the course of negotiating the rules of the game (Hartzell and Rothchild, 1997). Some pacts are more inclusive than others. Inclusive pacts attempt to involve all groups of significance, but exclusive pacts might leave out fringe groups (Hartzell and Rothchild, 1997: 155). Stable democracy is promoted when all groups that count are part of the negotiations leading up to a new social contract.

In addition to elites, another dimension of human agency in the process of democratization is represented in what is commonly referred to as civil society. This term is often used to refer to autonomous organized groups bent on challenging authoritarian regimes to open up the political system and to respect their citizenship rights. In a seminal article on this subject, Jean-François Bayart defined civil society as the political space between the household and the state (Bayart, 1986). It is outside the formal political arena, but it can be drawn in when there exists a political crisis.

Civil society is not society writ large, but only a subset of it. What defines civil society is its agenda. It is created when autonomous associations adopt and act upon a civic agenda. In that sense the manifestation of civil society tends to be situational and intermittent. These groups may not have been born as civic organizations, but they are moved by circumstances to engage in politics. They might demand constitutional reform, governmental accountability, their human and political rights, and an end to official corruption. The groups that comprise civil society are usually intellectuals, artists, professionals such as lawyers and doctors, organized labor, church associations, women’s and student associations.

Crawford Young (1994: 38) suggests that, based upon the vitality of autonomous associations concerned with political matters, the nationalist period in Africa could be considered to have been the “golden age” in the evolution of civil society. However, after independence, autonomous civic associations were either co-opted by mainstream political organizations or repressed by autocratic regimes, and forced to bide their time, waiting for openings in the political opportunity structure.

The first signs of a resurgent civil society began to appear in Africa at about the time of the overthrow of the Jaffar Nimeiri regime in Sudan in a popular uprising in 1985, but it was not until about 1988 that there were clear manifestations of a genuine political force that we could roughly classify as civil society. Since then, African civil society has not only grown; it has also changed, become emboldened, and focused on the spoils of national politics. In many cases, it has been the decisive catalyst in regime change.
(Bratton, 1994: 51). However, the effectiveness of civil society in bringing about regime change is highly contingent, conditioned by other factors such as the relative strength of the incumbent regime, the role of external actors, the relative coherence of formal opposition groups, internal and external political and economic factors. Moreover, even when it is crucial in bringing about regime change, civil society’s role is eclipsed in the aftermath. Because of its inchoate nature it is unable to play a direct role in policy formation, and only indirectly contributes to democratic consolidation.

In its most recent African manifestations, rarely has civil society been a coherent and cohesive mass movement with a clear sense of its identity and whose members share a common sense of their objectives. Instead, it has most often been comprised of a lose collection of groups with a vaguely defined common objective that often amounts to no more than a desire to oust corrupt or incompetent political regimes. In addition, and related to this, is that the civil society of today’s Africa has tended to be ephemeral. It emerged in response to political crises, and co-opted by more institutionalized political forces such as formal opposition groups (Keller, 1996). The pattern has consistently been for civil society to retreat into hiding once victory has been secured or when defeat is certain, only coming out again when another crisis occurs that seems unmanageable through normal political institutions. At the same time, civil society might as well choose the “exit option,” disengaging in frustration from politics.

Toward Democratic Consolidation in Africa?

Beginning with the founding elections in many countries in sub-Saharan Africa in the early 1990s there was a proliferation of political parties and multiparty systems. By mid-1996, the African Governance Program of the Carter Center was estimating that at least thirty out of forty-seven sub-Saharan countries were either fully or moderately democratic. These polities were said to be characterized by periodic and predictable competitive elections; generalized respect for human and political rights; freedom of association and expression; and respect for the rule of law. However, the question that must be asked and answered is: How deep and durable is democracy in these countries? The evidence clearly indicates that in most cases the jury is still out. While procedural democracy can be found in many places in Africa, full-fledged liberal democracy rarely exists.

Larry Diamond (1997: 3) distinguishes between electoral democracy and liberal democracy. Electoral democracy exists where there are regular, competitive, multiparty elections that can be considered at least somewhat free and fair. This is a form of procedural democracy and nothing more. However, the standard of liberal democracy is much higher. It requires that those who are elected be committed to good governance, political transparency, responsiveness, and responsibilities, respectful of human and political rights as well as the rule of law. According to Freedom House, at the beginning of 1996 something approaching this form of democracy existed in only seven African countries. A more common pattern is for there to be what Diamond (1997: 3–4) calls a form of pseudo-democracy. In such cases, incumbent parties in a hegemonic fashion tend to keep a tight grip on politics. They utilize their
offices to manipulate constitutions and other political institutions to their advantage and the disadvantage of actual or would-be opponents (Huntington, 1993b: 182–87). They use various means to keep from negotiating a new social contract with the formal opposition as well as with civil society.

