Democracy promotion in Africa: the institutional context

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Democracy is seen by many as a viable means to rebuild the legitimacy of African states. However, African democracy is often based on a particular set of institutions which tend to concentrate power in the executive. A powerful president operates in a context of a minimal separation of powers, with few possibilities to restrain the executive, and a highly majoritarian party-political landscape. Democratic reforms and democracy assistance policies were first directed primarily at multiparty elections and political parties. Later donors have shifted to a broader approach of good governance and human rights. However, both the narrow electoral and the broader good governance and human rights approaches do not address sufficiently the institutional context of multi-party competition, which is characterized by the fusion of powers and a powerful presidency. This is a serious flaw which also limits the impact of current democracy promotion policies. This contribution suggests that democracy promoters could address this institutional gap by advocating for institutional reforms through which accountability in Africa may be increased, notably through greater inclusion of parliament and interest groups and of civil society actors in policymaking. Moreover, donors can set an example by introducing such reforms in the donor–recipient policy dialogue process they themselves conduct.

Keywords: democracy promotion; Africa; institutions; hybrid regimes; presidentialism

Introduction

Democracy promotion has become a ‘boom industry’ in the post Cold War period. At the same time it is very difficult to identify the core goals and components of the policy field. Democracy assistance is provided under the umbrella of human rights, rule of law, good governance and post-conflict peace-building programmes. It is provided by governments, by multilateral agencies, by (international) non-governmental organizations (NGOs) and political parties or party affiliated foundations. The fragmented nature of democracy assistance implies that it is difficult to identify the core goals, strategies and implementation modes, let alone to assess their...
results. Several authors note that it is near impossible to assess quantitatively the financial input of donors in this area. Moreover, the field has developed and changed over the past two decades and donors differ to some extent in their focus. Two leading authors, Thomas Carothers and Marina Ottaway, conclude that democracy assistance has obtained some modest results in countries where circumstances for democratic transition have been favourable, while at the same time democracy promotion policies suffer from major shortcomings. Among these is the failure to address wider structural constraints.

Strategies for the promotion of democracy may be largely categorized under two headings. One kind of strategy implies the use of conditionality, that is, the attachment of political conditions to the provision of (economic) development assistance. This strategy, which has also been used earlier in the context of broader human rights policies, has been coined ‘negative linkage’ by Jan Pronk, former Dutch Minister for Development Cooperation. Another strategy is to actively assist in democratic reform, that is, to support financially or otherwise the introduction and strengthening of democracy, which may be called a positive linkage.

During the early 1990s the wave of new ‘founding’ multi-party elections in Africa constituted the primary target of democracy promotion. Where necessary, donors pushed for these elections through conditionality (negative linkage) and where desired, donors provided financial and technical assistance and observation for such elections (positive linkage). Subsequent criticisms that Western democracy promotion was too narrowly focused on multi-party elections were probably justified, and partially reflected ‘infant diseases’ of the policy field. At present many donors have shifted to broader issues such as good governance, accountability, participation and human rights. Under those headings, donors now implement programmes to strengthen the police, prosecutors, auditors, parliaments and political parties. These improvements show that donors recognize the vital importance of a whole range of institutions in liberal democracy. Accordingly receivers of democracy promotion assistance are, besides political parties, increasingly organizations in civil society, the media and various institutions of the state. The latter approach will be referred to as the broader ‘governance and rights’ approach, while the former will be referred to as the narrow electoral approach.

This paper argues that explicit attention to the institutional context of multi-party competition remains largely absent in both kinds of democracy promotion policies. Institutional context, here, should be understood as the basic design of the political system at the central level, specifically the choice for presidential, semi-presidential or parliamentary government, the scope of presidential power and the extent of separation of powers. In the academic literature such institutional choices have been widely discussed by comparativists because they matter not just for the survival of democracy, but also for the quality and performance of democracy. For example, presidentialism may present risks for the survival of democracy, a hypothesis qualified by Shugart and Carey who identified high levels of presidential power as such a risk. Lijphart also disfavours presidentialism because it inherently limits possibilities for power sharing in his broader argument that systems
with power division and power sharing perform better with respect to ‘kindness and gentleness’ in terms of the quality of democracy and social policies.\footnote{For the case of Southern Africa, Reynolds showed in a comparable cases study that the choice of institutions influenced the ‘democratic trajectories’ of five countries in southern Africa, and the present author showed that high presidential power was statistically related to lower freedom rates in Africa.}\footnote{\textsuperscript{7}}\footnote{\textsuperscript{8}}

This contribution will address a specific institutional problem present in African political systems which goes to the heart of a fundamental concern in liberal democracy, that is, how to avoid the concentration and personalization of power. Although some aspects of current policies for the promotion of democracy touch upon these issues, they often do not confront them in a direct or coherent manner. This contribution puts forward the argument that donors thus help to bring about a system which may appear democratic in the sense that Africans can now elect their leaders, but which is in fact very far from a more substantive form of democracy because of the excessive concentration of power in the president. Three examples should clarify this point. The goal to strengthen parliaments is laudable, but if donors attempt to do this merely by training MPs and their staff in the context of a system where executive and legislative powers are almost completely fused, the systemic constraints inhibiting the strengthening of parliament are not addressed. Or, when programmes aim at making the auditor or prosecutor’s offices stronger, but do not address the often unlimited presidential power of appointing these offices, a fundamental and systemic constraint to increasing the independence of these offices is neglected. Lastly, if party assistance is directed at inter-party dialogue, but several features of the electoral and constitutional system are directed at one-party majority rule and at capturing the prize of the presidency, such efforts will have limited effect. In sum, the institutional context of multi-party elections actually constitutes a major constraint for the effectiveness of democracy promotion policies in Africa.

