

BRIDGING THE GAP BETWEEN FORM AND SUBSTANCE: TOWARDS INCLUSIVE DEMOCRATIC GOVERNANCE IN AFRICA

Ibrahim Steyn
Researcher
Democracy Development Programme (DDP)

Wherever and whenever states – whether absolutist or socialist- deny their people political and civil rights, we can expect the eruption of discontent against exclusions from structures of citizenship and representation. (Neera Chandhoke, 2007)

An inclusive society is one in which all can speak – and be assured that they will be heard (Steven Friedman, 2007)

...Africa requires somewhat more than the crude variety of liberal democracy that is being foisted on it, and even more than the impoverished liberal democracy that prevails in the industrialised countries. (Claude Ake, 1996)

Several analyses of governance processes in Africa suggest that post-independence political reforms contributed very little fundamental change to the political and economic systems. Whilst democracy is undoubtedly more secure than ever on the African continent, the political economy in the post-independence period in many African countries has been characterised by high levels of violence, institutional instability, poverty, deprivation, marginalisation of citizens, bureaucratic and political corruption, suffocation of civil society and military and political opportunism.¹

The indigenous political elite who captured the apparatus of government at independence continued with the highly repressive and unaccountable style of governance of their colonial predecessors. Many African leaders deliberately prevented effective reconstruction of the state inherited from the colonialists. Instead, they used its redistributive powers to plunder the economy and enrich themselves at the expense of the rest of the population.² This situation has sparked widespread discontent in many African countries as citizens are becoming increasingly aware of their right to hold power to account.

The central argument of this short paper is that the main governance challenge for Africa now is to recast the relationship between citizens and institutions of the state. It proposes a framework for building an inclusive democratic model of governance which is at once participatory, responsive, accountable and transparent. The structure of the paper is as follows:

¹ Mbaku, J.M. & Ihonvbere, J.O. (2006) Assessing the future of democracy in Africa: internal and external challenges

² Mbaku & Ihonvbere et al

- the first section will illuminate some key governance challenge on the continent, especially at the back of the current goings on in Zimbabwe and Kenya;
- the second section will examine the ‘good’ governance approach to voice and citizen participation,
- the third section will set out salient entry points as guideposts for developing a more inclusive democratic model of governance on the continent, and
- the final section will look at what it is that development and donor agencies can do to enhance state-society relations in Africa.

1. Change without change

We first need to acknowledge the fact that formal liberal democratic reforms mark an important milestone in Africa’s democratisation process. These reforms affirm the right of citizens to universal political rights and civic liberties and facilitate the establishment of an institutional framework imbued with democratic norms and standards. Multi-party electoral processes serve as important vehicles of transformations. They open possibilities for change in that citizens can choose those who govern them and vote out non-performing incumbents.

However, the aforementioned functions of elections are neither given nor guaranteed. Elections have to be free and fair, and offer real as opposed to cosmetic choices to the electorate in order for the functions to be attainable. It is in these terms that elections have had serious problems in Africa.³ Widespread accusations of vote rigging and manipulation of electoral processes to ensure the re-election of incumbents continue to make elections non-credible. Meanwhile flawed election processes tend to induce conflict and violence.

The recent incidents related to the December 2007 election in Kenya is a case in point. The polls had a number of problems. The voters’ rolls had been poorly updated or at times not updated at all. Some dead people were still on the rolls and voters who had changed residence had not been properly struck off in one place and re-registered at their new addresses. The rules governing the help which could be given to illiterate voters (up to 80% of the electoral body in some remote constitutions)⁴ were poorly enforced. Foreign and national observers were not always given free access to polling stations. Accusations of election fraud related to the campaign to bolster President Mwai Kibaki’s chance of re-election further fuelled an already tension environment. Incidentally, the current indefinite delay in the announcement of the Zimbabwean presidential election results feed into similar indictments of election fraud aimed at extending the political reign of leaders that fell out of favour with their citizenries.

The consequences of the alleged vote rigging in Kenya have been catastrophic. Soon after the Electoral Commission of Kenya announced Kibaki as the winner of the presidential ballot, both the Nairobi residential slums and the western province erupted into violence.

³ Osaghae, E.E. (2004) Making Democracy Work In Africa: *From the Institutional to the Substantive*, in: *Journal of African Elections*, Vol. 3, No.1, June 2004

⁴ Kenya: roots of crisis. Comment by Gerard Prunier, 7 January 2008.