Even in places where a political party has displaced an old autocrat by riding the crest of a multiparty democratic wave, in order to protect their newly won power it is common for new administrations to violate the very principles that they claim to hold so dearly. They come to see democracy as fraught with uncertainties and too confining; as a result, they themselves drift toward autocracy, and are quick to turn to institutional manipulation. Some even go so far as to completely renge on their commitments to democracy.

In 1996 in Zambia, for example, as the first elections following the return to multipartyism began, the regime of Fredrick Chiluba reformed the constitution to head off a possible serious challenge from former president Kenneth Kaunda and his United National Independence party (UNIP). Among other things, the revised constitution forbade any individual whose parents were not born in Zambia from running for the presidency. Kaunda’s parents were alleged by Chiluba’s Movement for Multi-party Democracy (MMD) to have been born in Malawi, thus making him ineligible to run for the presidency. At first Kaunda attempted to challenge this new law in the courts, but when that failed he urged his followers to boycott the fall elections. However, Kaunda’s support base was extremely narrow, being confined mainly to Eastern Province, and it is not clear that his exhortations influenced voter turnout. Whereas external pressures five years earlier had been effective in bolstering civil society against the Kaunda regime, in 1996 civil society was in disarray and external pressures on Chiluba proved to be ineffective.

Further evidence of Chiluba’s propensity to manipulate political institutions in favor of the MMD could be seen in how he utilized electoral rules; parliamentary procedures and government bureaucrats to frustrate and intimidate his opponents (Bratton and Posner, 1997; Simutanyi, 1997). The voter registration exercise leading up to Zambia’s 1996 elections began in December of the previous year, and were controversial from the start. Opposition parties charged that the Israeli firm that had been hired to carry out the exercise had not been chosen in a transparent manner. However, the government rejected these charges and forged ahead. The resulting process was fraught with numerous irregularities. For example, thousands of people were left off of the voting register; several thousand young people below the voting age were registered; and there existed several thousand ghost voters on the books. In the end, UNIP, along with several other parties, boycotted the elections. Of the 2.3 million people said to have been validly registered to vote, 1.3 million actually voted. However, this must be considered in light of a total eligible population of 4.6 million. Because of the fact that the MMD used its incumbency to structure politics in its favor, its organizational strength, and the boycott of the election by major opposition parties, the MMD was able to capture 131 of 150 seats in parliament (Economist Intelligence Unit, 1997d: 9).

In other places such as Gabon and Kenya, autocrats have attempted to ward off proponents of democracy and good governance by institutional manipulation, fraud, and intimidation. They might allow for multiparty elec-
tions, but this amounts to no more than what Diamond refers to as electoral democracy, and falls well short of the liberal democratic ideal. Political liberalization occurs when new forms of political manipulation and obfuscation come into play.

In Gabon, President Omar Bongo has over the years been able to use the resources of his neo-patrimonial regime to co-opt potential opponents. Those who refused to be co-opted risked state repression (Gardiner, 1997: 147). On a number of occasions since 1968 Bongo got his supporters in the National Assembly to amend the constitution so as to enhance his own executive authority, and to institutionalize the role of his Parti Democratie Gabonais. In effect the party became the state and the state was the party. But by late 1994, with the endorsement of France, opposition forces were clamoring for political liberalization. Several of these groups meeting in Paris in November of that year signed an agreement calling upon Bongo to establish an independent electoral council to prepare the way for democratic elections. Rather than caving in, Bongo offered a counter-proposal: a referendum on what came to be known as the Paris Accords. This referendum took place in July 1995, and resulted in the popular endorsement of a full implementation of the Paris Accords. The Accords, among other things, called for a drastic reduction in the executive authority of the president, and for the country to be governed according to the rule of law. However, Bongo continues to manipulate institutions at his disposal to circumvent the full implementation of these new democratic procedures.