Two kinds of analytical bias help to explain the relative neglect of such institutional issues in democracy promotion in Africa. First, as noted in Marina Ottaway’s study, democracy promotion policies reflect the analytical orientation to agency rather than structure, which has also been evident in most studies on democratic transitions.\footnote{\textsuperscript{9}}\footnote{\textsuperscript{10}} Democracy promotion agencies have tended to address actors and attempted to make them into democrats, through training, seminars and exchange programmes. However, broader structural issues and constraints, such as ‘shallow transitions’ led by non-embedded elites and ‘asymmetrical sources of power’, are beyond the scope of most interventions.\footnote{\textsuperscript{11}}\footnote{\textsuperscript{12}} The institutional design of the political system represents an example of such a structural constraint. A second analytical bias evident in studies of African politics is the tendency to focus on informal and personal patterns of rule, such as neopatrimonialism. In most studies of personal or neopatrimonial rule in Africa, formal institutions enter the analysis only to point to the importance of the system of presidential government.\footnote{\textsuperscript{11}} However, with some notable exceptions,\footnote{\textsuperscript{12}} the precise institutional aspects of presidential power and the wider institutional context are not examined
systematically. In an attempt to redress this imbalance, Bratton examined the relation between formal and informal institutions in Africa, subsuming under the former the constitutional rules and relations between state institutions and under the latter clientelism, corruption and ‘Big Man’ presidentialism. He argues that the formal and informal structures in reality ‘thoroughly interpenetrate one another’. Based on Afrobarometer survey data, Bratton showed that formal institutions, notably institutions that check the executive are not performing well. The survey data at the same time show that formal rules have gained an important place in African perceptions and evaluations of democracy. This analysis supports Posner and Young’s and Prempeh’s view that institutional rules are beginning to matter more in Africa, as evidenced in patterns of succession and observance of presidential term limits. Where incumbents attempt to by-pass such rules, populations increasingly mobilize in protest.

These studies, then, show that formal institutional rules are beginning to put limits on presidential power, but it is only a beginning. Term limits are an important means to check presidential power, but they concern the requirement to leave office after a number of terms. Term limits and presidential elections help to create vertical accountability, that is, the possibility for citizens to remove an executive after his/her term has ended. Vertical accountability in itself is an important element of electoral democracy, but it can only be exercised intermittently, after the ending of a term. This current contribution focuses on alternative institutional means to limit executive power which may operate while a president is in office. O’Donnell refers to horizontal accountability, which creates checks and balances between government institutions. Contrary to vertical accountability, these mechanisms operate more continuously and serve to limit the power of the executive during a term of office. Such checks on government may be exercised when powers between the executive and the legislature are separated or when parliament has been granted sufficient powers. Yet these issues are rarely addressed systematically for African countries. A second way to address executive dominance is to limit presidential power, or as formulated by Prempeh, to tame African ‘imperial presidents’. In order to address the institutional mechanisms to limit executive power more systematically, it is necessary to first examine the ways in which executive power is constituted and executive-legislative relations are structured in African countries in a section on the hybrid nature of these regimes. Following this, the concentration of power in the executive presidency will be addressed. Next, a section will address the way in which these institutional features limit the effects of current democracy promotion policies. Then, a section will address the way in which institutional issues may be brought into democracy promotion policies, after which conclusions are drawn.

The hybrid nature of African regimes

Most African political systems represent a hybrid regime type, a term used here not in the sense of being semi-democratic or semi-authoritarian, but in the sense of
combining elements of presidential and parliamentary systems of government. The combination of presidential and parliamentary features does not result in a system which partially behaves as a parliamentary system, but quite to the contrary results in a system which becomes hyperpresidential. To avoid the rather technical aspect of regime classification, the argument simply follows the approaches of Elgie and Siaroff which both – in a somewhat different way – rely on dispositional rather than relational features. In both classification schemes the important variables concern the presence of a president and/or a premier and – for each office – the question whether there is direct election and a fixed term (which implies there is independence or separation from the other branch of government).