According to the Human Rights Watch, the two months of bloodshed left over 1,000 people dead and up to 500,000 internally displaced.⁵ The main forms of violence included police use of excessive force against protestors, ethnic-based killings and reprisals by supporters aligned to both the ruling Party of National Unity (PNU) and the opposition Orange Democratic Movement (ODM).

But election disputes and violence are not new phenomena in Kenya. In 1992, violence was experienced in certain parts of the country prior to the elections which were won by the now retired President Daniel Arap Moi. The situation then as it is today, was one where the opposition presidential candidate who emerged second, contested the victory of the incumbent in court claiming vote rigging. This situation was replicated in 1997. In both cases, the opposition lost the petition.

A similar link between elections and violence was witnessed in Zimbabwe. According to data of the Electoral Institute of Southern Africa (EISA) on Zimbabwe's democratisation process, the June 2000 parliamentary election was preceded by widespread violence and the internal displacement of farm workers by several thousand party loyalists. Violence continued throughout the 2001 and intensified before the March 2002 presidential election, and although the government never accepted formal responsibility for the violence, the state openly encouraged such violence with bellicose rhetoric, depicting the opposition Movement for Democratic Change (MDC) as traitors of the liberation and puppets of Britain and America.⁶

However, as this author has previously argued, it is axiomatic that democracy is not only about elections. Ordinary citizens, who queue for long hours to cast their votes, or take part in riots and demonstrations to oust authoritarian governments, expect immediate and long-term dividends.⁷ For democracy to sustain its legitimacy it has to be meaningful in the lives of ordinary people. Democracy will be nothing if it cannot bring about (or provide the enabling environment for) social and economic transformation and tackle chronic problems of legitimacy, poverty, social and distributive justice, illiteracy, disease and participation.⁸ The Kenyan elections are evidence of this link between formal and substantive democratic change where disputed elections served as a catalyst to underlying deeper economic, social and political problems that successive governments failed to address.

At the heart of the problem are the social interests of the political elite – both in power and opposition. Analysts of democracy in Africa argue that there is often a contradiction between the deepest aspirations of the masses who constitute the rank and file of the democracy movement and the narrow class interests of the political elite.⁹ Rita Abrahamsen (2000)¹⁰ cogently explains how democracy tacked on to economic liberalisation –linked to

⁵ Ballots to Bullets: Organised Political Violence and Kenya's Crisis of Governance, Human Watch Report, Vol. 20, No.1, March 2008

⁶ Olaleye, W. (2005) Conflict and Democratisation in Zimbabwe, in: Negotiating the Impasse: *Challenges and prospects for democratization in Zimbabwe*, EISA Research Report, No.9

⁷ Osaghae et al

⁸ Osaghae et al

⁹ Mbaku and Inonvbere et al

¹⁰ Abrahamsen, R. (2000) *Disciplining Democracy: Development Discourse and Good Governance in Africa*, Zed Books, UK

the concept of good governance- has privileged the interests of both foreign and local capital over the aspirations of Africa's under classes.

South Africa is a text book example of just how African leaders have been using the levers of power to serve narrow bourgeois and petit bourgeois interests. Critics argue that whilst the post-apartheid government's Growth, Employment and Redistribution (GEAR) strategy has been able to put in place a sound macro-economic regime, it has failed to effectively address the deeply entrenched social and economic inequalities of the country.¹¹ Democracy tacked on to economic liberalism has created new forms of social and economic exclusions in African societies with far reaching implications for the attainment of participatory, responsive and accountable governance.

Post-independence governing structures have become the fora for governments to meet with organised interests in business, labour and (occasionally) civil society. As a result, the voices of Africa's poor who lack the resources to organise possible alliances with those who do are often not heard and remain marginalised. Critics of South Africa's participatory regime¹² have long been arguing that the main fault line in the country's social policy paradigm is the fact that the poor are not part of the decision-making processes. As a result, South Africa's social assistance benefits are extended to the poor in a residual safety net fashion.

Hence, the success or failure of democratisation should be judge not only on procedural criteria-; whether citizens are participating in periodical elections-, but also on the extent to which it allows for the realisation of the democratic principles of popular control and citizenship. Key to the success and durability of democracy is the ability of citizens to participate in and claim ownership of the state and development processes. Without fundamental reorientation of the state, development from above will be meaningless to ordinary citizens. The challenge is thus to simultaneously deepen the participatory potential of the state and its development processes.