In Kenya, although President Daniel arap Moi agreed to allow for a multiparty system just prior to the national election in 1992, he used his presidential prerogative of calling a “snap election” at very short notice, thus adding to the confusion in the ranks of his opponents. The ruling party, the Kenya African National Union (KANU), was able to win just over 30 percent of the vote. However, this was sufficient to return Moi to office. Civil society had been vibrant, but the formal opposition parties proved not to be able to coalesce in a united front against KANU.

While multiple parties were allowed after 1992, other aspects of the legal codes and constitution enabled Moi de facto to continue his autocratic rule. As the opposition saw it, the problem was the constitution. It allowed for too many discretionary powers for the chief executive. In late 1994, elements of civil society led by Law Society of Kenya, the Kenya Human Rights Commission, and the International Commission of Jurists (Kenya Section) drafted what they called The Model Constitution (Proposal for a Model Constitution, 1994). Moi, however, dismissed the draft as well as its proponents as not representative of the Kenyan people. In his New Year’s Eve address in 1994, the president agreed that the constitution should be reformed, but only by parliament. In the subsequent two years the government did nothing to follow through on Moi’s pledge.

In the meantime, civil society surfaced emboldened and more determined than ever to force constitutional reforms. In April 1997, elements of civil society and opposition parties met at Lamuru in Central Province to reconsider the notion of having a constitutional convention (Finance, 1997: 6–8). This convocation was called the National Convention Planning Committee and later constituted as the National Convention Assembly (NCA).
At the end of the meeting a manifesto was issued calling for minimum constitutional and administrative reforms prior to national elections.

At the conclusion of the Lemuru meeting, the assembly formed and empowered the National Convention Executive Council (NCEC) to organize a series of mass actions in an effort to force Moi to accede to these demands for minimum reform. Moi countered by claiming that constitutional reforms should be contemplated only after the impending national elections in 1997.

The primary objectives of the NCA included pre-election reforms that would require the winner of the presidency to secure at least 50 percent of the popular vote or face a runoff. The assembly also called for reforms to make it easier to register political parties, for the removal of restrictions on freedom of assembly, and for expanded press freedom.

Over the next three months following the Lemuru Manifesto, the NCEC publicly challenged the state. The most dramatic confrontation occurred on July 7, the date that commemorates the rebirth of multiparty democracy in Kenya in 1991. A rally in the center of Nairobi resulted in a police riot in which at least seven people were killed and many more badly injured. General Services Unit troops even went so far in hot pursuit of demonstrators as to storm parts of the University of Nairobi and to violate the sanctuary of a cathedral in the heart of town. By allowing these excesses, Moi was attempting to demonstrate to his opponents that he was not committed to wholesale liberal democracy, and that he would use whatever means he deemed necessary to suppress opposition. It appeared that he was committed more to authoritarian retrenchment than to reform.

Nevertheless, in August 1997, amidst growing pressures from civil society, as well as the international community over his regime's gross violation of human rights, Moi began to moderate his stance. Despite this, the IMF, citing Kenya's widespread government corruption and other financial scandals, suspended a $220 million loan to Kenya (Simmons, 1997). Shortly afterwards the World Bank followed suit and suspended a $71.6 million structural adjustment credit to Kenya until several conditions relating to good governance and corruption were met (All Africa Press Service, 1997).

Apparently sensing its newfound strength and buoyed by crucial external pressures, the NCA escalated its protest against the Moi regime. On August 8 it called a general strike that shut down commercial activities, especially in urban areas. It was clear by then that Kenya society had become so deeply divided that the only way to return to political comity would be through bargaining and compromise. However, Moi continued to view such an option as unnecessary. Grindle (1996: 155) has noted that the Moi regime's failure to acknowledge the role of governmental accountability, responsiveness, and responsibility to the polity undermines not only democracy but also economic development.

Even in places where newly elected regimes have reneged on democracy and are drifting toward autocracy or where old autocratic regimes have yielded to procedural democracy while maintaining hegemonic control over politics, it is fair to expect that some democratic gains have been made. Fragments of democracy enhance the possibility that other fragments will be added over time. Take Zambia for example. Even as the Chiluba regime was attempting to structure the 1996 elections to insure an MMD victory, it was
promulgating a law creating a permanent human rights commission. This was hailed by the international community as a step in the right direction and a demonstration of Chiluba's commitment to good governance and democracy. At the same time, however, Chiluba's rubber-stamp parliament was considering a media bill that would require that a commission headed by a High Court judge license journalists (Economist Intelligence Unit, 1997e: 10). It also stipulated that journalists should have at least a B.A. in journalism or mass communications before being allowed to practice. The government, obviously feeling threatened by an increasingly free and critical independent print media, was seeking ways of controlling that segment of its opposition. The justification for the bill was that it created standards in the journalistic profession. Public objections to the bill led to its suspension in April.