In a parliamentary system legislative and executive power are fused. This means that the executive depends on the legislature for its origin and survival. In a pure presidential system, the two branches are independent, meaning that the directly elected executive cannot be voted out of office by the legislature; except for the possibility of impeachment in constitutionally prescribed and limited circumstances, the population can only vote the executive out of office after completion of the term. Most African systems combine these features of parliamentary and presidential regimes, making them notoriously difficult to classify. There is a popularly elected executive president and a cabinet that needs the confidence of the assembly. Part of the executive – the president – conforms to the presidential model; another part – the cabinet – to the parliamentary model. In roughly half the cases the cabinet is headed by a premier (predominantly in Francophone countries); in the other half cabinet lacks a premier (in the majority of Anglophone countries). The former category is here classified as semi-presidential, the latter as presidential. In an earlier contribution to Democratization, this typology was applied to 30 Anglophone and Francophone African political regimes resulting in the classification of 12 countries as presidential, 15 as semi-presidential and three as parliamentary. A confusing point for the non-expert observer is that in two of the parliamentary systems, that is, South Africa and Botswana, the head of state and government is called a ‘president’; however, this ‘president’ is not directly elected, nor possesses a fixed term. The important point for this analysis is that – leaving aside the parliamentary systems – both the presidential and the semi-presidential African systems are characterized by (a) substantial fusion of powers between (part of) the executive and the legislature, evident in the possibility of the legislature to censure ministers or the entire cabinet and of the president to dissolve the legislature, and (b) high levels of presidential power. Such features led Elgie to classify Namibia, which can stand as a model for many African semi-presidential systems, as ‘presidentialized’ rather than a ‘dual executive’ semi-presidential system.

The non-separation, or fusion, of powers is most evident in the (parliamentary) rule of cabinet needing the confidence of the assembly. Both the origin and survival of the executive is dependent on the (sometimes implicit) confidence of the assembly. This feature appears to express the constitutional and philosophical idea that parliament is ‘sovereign’, but in reality it tends to create executive dominance...
over the assembly (particularly in the case of one party cabinets). Thus in many African political systems, executive dominance, resulting from fusion of powers between the legislature and the cabinet, is combined with the presence of a directly elected president with substantial executive powers. Both features strengthen the concentration of power in a single person executive. The argument presented here is that African hybrid systems thus combine the power concentrating features of the parliamentary and the presidential systems: parliamentary systems by definition fuse power between the legislature and the executive and thus create a degree of constitutional ‘monism’, and presidential systems are inherently majoritarian because the single-person executive by definition gains power through a majority vote of a winner take all type. Of course, both systems, in their ideal, but also in their empirical forms, also possess power sharing options or at least have power division potential; parliamentary systems allow power sharing through a collective executive, primarily through a coalition cabinet, and presidential systems may divide and separate power between the different branches of government. In Africa’s hybrid systems, however, the power sharing or power dividing potential of the ideal types is not reflected. In other words, the way in which parliamentary features are combined with the presidential executive leads to a high degree of power concentration. And it is this hybrid nature that allows these regimes to become hyperpresidential.

Besides the fusion of powers in terms of origin and survival of the cabinet and the assembly, particularly Anglophone countries possess the additional feature of fusion of offices. That is, executive and legislative offices are fused into one person: ministers are recruited from among MPs and remain MPs while serving on the government. In many Anglophone African countries, around 30% of MPs are actually members of the government, and in one case –Namibia – almost 60%. The result is, as Barkan notes, that ‘few MPs pursued a legislative career with an eye on policy making for the good of the nation. Rather, becoming a member of the legislature was seen as an avenue for lucrative patronage jobs, a ministerial appointment being the most alluring among them’. These features severely limit the possibility to strengthen parliament vis-à-vis the executive and Barkan argues that a change of incentive structure is needed to strengthen African parliaments. The institutional features determining the balance of power between the executive and legislature listed by Barkan are: separating the legislature as an independent branch of government; a fixed term (no possibility of dissolution); absence of executive power to suspend the legislature; the possibility of passing legislation without assent of the president or overruling a presidential veto; powers to require testimony by the executive; the possibility for the legislature to set its own budget, to recruit and maintain its own staff; strengthening the legislature’s role in preparing the national budget; the management of constituency development funds and the manner of election.

These possible sources of parliamentary power remain largely absent or weak in Africa’s hybrid systems. An overview of the constitutions of 30 African countries indicates that dissolution of the assembly by the president is possible
in the majority of regimes. Most constitutions create barriers to overrule a presidential veto through a requirement of an extraordinary majority. Thus, most African presidents have what is considered a strong, rather than a weak veto power. In addition, in nearly all countries, the role of parliament in the national budget is limited to accepting or rejecting the budget prepared by the government, with a possibility to amend the budget only if such amendments serve to decrease expenditures. In other words, it is impossible in such cases for parliament to amend the budget with items requiring expenditure, which in fact limits the possibility to initiate policies. The provision implies complete agenda power for the executive, while the legislature can only reject executive proposals. Lastly, as noted by Barkan, parliament as an institution is underfunded and understaffed, with the exception of South Africa, Uganda and Kenya.32

In sum, the balance of power between the executive and the legislature tips strongly in favour of the executive with systemic features leading to fusion rather than separation of powers. The systemic design of the executive-legislative relationship limits the possibility for parliament to play a significant role in legislation, policy development and oversight of the executive. Such institutional features severely affect the question posed before as central to at least a more substantive or liberal form of democracy: how to avoid the concentration and personalization of power. The latter issue was not addressed when African governments introduced multiparty elections during the 1990s. Reforms were essentially directed at a minimal or procedural form of democracy and did not entail a comprehensive reassessment of such systemic features. The next section will address the executive itself, which, apart from its systemic domination of the legislature, possesses strong powers.