Unfortunately, the 'good' governance agenda advanced by government and donor agencies has not risen to the challenge. The following section will examine the 'good' governance approach to citizen voice.

2. Citizen Voice and 'Good' Governance

The World Bank (1992) identifies four indicators for measuring 'good' governance: political transparency and a voice for all citizens; efficient and effective public service; the promotion of the health and well-being of citizens, and the creation of a favourable climate for stable economic growth – covered in the preceding sections.¹³

In both the 2004 and 2007 versions of the *World Development Report*, the WB advocates the centrality of citizen voice in policymaking. The 2004 report states that 'governments and citizens can do better. How? By putting poor people at the center of service provision: by

¹¹ Marais, H. (2001) *Limits to Change: the political economy of transition*, Zed Books, London

¹² Like Dr. Steven Friedman

¹³ World Bank Report (1992): *Governance and Development*

enabling them to monitor and discipline service providers, by amplifying their voice in policymaking...¹⁴ According to the 2007 version which discusses youth, ‘opportunities to be recognised and heard as citizens, and to be included in community initiatives, are important for the delivery of services that affect young people directly’.¹⁵

But what sort of voice do these reports propose? Is voice associated with citizens or clients? This is an important distinction for it determines how the state interacts with these voices and the extent of their involvement in decision making processes. The WB uses the term voice ambiguously, but with a leaning towards the clienthood meaning. In the Bank’s view, the distinction is pragmatic, not principled: citizenship is seen as the ‘long route’ to holding service providers to account because it entails a lengthy process of engaging with government institutions. The ‘short route’ is ‘direct client influence’ presumably because it entails a direct approach to the service provider – the school principal or hospital superintendent, for example.¹⁶

Governance approaches which see citizens as clients are unlikely to offer effective voice since they misconceive the citizen-state relationship. Clients are not meant to own or control the companies from which they receive services – citizens are meant to own the state which serve them. The client-centred approach defines voice as a means to an end – meaning that processes which promote that end will be endorsed, whether they silence or allow only limited voice. Whereas the citizen-centred approach sees voice as an inherent right and as a necessary component of inclusion in development processes. According to this approach, strategies and interventions of the state must be evaluated purely by whether they extend or limit voice.¹⁷

What does this tell us about the World Bank’s approach to voice and consequently how it is applied in the ‘good’ governance discourse? The Bank’s approach indicates that mainstream development thinking is now genuinely attuned to the need to extend citizen voice and so ensure more inclusive development processes. However, it’s not all clear how voice is being enhanced; as citizens or clients, with both having different implications for participatory processes. Meanwhile, given that the concept of ‘good’ governance hinges on institutional forms of change it is also not clear whether the ‘good’ governance approach will be able to effectively extend the voices of grassroots citizens who are generally poor and lack the resources and capacities to meaningfully participate in formal spaces and channels for participation.

Meanwhile, ‘good’ governance protagonists often identify civil society as the site for enhancing citizens’ participation in governance and development processes. However, empirical evidence of civil society organisations’ involvement in poverty reduction processes in nine Southern Africa countries raises serious questions about the ability of civil society to enhance the voices of grassroots citizens. According to the data, CSOs influence is difficult to gauge although some case studies found that their participation had ensured that the tone

¹⁴ Friedman, S. (2007) *In full voice: Citizen voice and democracy*

¹⁵ Friedman et al

¹⁶ Friedman et al

¹⁷ Friedman et al

of statements and declarations were rhetorically more pro-poor.¹⁸ However, there is no concrete evidence that the participation of CSOs significantly altered the poverty reduction agenda of the region.

Evidence of the Malawi case study found that some CSOs muted their criticism of government because ‘hostile’ organisations are excluded from policy-making forums.¹⁹ The danger insinuated here is that access to government can become a reward for compliance rather than an attempt to engage. This resonates with liberal notions of civil society which regard this sphere as politically neutral and relegates politics exclusively to the state. Civil society is only said to exist when it is granted formal recognition by the state. From this perspective, civil society can be said to be part of the state because its existence is premised on its legitimacy in the eyes of the state.²⁰

Meanwhile, it has become a common feature of donor approaches to consider civil society as a uniform entity. Governments and donor agencies often complain that they don’t know who to engage amongst the multitude of civil society groupings because they are so ‘fragmented’. This is unavoidable. It is essential to recognise civil society for what it is and is not. Like other domains of collective interaction, civil society too is a contested site. It is not something that, once constructed, can be left to fend for itself; nor is it an institution. Civil societies are what their inhabitants – NGOs, CBOs, and Social Movements – make of them. They easily can become hostage to formal democracy at best and undemocratic trends at worse. In sum, CSOs can only claim to be representing the voices of grass citizens once it’s proven that they are indeed representative of them.