Significantly, opposition politicians have not resorted to extra-constitutional measures to challenge the Chiluba regime. In fact, they have regularly taken their cases to the Supreme Court. For example, they have challenged in court the results of particular elections, the constitutional amendment relating to the eligibility to stand for president, and MMD corruption. This is clear evidence that some strides have been made in Zambia toward democratic consolidation, while elements of autocracy have persisted.

Another example of persistent autocratic tendencies, even in places that have accepted procedural democracy, can be found in Ethiopia where over the past five years there has emerged a vocal human rights lobby and a vibrant array of independent print media. As is the case with the MMD in Zambia, the Ethiopian People's Revolutionary Democratic Front (EPRDF) regime can on the one hand be lauded for many of its political and economic reforms; but, on the other, it must be criticized for significant failings. For example, although the judiciary has shown signs of independence, it is weak and overburdened. In addition, as a consequence of the implementation of the federal constitution, considerable powers have been devolved to the regions. The constitution clearly spells out that citizens have the same constitutional rights no matter where they live or travel in the country (Proclamation of the Constitution of the Federal Republic of Ethiopia, 1995: 9–16). However, in a 1996 human rights report the U.S. State Department found that violations of human and political rights were rampant on the part of some state and local governments. Although it proclaims its commitment to protecting these rights, the central government is not able to do so. In the Oromo Region, for example, members of the security forces and local governments for political reasons regularly violated the rights of citizens (e.g., detention without trial, extra-judicial killing). At the same time, the report goes on to note that the average Ethiopian community has much more control over its affairs than at any other time in modern history (Economist Intelligence Unit, 1997a: 14).

In places such as Burundi, Gambia, Niger, and Sierra Leone, military coups have reversed democratic breakthroughs, but it is remarkable how rare this has been. Some students of democracy have consistently argued that the critical test for democratic consolidation is the national elections immediately following the return to multiparty democracy. This is what Huntington (1993b: 266–7) has called the “two turnover test,” and is characterized by a party that took power in an initial election losing power in a subsequent
election. Success is proclaimed when defeat in the second election is magnanimously accepted. Such peaceful turnovers demonstrate a commitment to democracy on the part of both political leaders and the electorate. Recent elections in Benin and Madagascar seem to show that this might be happening in some places.

In March 1995 Nicephore Soglo was defeated in a return bid for the presidency by former dictator Mathieu Kerekou. More than 80 percent of the electorate turned out to vote. The Soglo regime had failed to significantly improve Benin’s economic situation, and many viewed him as a worse autocrat than Kerekou had been. In addition, corruption continued unabated. All of this seems to have led many to consider giving Kerekou a second chance. Soglo had been ahead of Kerekou by two percentage points in the open elections, but in the run-off minority parties threw their support to Kerekou. Soglo charged voting fraud, but lost several appeals to the constitutional court. Only grudgingly did he accept the verdict of the people, before he went into several months of self-imposed exile in the United States. Just prior to his return to Benin in August 1995, Soglo was a more magnanimous loser, stating that the peaceful transfer of power to Kerekou was proof that democracy was being consolidated in Benin. He further stated, “Although we may not like the result, we should recognize that the elections took place, and that the transfer of power was non-violent” (Economist Intelligence Unit, 1996a: 33). Moreover, Soglo pointed to the endurance of freedom of the press, freedom of expression, an independent judiciary, and an electoral commission all as clear examples that democracy was taking hold in Benin (Economist Intelligence Unit, 1996b: 32).

Poor governance and corruption also led to the demise of the regime of Albert Zafy in Madagascar (Economist Intelligence Unit, 1997c). In August 1996 Zafy was impeached by parliament and forced to resign. Among other things, Zafy was never able to come to terms with the Bretton Woods institutions on macroeconomic reforms and this resulted in his being criticized both at home and abroad for inept governance.