Presidential power

In the hybrid political regimes outlined above, the paramount political figure is the executive president. Besides the obvious central role of the president in informal ‘Big Man’ politics, it is important to assess the institutional power of presidents, which not only enables but also strengthens his informal power. Alan Siaroff construed a framework for the comparison of presidential powers. The framework examines not only constitutional powers, but also agenda power and power deriving from the ways presidents are elected, in other words systemic features, using nine important sources of presidential power.33 In an earlier contribution, the present author applied this scheme to 30 Anglophone and Francophone sub-African countries, including both democracies and non-democracies. The purpose of that contribution was to examine the relation between presidential power and levels of freedom and the main findings are summarized here. Not surprisingly, considering the inclusion of non-democracies, the study showed that with the exception of Mauritius, these African countries showed very high levels of presidential power, substantially higher than the levels for countries worldwide reported by Siaroff. However, the intuitive notion that levels of power would be substantially lower in democracies did not hold. Only in a minority of
more fully liberal democracies was presidential power substantially lower. In
minimal (electoral) democracies, levels of presidential power were highest of all
systems.\textsuperscript{34} The significance of this finding is that precisely in partial, or mere elec-
toral democracies – the majority of African countries – the institutional sources of
power of presidents are particularly high. At the same time, democracy promotion
is overwhelmingly directed precisely to this category of semi-democratic or mere
electoral democracies.\textsuperscript{35}

In addition to the common features of direct popular election and the presi-
dent’s dominant role in foreign policy, African countries show the near universal
presidential power to chair the cabinet, as well as extensive appointment powers
and the president’s power to form government. In the majority of African countries,
the president may dissolve parliament. Moreover, the counter-intuitive result of the
study cited above was that presidents have most power in semi-presidential
countries, which consequently deserve to be classified under Elgie’s subtype ‘pre-
sidentialized semi-presidential systems’.\textsuperscript{36} This is related to the fact that in African
semi-presidential systems, the president retains important powers such as chairing
内阁 meetings and forming government which are often granted to the premier
in other semi-presidential systems.\textsuperscript{37}

In most Anglophone countries, elections are concurrent, that is, the election of
the president and parliament are simultaneous or of the ‘honeymoon’ type, that is,
the parliamentary election is scheduled shortly after the presidential election. This
source of presidential power deeply affects the relation between the executive and
the legislature and strengthens the majoritarian nature of African electoral and
party systems. Presidentialism in itself implies a majoritarian electoral formula
for the executive: proportional representation is theoretically and practically
impossible for elections in a single-member nationwide district. This majoritarian
feature intrinsically favours large parties. Moreover, as argued by several authors,
the personal nature of the office tends to produce personality-based politics.\textsuperscript{38} Concurrent elections for parliament and the president exacerbate these tendencies
because they tend to favour the party of the president in the parliamentary elec-
tion.\textsuperscript{39} Concurrent elections characterize all elected presidents in Anglophone
countries. This ‘presidentialist’ electoral formula for the legislature implies that
the president’s party is likely to control parliament, and thus the composition of
the cabinet, which may lead to a unitary government. The result is a situation
akin to parliamentary systems, where government is formed out of a newly
elected parliament. As of 2007, most sub-Saharan African countries show a
clear dominance of the president’s party over the legislature with an absolute
majority in most African countries.\textsuperscript{40} The result is one-party cabinets and
unitary governments. Proportional representation for legislative elections,
present in three Anglophone countries, does not appear to prevent the general
pattern of dominance by presidential parties in parliament: Namibia, Sierra
Leone and South Africa elect their legislatures on a proportional representation
basis, but at the same time all exhibit a high dominance by the ruling party, one
party cabinets and unitary governments.\textsuperscript{41}
In 2007, the president’s party controlled a mere relative majority (that is, the president’s party was the largest party but did not gain an absolute majority) in parliament only in Zambia and Malawi, and in the latter country the presidential party co-opted a number of independents to ensure a relative majority in the legislature. Recently, the cases of Kenya and Zimbabwe also show a near or (contested) balance between two parties, leading to Anglophone Africa’s first experiments with power sharing and cohabitation. While the introduction in both countries of a premier who is exclusively accountable to the assembly (as opposed to dual accountability to the assembly and the president) is a significant reform allowing a degree of division and sharing of power, many other features of strong presidential rule and executive dominance remain unchanged.42