Yet for all the hubris associated with civil society it remains a valuable participatory approach for extending voice. It serves as a platform for fostering active citizenship. It is an important part of a participatory democratic regime because it is a site where various groups can engage on different projects.

The above analyses all point to one important challenge: the need to do work on both sides of the equation. Whilst efforts are required to transform the governing culture in African states, initiatives and strategies are also needed to build and promote active and empowered citizens on the continent who can hold their political regimes accountable and claim their place in development processes as active agents of change.

¹⁸ Analytical overview of the political economy of the civil society sector in Southern Africa with regard to the poverty reduction agenda, Centre for Policy Studies research report, Johannesburg, South Africa

¹⁹ CPS research report

²⁰ Neocosmos, M (2002): Presentation on rethinking state and civil society in Africa: Forms of politics and democratic prescriptions

3. A framework for recasting the relationship between citizens and institutions of the state

Attempts to strengthen the relationship between citizens and their governments must be based on a closer understanding of the following three interrelated themes: *rights and citizenship, participation and accountability*. These themes engender a host of key questions that need to guide our strategies for building a more inclusive model of governance that is once participatory, responsive and accountable.

We need to be clear of people's understanding of rights and citizenship. How institutions can become more responsive to the needs of those that they are meant to serve. For who participatory forums/spaces are established, who participate in them and with what legitimacy. We also need to interrogate for who accountability is sought and for what.

➡ Promoting an inclusive meaning of citizenship

We need to develop a much broader meaning of citizenship that goes beyond liberal notions which promote the idea that citizenship is a status which entitles individuals to a specific set of universal civil and political rights. The actual exercise of rights is seen as the choice of citizens on the assumption that they have the resources and opportunities to do so.

A much broader conception of citizenship places more emphasis on **people's political identities as active citizens; one which recognizes the agency of citizens as 'makers and shapers' rather than as 'users and choosers' of government interventions**. This conception of citizenship broadens the scope of political participation to include social and economic rights. It thus politicizes social rights by affirming people's democratic rights to participation in decision-making processes around socio-economic policy issues. Meanwhile, socio-economic rights need to become a quintessential part of human rights regimes as they are a necessary condition for the assertion and enjoyment of civil and political rights in societies like those in Africa, where most people live in conditions of abject poverty and illiteracy.

A more active conception of citizenship also enables people to **claim citizenship from below** through their own struggles and mobilization. In the case of South Africa, for example, the Treatment Action Campaign (TAC), an HIV and AIDS lobby group, used their own actions (within the restraints of the democratic order) to force government to reluctantly agree, in late 2003, to roll-out ARV treatment to the millions of South Africans living with the HIV virus.

However, building inclusive citizenship is a long-term effort requiring sustained commitment and support. More projects are needed that provide opportunities for people to learn about their rights and imbue them with skills that enable them to claim their rights.

➡ Creating transformative spaces for participation

We need to become more critical about what actually happens when people participate in spaces for participation. **Do spaces for participation extend voice to marginalized voices, and therefore, deepen democracy, or are they merely vehicles to bind organized voices to the policy choices of those in power? Are citizens more able to hold their government to account by attending and participating in these forums?** These questions raise serious challenges for realizing effective citizen participation and deeper forms of democracy.

Firstly, it is important to **see spaces for participation in a continuum**, including closed spaces for power-holders, invited spaces where civil society is invited to participate, and claimed or created spaces, which are created autonomously by citizens. These spaces exist in dynamic relationship to one another in that what happens in one influences the others. Claimed spaces created by citizens could be used to share experiences, formulate demands, demonstrate resistance and challenge power-holders in other spaces. They are thus important instruments for exercising countervailing power.

For example, in South Africa, communities who opposed cross-border municipal incorporation, created their own spaces, such as the Merafong Demarcation Forum, representing the community of Merafong, to formulate their demands and develop strategies for engaging power-holders in municipal structures or the courts. This provided a space for grassroots citizens to express themselves freely in their own vernacular, sharing their experiences and preferences. It also served as mechanisms for holding representatives accountable as leaders were expected to report back to communities in these forums.