A new round of national elections was organized for November 1996. Among the candidates for the presidency were Zafy and the man he had successfully deposed several years earlier, Didier Ratsiraka. Although the electorate had not forgotten the brutal dictatorship of Ratsiraka, it seems that the majority of the electorate could not forgive Zafy’s managerial ineffectiveness. The vote seemed to be more anti-Zafy than pro-Ratsiraka. Even Ratsiraka himself admitted this, stating, “My victory is due more to the disillusionment of the Malagasy people toward the old regime than to their enthusiasm for me” (Economist Intelligence Unit, 1997c: 20).

Indeed Ratsiraka’s victory hardly amounted to a mandate. He secured only 38 percent of the ballots in the initial voting, and only 50.7 percent in the run-off. Many voters did not feel that there was much of a choice between the two top vote getters, some describing it as being “like a choice between the plague and cholera.”

All parties concerned accepted the results of Madagascar’s “second elections,” and there was clear evidence that democratic attitudes had begun to take hold among elites as well as in the mass public. To this extent it seems safe to say that despite the return of a former dictator, progress is being
made toward democratic consolidation in that country. Moreover, early indications are that Ratsiraka was chastened by having lost in the first election, and committed now to attempting to satisfy international donors as well as domestic constituents.

Some “second elections” that do not result in the turnover of the incumbent regime can still manifest tendencies toward democratic consolidation. Such was the case in Ghana’s 1996 presidential elections. In his first term since the re-introduction of multiparty politics, President Jerry Rawlings continued to lead his country’s economic recovery, thereby being able to rely on both strong international and domestic support. In his bid for re-election, Rawlings scored a decisive victory, securing 58 percent of the vote. What was equally as significant was the high rate of voter turnout (75 percent). This figure was well above the 48 percent turnout four years earlier. Although opposition parties were able to organize themselves better than in the first election, they were only able to secure 66 of 200 parliamentary seats.

Rawlings clearly demonstrated that he had forsaken the autocratic ways that had characterized his rule prior to 1992, and his commitment to democracy, by the way in which he and his party, the National Democratic Congress (NDC), approached the elections. In contrast to the “second election” in Zambia, the electoral register in Ghana was not a subject of intense debate. It was built from scratch, and voters were freely allowed to register at the polling places where they would ultimately cast their votes. The transparency of this process seems to have served to engender trust among the electorate (Lyons, 1997: 6-7). At the same time, it was clear that incumbency had its advantages. The Rawlings regime was able to use the extensive and effective organization of the NDC as well as government resources to facilitate the NDC campaign. Rawlings, through effective statecraft, has developed the NDC into the only party with a national support base. By contrast, opposition parties tended to have very narrow, mostly ethno-regional support bases (Economist Intelligence Unit, 1997b).

Despite the return of the NDC to power, the opposition demonstrated support for the democratic rules of the game by accepting the verdict of the electorate as generally free and fair. This is not to say that there were not some alleged as well as real electoral irregularities, but it is generally agreed that the elections were on balance properly conducted. However, the real test for Ghana’s fledgling democracy will come at the end of Rawling’s second term. He is forbidden by law from standing again, and at the moment no one stands out as his peer in terms of charismatic appeal.

Societies that are deeply divided along ethnic, racial, or religious lines pose particular challenges to democratic consolidation. The first and most formidable challenge is the choice of institutions that facilitate the development of mutual trust among groups and enable them to construct a mutually acceptable social contract to frame group political relations. This requires that elites from all politically significant groups be willing and able to make credible commitments to the democratic process. Leaders under such circumstances demonstrate that they are willing to engage in contingent compromises in order to advance the causes of social equity and democracy.

South Africa and Ethiopia represent two of Africa’s most deeply divided societies that have chosen the path of constitutionalism in an effort to con-
solidate democracy. On the one hand, South Africa’s divisions are based both on race and ethnicity; and on the other, Ethiopia’s divisions are largely ethnically based. The current regimes of each of these countries are the products of contingent compromises made during the course of devising a formula for democracy by compact.

Ten years ago few observers believed that apartheid in South Africa would soon end. The Afrikaner-dominated National party seemed firmly entrenched and strongly committed to maintaining white domination. However, beginning in the mid-1980s cracks began to emerge beneath the edifice of the apartheid regime. White businessmen began secret negotiations with the leadership of the African National Congress (ANC) in exile, and this was followed by similar initiatives by the white regimes. The late 1980s in South Africa were characterized by widespread violence, especially in black townships; sanctions had begun to hurt the country; and all of this was bad for business. In large measure this created an opening for soft-liners within the NP government, and with the replacement of President P. W. Botha by the more moderate F. W. de Klerk in 1989, the stage was set for the negotiating process leading up to the ending of apartheid and the introduction of all-race multiparty democracy (Sisk, 1995).