In Francophone countries, in turn, most countries have non-concurrent elections, although some countries shifted toward concurrence through the synchronization of terms for the presidency and parliament.43 Only four Francophone countries have concurrent elections, or ‘honeymoon’ elections, that is parliamentary elections shortly after the presidential election. An overview of the party-political constellation in African systems showed that in Francophone African countries government parties command smaller (relative) majorities in parliament and, therefore, coalitions occur more frequently. Moreover, co-habitation, or the sharing of power between a president and a prime minister from different parties, occurs in two of these countries, although in one case the president is an independent. In Anglophone countries, the dominant pattern is for the president’s party to control the legislature. In sum, looking at African countries, the majority have a one party cabinet and a unitary government in which the party of the president also forms the cabinet.44 This party-political constellation further bolsters the institutional or systemic dominance of the executive over parliament, described in the previous section.

Yet, African presidents possess other important powers which are not captured in Siaroff’s scheme for comparison, such as the power to call a referendum. For example, in nearly all Francophone, as well as in some Anglophone countries, the president may call a referendum. Taken together, these institutional features make African presidents ‘Big Men’ indeed. As noted by Prempeh, the introduction of electoral democracy in Africa since the early 1990s has not entailed a reassessment of these sources of presidential power. Indeed, as he notes, ‘a notable feature of the ancien régime survives. This is the phenomenon of the imperial presidency’.45 Moreover, a more fundamental reform of the political system has been kept off the agenda both by incumbents and regime opponents. This is because regime opponents, too, are geared towards capturing power within the existing arrangement which rewards the winner with all power. Consequently, this ‘winner-takes-all’ character of the electoral and governmental system has been thoroughly internalized by all political actors, presenting a great challenge for democracy promotion policies in the region. In sum, this section has shown that in addition to the systemic concentration of power inherent in the hybrid nature of the regime discussed above, the president is extremely powerful due to
constitutional prerogatives and agenda power. Moreover, the manner of election of the executive further bolsters the institutional power through the creation of dominance of the party of the executive in the legislature. The next section will argue that current democracy promotion policies which do not confront these features in a direct or coherent way will have very limited effects.

The limitations of current democracy promotion policies

In the context of the institutional features of systemic concentration and fusion of powers in the executive-legislative relationship and high presidential power outlined above, promoting democracy in Africa through assistance to multi-party elections – the narrow approach – creates a somewhat dubious result: even when citizens manage to oust an unpopular executive, this may result in the election of a new executive that is equally powerful and able to dominate the legislature. Besides support for elections, the narrow electoral approach, policies for the promotion of democracy have broadened during the last 15 years. Democracy promoters now tend to support a range of government institutions, NGOs and civil society actors, the media, and political parties. But none of the policies really address the institutional concentration of political power that influences the functioning of these institutions.

The EU approach to democracy promotion policies in Africa, for example, combines a focus on elections with a broader approach of developing social and human rights and good governance. In a peer review of the EU’s role in democracy promotion published by IDEA, however, partner organizations criticize the EU’s ‘narrow understanding of democracy’ and a disproportionate focus on civil society, elections and human rights. Democracy, in the view of these partners, ‘must not simply be equated with human rights but must also deliver in the broader sense’. Partner organizations thus see EU policies as overly focused on procedural democracy, that is, elections and the freedoms required by it. Arguably, the EU’s emphasis on political and civil rights actually attests to the recognition that liberal, and not just electoral or procedural democracy is aimed for, and the critique of such partners reflects their concern with more substantive concerns, such as the question whether democracy also ‘delivers’ for the poor. In another criticism, it is argued that European democracy promotion is not directed at broad systemic-level political change. I would subsume under the latter, besides power relations, core institutional issues in liberal democracy.

Democracy promotion policies by bilateral governments also tend to suffer from the somewhat contradictory combination of narrowness and breadth. On the one hand they generally tend to focus narrowly on multi-party elections, but on the other they also tend to expand their approach and deploy a broad human rights and good governance framework. However, institutional issues which go to the heart of making democracy work are not sufficiently included in either the narrow or in the broader approaches. In view of the recommendation made in the peer review of EU democracy promotion policies to ‘tap the EU’s internal
experiences to inform external action’ experiences with different institutional models of democracy should gain a larger role in external democracy promotion.#49

Below, some examples may illustrate the limitations inherent in current policies which either neglect or skirt around core institutional problems, even if they go beyond support for multi-party elections. Democracy promotion initiatives that are directed at the role of parliament frequently involve training and exchange programmes for MPs and often expose them to how parliament functions in established democracies as through exchange visits and seminars. Yet, the acquired knowledge is difficult or almost impossible to simply apply to the home country context due to existing wider systemic constraints facing parliament. For example, and as explained in earlier sections, efforts to strengthen parliament as an institution are more often than not obstructed by a fusion of power between the executive and parliament. When the executive is assisted in policy making by a cabinet with broad majority support in parliament, the latter body can scarcely exercise its oversight function effectively, unless back-bench MPs become effective within the governing party and the grip of party discipline is loosened. With the presidential party controlling parliament with more than absolute majorities, the actual use of parliamentary powers to amend bills or to censure ministers becomes in effect only a theoretical option. This is even more so in the case of Anglophone countries which also fuse offices. MPs in Anglophone countries could certainly benefit from increased training, support by a qualified staff and an increased capacity for policy analysis, but when large numbers of MPs are either members or aspiring members of the government they will not act independently to check the government. The sheer size of the cabinet, moreover, implies a highly diffuse and uncontrollable executive. For example, in Ghana, Kenya, Tanzania and Uganda, cabinet consists of more than 60 members. These members of the government do not function as MPs effectively overseeing the government and neither are they very effectively engaged as members of government in their capacity of assistant or deputy-ministers.