But, realising active citizenship also rests on **strategies to inform people about their rights to participation and about the policies and processes which they are participating in**. Here civil society advocacy groupings have an important role to play. For example, through establishing advocacy networks and working with grassroots movements, these groupings can use their resources and expertise to inform grassroots communities of the dynamics and positions encapsulating development policy debates. However, grassroots citizens must be allowed scope to foreground their own experiential knowledge in these policy debates.

Finally, questions must be asked about **who participates and with what legitimacy**. For example, in South Africa it was found that those who often participate in local government Integrated Development Programmes (IDPs) are well organized and better resourced groups. Similarly, Community Police Forums are populated by mostly local elites who are often out of touch with the safety and security concerns of poor people.

It is thus important to be clear about who represents who and with what mandate in spaces for participation. Meanwhile, we need to promote more substantive and participatory forms of representation. Substantive representation means acting in the interest of the represented, in a manner responsive to them. **Representatives act as agents of their constituencies and are bound by a mandate and do what their constituencies want**. Participatory representation involves active constituency participation in organizational activities. It

highlights the importance of maintaining a variety of channels of communication and participation between an organization and its constituency to **ensure the organization is receptive to the constituency's demands.**

➤ **Making accountability count**

Accountability is fundamentally a relationship of power, and therefore, promoting it is political. When accountability mechanisms work, citizens are able to make demands on power-holders and ensure that those demands are met. Accountability is not only a legal relationship between states and citizens, but also includes social relationships. Strategies for building accountability should be informed by questions relating to “who” and “what” accountability is for. **In other words, who is demanding accountability, and for what; is it for rights to resources or welfare?** Meanwhile, it's important to consider which accountability strategies work, when, why and for whom across different settings and contexts.

Strategies for accountability can be both formal and informal. However, combined strategies are much more effective and offer a greater prospect of positive outcomes for poor people - as illustrated in the case of the TAC in South Africa, for example, where HIV and AIDS activists combined their mass action with street protests, structured participation, legal action and the media.

4. What is it that development and donor agencies can do to enhance state-citizens relations in Africa?

- ✚ Development and donor agencies need to continue strengthening public institutions and processes which promote and protect democratic practice, and promote horizontal and vertical accountability links both within recipient governments and civil society organisations.
- ✚ Institutional support to governments needs to include special focus on the active participation of citizens in decision-making processes, as well as strengthening mechanisms of interface between civil society and governments across different arenas/levels.
- ✚ Capacity building support to civil society organisations should not be linked to conditionalities. CSO's should be allowed to set their own agendas based on their own challenges and experiences across different settings and contexts. More attention needs to be paid to the conditions that enable civil society organisations to grow, replicate and scale up.
- ✚ Development and donor agencies need to work with local actors on creating spaces for voices to be heard and understanding who is excluded. Donors must consider the legitimacy and representativeness of groups with whom they engage. Legitimacy in advocacy comes from interaction with the poor. What is the legitimacy of civil society organisations in the eyes of the poor?

References

1. An analytical overview of the political economy of the civil society sector in Southern Africa with regard to the poverty reduction agenda, Centre for Policy Studies research report, Johannesburg, South Africa
2. Abrahamsen, R. (2000) *Disciplining Democracy: Development Discourse and Good Governance in Africa*, Zed Books, UK
3. Ballots to Bullets: Organised Political Violence and Kenya's Crisis of Governance, Human Watch Report, Vol. 20, No.1, March 2008
4. Friedman, S. (2007) *In full voice: Citizen voice and democracy*
5. Marais, H. (2001) *Limits to Change: the political economy of transition*, Zed Books, London
6. Mbaku, J.M. & Ihonvbere, J.O. (2006) Assessing the future of democracy in Africa: internal and external challenges, in: *Multiparty democracy and political change: constraints to democratization in Africa (2006)*, World Press, Africa
7. Neocosmos, M (2002): Presentation on rethinking state and civil society in Africa: Forms of politics and democratic prescriptions
8. Olaleye, W. (2005) Conflict and Democratisation in Zimbabwe, in: *Negotiating the Impasse: Challenges and prospects for democratization in Zimbabwe*, EISA Research Report, No.9
9. Osaghae, E.E. (2004) Making Democracy Work In Africa: *From the Institutional to the Substantive*, in: *Journal of African Elections*, Vol. 3, No.1, June 2004
10. World Bank Report (1992): *Governance and Development*