Whereas apartheid had enshrined white supremacy and a racial hierarchy by law, it was clear that the framers of the new social contract in South Africa would have to begin to look at the protection of group rights as the cornerstone of a new constitution. Group rights, then, translated into the guarantee of certain inalienable citizenship rights. Leadership on all sides would have to compromise in order to move the process of democratization along. For right-wing Afrikaners and Zulu nationalists this meant nothing short of their right to national self-determination up to and including separation from the state as it then existed. The interim constitution agreed to in late 1993 avoided dealing directly with the group rights issue, but it would not go away (Ottaway, 1994).

The negotiations over the interim constitution were the quintessential representation of pact making through contingent compromise. Discussion began with the NP dismissing the notion of majority rule as undemocratic. The ANC position was diametrically the opposite. The NP favored at the very least some sort of power-sharing arrangement. Over time each side was forced to compromise. In the end more than twenty organizations would participate in the negotiation process. At the extremes were the South African Communist party and the Concerned South Africans Group or Freedom Alliance, a marriage of convenience involving the Zulu nationalist Inkatha Freedom party, several militantly nationalistic Afrikaner organizations and the leadership of two homelands, Bophutatswana and Ciskei. The Alliance members were united only in their opposition to either a unitary South African state or a federal system that required a significant compromise of their sovereignty.

The Alliance proved not to be effective, but last minute concessions were made that kept Inkatha and several Afrikaner groups from rejecting the pact altogether. There developed among centrists who dominated the negotiations (NP, ANC, and the Democratic party) a consensus on the possible character of the post-apartheid democracy as well as the institutions that would support it (Sisk, 1995: 198–99).
The negotiations were thrown into crisis in early 1994 by a revolt against the government of Lucas Mangope in Bophutatswana by elements of the homeland civil service and other groups, and Mangope's response. Mangope moved to crack down on the revolt, and got support from armed Afrikaners who came to assist him. This "invasion" served to drive Mangope supporters and opponents together and to take measures to repel the offensive. From this point on homeland opposition to incorporation into South Africa was eliminated. However, the ANC and NP alliance was forced to make some limited concessions in order to keep the right-wing fringe groups committed to the elections of May 1994 that would usher in the transitional government, and lay the groundwork for the election of a constituent assembly to thrash out a permanent constitution.

South Africa represents a situation where contingent compromises among relatively strong parties forced the process to be open and transparent. This served to build trust in the process itself. Moreover, leaders representing the different groups were forced to behave in a manner supportive of the democratic process, thereby building even further trust.

The case of the EPRDF in Ethiopia is representative of a disingenuous attempt at pact making and contingent compromise. A major challenge facing the leadership of the EPRDF when it took over in 1991 was to address Ethiopia's historic problems relating to ethno-regional nationalism. Eritrea had finally won its independence after thirty years of protracted war against Ethiopia, and other nationality groups, such as the Ogaden Somalis and the Oromo, asserted their right to self-determination.

The EPRDF began as an umbrella organization of liberation movements that in the late 1980s formed a united front against the Marxist regime of Mengistu Haile Mariam. In May of 1991, this organization succeeded in routing the Ethiopian army, and gaining control of the reins of government. Rather than avoid dealing with the claims of ethnic groups to self-determination, as had been the case with previous regimes, the new government decided to tackle the issue head-on. The apparent hope was that by granting ethnic groups a measure of regional autonomy, what was left of Ethiopia could be held in tact. The EPRDF moved quickly after its victory to establish a transitional government. A national conference for this purpose was convened in July 1991 in an attempt on the part of the EPRDF to secure widespread acceptance among the general population. It resulted in the signing of a charter by the representative of some thirty-one political groups, the creation of an eighty-seven-seat Council of Representatives, and the establishment of the Transitional Government of Ethiopia (TGE). The largest number of seats was reserved for the EPRDF itself, and the Oromo Liberation Front (OLF) was second with twelve seats. Significantly, no political organization that predominately represented the formerly politically dominant ethnic group, the Amharas, was a signatory to the charter or represented in the council. In other words, the pact was exclusive rather than being inclusive.