Programmes directed at strengthening political parties, in turn, also have limited impact if they are not based on any assessment of the limitations and incentives inherent in the institutional context. Majoritarian electoral formulas and concurrent elections, such as present in the majority of African countries, have enabled former single parties to remain dominant after the introduction of multiparty elections (for example, Tanzania) or opposition parties to become dominant after gaining power (for example, Zambia during the 1990s). The result in many semi-democratic or semi-authoritarian regimes is what Ottaway called asymmetric sources of power: the playing field for political competition is far from level.#50 In these cases, the governing party uses various sources of power deriving from incumbency, from privileged access to the media and government funds, to patronage and coercion. In terms of democracy promotion policies, it may be a better strategy to first address the wider institutional context that influences the party system as a whole, so that it can become more competitive, as suggested by Burnell.51 Presidentialism and concurrent elections for the president and the
assembly create systemic incentives toward one-party dominance, unitary government and the concentration of power in one person. Thus, political party assistance may aim at stimulating inter-party dialogue and cooperation, but if the systemic incentives toward personalism and one party rule inherent in presidentialism are not addressed, these efforts will not have great impact.

Where political aid is directed at creating or strengthening institutions for increased horizontal accountability, they are unlikely to have much impact unless the powers of the executive president are circumscribed. Policies to assist the creation of an Ombudsman, or to strengthen the Auditor or the courts, for example, need to address the way the executive can interfere in the daily operation of such institutions. That is, in many African countries, presidential powers of appointment are so extensive that they enable the executive to pack such institutions with his followers. Moreover, executive discretion in limiting the budgets of such institutions can be used to inhibit potentially threatening sources of countervailing power. These examples illustrate that strategies for the promotion of democracy will have limited impact if they do not incorporate institutional issues which are in fact at the heart of the liberal democratic idea: that is, how to limit and divide power in the political system. In nearly completely avoiding these institutional issues, donors have tended to skirt around some rather essential institutional issues in democracy and democratization. Clearly, to further develop and deepen democracy, institutional reforms which go at the heart of the political system should be addressed: that is, diminishing the concentration of power in the executive and creating effective countervailing power, first and foremost by strengthening parliament. The next section will suggest ways donors could attempt to do this.

**Bridging the gap: bringing in institutions**

Clearly, the institutional context, in particular the systemic concentration of power in the executive, must be addressed if democracy promotion is to become more effective. However, it is evident that donors have not systematically addressed these issues. The absence of the institutional focus in democracy promotion policies may be partly explained by their relative complexity and the tendency for these issues to be the domain of a relatively small circle of legal/constitutional and political science experts. Among democracy promoters, there is often a lack of knowledge about the broader issues of institutional design of democracy outside the precise institutional arrangements of the home country, which tend to be implicitly taken as a sort of standard. In Africa, knowledge about alternative constitutional systems, electoral systems and power division or power sharing tends to be limited and politicians as well as political scientists often have an implicit (normative) preference for majoritarian institutions. In this area, much could be gained by a greater involvement of African political scientists and politicians in the debate about the relative merits of alternative constitutional and electoral systems.
Secondly, the relative absence of institutional issues may be explained by most donors’ wish to refrain from political interference, and their assumptions that such institutional issues cannot be addressed by external actors, particularly when ‘interfering’ may be construed as interfering in state sovereignty. Yet, it is impossible to ignore that democracy promotion in its current form also deeply affects the political system of the recipient country and it may be argued that Western governments accept this partly because they cannot justify support for non-democratic regimes to their tax-paying population. At the same time, it is important to recognize that donor interventions do not take place in a vacuum and internal actors also demand political reforms. Donors have found such partners in civil society in aid-receiving countries, for example in the field of human rights protection. Donors’ ability in the past to support such societal groups pressing for multi-party elections has increased their effectiveness and this kind of support has been widely considered as legitimate in the post cold war era. The promotion of democracy and political rights has been adopted as a policy goal in many multilateral fora, most notably at the UN and EU level. The universality of human rights has been accepted by all governments in human rights treaties and instruments, particularly since the conference held in Vienna in 1993. So the question may be asked why donors’ interventions should not be extended to cover core institutional problems, knowing that such reforms ultimately may determine whether and how democracy actually works.