Since Tigreans make up only about 10 percent of the Ethiopian population, the EPRDF could not hope to rule without forming a coalition government. It is the most organized among the political parties, and indeed, it is the only one with a national following. Politics is organized along ethnic line, and opposition parties are mostly based on ethnic affinities. The EPRDF
has a Tigre and Amhara core, and it has created or co-opted other political groups comprised of other ethnicities. The OLF, arguably the most popular party among the Oromo, was not a part of the EPRDF, but initially it expressed a willingness to cooperate with the new regime as long as it agreed to power-sharing, and demonstrated that it was respectful of equal citizenship rights for all, especially the Oromo.

The OLF, like other ethnically based parties, was initially allowed into the Council of Representatives and the TGE, but it was not long before the OLF leadership came to doubt the commitment of the EPRDF to upholding Oromo citizenship rights. In 1992, just prior to local and regional elections, the OLF withdrew from the electoral process, and has been banned from Ethiopian politics ever since. Moreover, between 1992 and 1995, the pact that made up the TGE became ever more narrow. EPRDF members and the supporters of affiliated groups heavily dominated the constituent assembly, which drafted the permanent constitution. Therefore, it is clear that Ethiopia’s experiment in pact making led much more to procedural or electoral democracy than it did to a more substantive, liberal democracy. Armed opposition from Oromo, Somali, and Islamic fundamentalist groups who feel that their citizenship rights are not protected under the new regime plagues the country.

Marina Ottaway (1994; 1997) has argued that basing regions on the predominant ethnic affinities of their inhabitants exacerbates rather than ameliorates ethnic conflict. However, there is no reason to believe that if regions had been organized on another basis that ethnic conflict would not occur. Rather than the ethnic basis of regions being the obstacle to democratic consolidation it seems more plausible that the new regime has yet to sufficiently assure large segments of certain nationality groups that their citizenship rights will be protected, and that it is committed in a credible way to democracy. In such cases, getting institutions right does not lead automatically in the direction of democratic consolidation. Instead, the trend seems more toward pseudo-democracy or limited democracy.

Conclusion

Despite some false steps and setbacks democracy seems to be reestablishing roots in many parts of Africa. It is too soon in most places to talk about the consolidation of sustainable democracy. In fact, in most places we can only speak of fragments of democracy. However, if there is the political will among contending political elites to maintain the democratic course, over time fragmentary gains will tend to cumulate, enhancing the possibilities that democratic culture and habits will become common place. To be sure there are places where we can only speak of procedural democracy or pseudo-democracy, but what is significant is that in recent years, the forces of democracy have undermined the autocratic project of integral states.

In large measure consolidating democracy depends upon choosing the right institutions; but this will only happen if there are elites willing to effectively implement democratic procedures. Leaders have to demonstrate not only a commitment to good governance, but also to civic tolerance and to enshrining in a constitution guaranteed citizenship rights and their equal application. In order to do this democracy must be negotiated. In some cases
it might be negotiated through a national conference or convention; in others it might be the result of political pact making among elites. In either case, individuals and/or groups must be willing to make contingent compromises that, while perhaps not being optimal for any one party, are at least acceptable to all parties.

Despite a commitment toward effective statecraft and a willingness among political adversaries to engage in contingent compromise, democratic consolidation might be, and often is, slowed or derailed by unfavorable conditions in the international or domestic politico-economic environment. For example, pre-existing group conflicts that remain unmanageable; international economic crisis; war; or a governmentally weak state, might either singularly or collectively inhibit progress toward democratic consolidation. In the short term, in most places in Africa democratic consolidation is most likely to be slow, halting, and uneven. Yet, it seems reasonable that the overall trend will be in the positive direction.

Notes

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1. Terry Lynn Karl (1990) notes that the notion of contingent compromise involves contending social classes and political groups accepting some set of formal rules or informal understandings that determine "who gets what, where and how from politics." Contingency, then, means that outcomes depend less on objective conditions than on subjective rules surrounding strategic choices.

2. There is a good deal of terminological confusion as to how to describe what is happening with regard to the democratization process not only in Africa but elsewhere as well. There is a plethora of different subtypes of democracy that are advanced (e.g., semi-democracy, proto-democracy, guided democracy). I do not wish to contribute further to this confusion. However, I want to make it clear that what we are witnessing in most of Africa today is well short of liberal democracy, and may be most closely akin to Diamond’s electoral democracy. See David Collier and Steven Levitsky, "Democracy with Adjectives: Conceptual Innovation in Comparative Research," World Politics, 49 (April 1997): 430–51.

References