Thirdly, donors implicitly assist and strengthen power concentration at the centre by consistently engaging with the top central leadership in the so called policy dialogue on overall development. For example, in the Poverty Reduction Strategy Papers (PRSP) process, donors sit with governments to formulate overall policy goals on poverty reduction and good governance. The donor–recipient ‘partnership’ entails great involvement of donors in the policy process and only a very limited involvement of societal actors in the process. Parliament, or parliamentary committees, are not part of this policy dialogue. Here a major issue should be addressed by donors: donor influence may be maximized when policy discussions are held exclusively with the top central political leadership, but policy reforms, just as institutional reforms, will receive greater legitimacy and consensus if a variety of political and societal actors are involved in the process.

A strategy for wider and systemic institutional reforms, then, could consist of three elements: using the considerable agenda setting power of donors to initiate debate, expanding the circle of actors involved in the policy dialogue and linking up with societal actors in favour of reforms. The first element would entail putting institutional issues on the agenda and initiating a debate on political institutions. Any observer of African politics and development will concede that the agenda-setting power of donors is great, as is evident in the realm of social-economic policies and the pressure they may exert for democratization and good governance. Donors have room to include on the agenda issues going beyond multi-party elections and the more diffuse and broad good governance issues.
Institutional reforms aimed at reducing systemic concentration of power should therefore be put on the agenda. It may seem that limiting power is not in the immediate interest of power holders. However power dispersion may be advantageous in the long run. Most notably the notion that dispersion of power creates more possibilities to form a broad consensus in society may change perceptions of long-term self-interest.

The second element of the strategy would entail inclusion of a broader set of political actors in the policy dialogue between donors and African governments in the PRSP process, in particular parliament, or parliamentary committees and interest groups. At present these actors and institutions are not systematically included in that process. It is very difficult to justify the engagement of only the central leadership in the donors’ policy dialogue if the good governance agenda seriously aims at increasing accountability. African countries’ heavy dependence on aid implies that financial accountability largely flows to the donor instead of local tax payers. Given the structural nature of this dependence, the only way to mitigate this paradoxical outcome is if donors press for inclusion of a wider set of political and societal actors in the donor–recipient policy dialogue.

The third element entails linking up with actors in civil society who aim for institutional reforms. Such groups are likely to be professional bodies, in particular legal and constitutional associations, academics, human rights agencies or NGOs that wish to address the fundamental power concentration in the political system. It is not very likely that African political parties at present constitute a vanguard in the demand for such institutional reforms. The uncomfortable truth is that most African political parties tend not to challenge these fundamental institutional issues, because they are deeply shaped by the incentives in the political system and tend to go for the supreme prize of political power, that is, the presidency. Where African political parties have pressed for institutional reforms, they often changed position once they captured the prize of political power themselves, that is, the presidency. Political developments in Zambia during the early 1990s have shown how opposition parties have quickly adopted the same political styles as their single party predecessors, for instance. The failure of institutional reform in Kenya, once pursued by the party now in government, also illustrates the point that parties will not be in the front line to challenge the system of power concentration once they benefit from it.

Conclusion

In this paper it has been argued that efforts to promote African democracy have tended to focus on electoral assistance or broader human rights and governance issues and failed to address the institutional context of African multi-party competition. At the same time it is evident that the systemic fusion of powers and concentration of power in the executive president deeply affects the extent and quality of democracy in African countries. The majority of African countries remain in the category of semi-democratic, mere electoral or even pseudo-democracy. If
Democracy promotion fails to address these institutional issues, the result will not go much further than creating possibilities for alternation in power. Change in the way power is exercised, and limits to executive power will not be achieved. Many factors explain the neglect of the institutional context within which multi-party elections are introduced: the analytical bias for agency rather than structure in transition studies, a focus on informal rather than formal aspects in the study of personal rule in Africa and – on the side of donors – a hesitance to interfere with internal political choices. This paper argued that this hesitation is unjustified because donors’ involvement in internal politics is already substantial, though relatively ineffective precisely due to the neglect of the important institutional factors.

Donor countries – whether bilaterally or through the EU – should rethink their democracy promotion strategies and attempt to fill the gap in both the narrow electoral and the broader human rights and governance approach. The narrow electoralist approach to democracy inherently does not address the much more fundamental issues concerning the division and limitation of power, while the broader good governance approach also fails to address these issues. Only if the institutional issues are addressed, democracy promotion policies may become a catalyst for more fundamental and systemic change. These institutional issues may be sensitive and complex but they deserve a central place in the debate on developing democracy beyond mere electoralism and improving the quality of democracy. This central place is merited in view of the academic literature that the survival and performance of democracy is influenced by the choice of institutions.

As this contribution has argued, breaking the vicious cycle of power concentration implies the need to find a niche for political intervention. This niche is for donors to use their considerable agenda-setting power to table the reform of political institutions. In this effort, donors can work together with domestic organizations striving for such institutional reforms. Moreover, donors are currently engaged in a policy dialogue in the context of the overall aid relationship with the central political leadership and only a very limited and ad hoc involvement of civil society actors. Donors can provide an example by making their policy dialogue with African countries about the overall aid relationship more inclusive, in particular by including the most important institution for potential countervailing power: parliament.

Formal institutional change will certainly not be a panacea providing immediate cures for Africa’s weak and ailing democracies. Obviously informal institutions and political culture will need to change as well. But if informal and cultural practices are highly interdependent with formal political institutions, with the latter reinforcing the former, then reforming institutions can provide a much needed impetus for substantive improvement of Africa’s weak democracies.

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Notes

2. See two comprehensive studies: Ottaway, Democracy Challenged; and Carothers, Confronting the Weakest Link.
5. As argued by the present author, see note 4.
6. I am limiting my discussion to the political system at the national level, leaving aside the important issue of decentralizing power to lower levels of government. For a more broad theoretical discussion on institutional design from the perspective of power concentration versus dispersion, see MacIntyre, The Power of Institutions.
9. See Ottaway, Democracy Challenged, 134. The focus on agency is evident in studies on Latin American ‘pacted transitions’, such as O’Donnell and Schmitter, Transitions from Authoritarian Rule; and Huntington, The Third Wave.
10. Ottaway, Democracy Challenged, 134.
11. See Bratton and van de Walle, Democratic Experiments; Hyden, African Politics; van de Walle, ‘Presidentialism and Clientelism’.
13. See also van Cranenburgh, ‘Big Man Rule’.
17. A notable exception is the study of Barkan, ‘Legislatures on the Rise?’.
19. For the concept ‘hyperpresidentialism’ as applied by some authors to Russia and France, (see Elgie 2007, ‘What is Semi-presidentialism’, 3 and 9). It denotes extremely powerful presidencies in semi-presidential systems.
21. Thus, Shugart and Carey defined a new category applicable to many African systems called ‘president-parliamentary’, which they also called ‘the confused system’. See Shugart and Carey, Presidents and Assemblies.
22. See van Cranenburgh, ‘Big Man Rule’.
24. See Budge, ‘Great Britain and Ireland’; and Lijphart, Patterns of Democracy.
25. See Lijphart, Patterns of Democracy.
26. See also Nijzink et al., ‘Can Parliaments Enhance the Quality of Democracy’; and Barkan, ‘Legislatures on the Rise?’.
29. Ibid., 127–9.
30. See also the conclusions in Mohamed Salih, African Parliaments, 250.
31. For dissolution power of presidents see van Cranenburgh, *Restraining Executive Power*, 53. For veto power, see van Cranenburgh and Bureau, “‘Big Men’ Rule: Presidential Power”.


33. For the comparative scheme see Siaroff, ‘Comparing Presidencies’.

34. For the application to Africa see van Cranenburgh, ‘Big Man Rule’, 964–5. Fully liberal democracies were those countries with Freedom House scores of 1 to 2.5.

35. That donors primarily target countries which are partial, mere electoral or pseudo-democracies is not only logical (since in fully liberal democracy such support is not necessary, whereas in fully authoritarian systems, such support is not possible), but may also be inferred empirically from the fact that Europe overwhelmingly targets Africa in democracy promotion (see Youngs, *What Has Europe Been Doing?*, 160) and the fact that most African countries belong in these categories. See Diamond, *Developing Democracy*, 280; and van Cranenburgh, *Big Man Rule*, 964.


37. This can be read in the table on powers in the semi-presidential regimes (type 5 regimes), see Siaroff, *Comparing Presidencies*, 300.


41. These findings may seem paradoxical in light of Lindberg’s findings on the proliferation of parties in African party systems (particularly in proportional electoral systems). However, this fragmentation is predominantly visible among the opposition and is combined with one-party dominance. See Lindberg, ‘Consequences of Electoral Systems’.

42. See also with regard to unchanged presidential powers Prempeh, ‘Presidents Untamed’, 110.

43. See van Cranenburgh, ‘Restraining Executive Power’, 56.

44. Ibid.


47. See also Youngs, ‘What Has Europe Been Doing?’.

48. This combination can be seen in Europe’s approach. See Youngs, ‘What Has Europe Been Doing?’, 162, and also applies to the Dutch government’s approach. See van Cranenburgh, ‘International Policies’.

49. See IDEA, *Democracy in Development*, 37.


52. See also Carothers’ notion of ‘institutional modeling’ by democracy promoters in *Aiding Democracy Abroad*.

53. A good example on the systematic incorporation of political conditions in the aid relationships of the EU is visible in the Treaty of Cotonou, articles 8.3 and 11.3.


55. See Booth, ‘Missing Links’, 3–5. Booth argues that the PRSP policy process has been largely ‘technocratic’. The whole discussion about ‘participation’ in the PRSP policy process has focussed on the inclusion of civil society (mainly NGOs). It is rather astonishing that parliament or parliamentary committees are not systematically included in this process.
56. For a broader argument see MacIntyre’s model to find an optimal balance between the decisiveness created by power concentration and the consensus and stability created by power dispersion. See MacIntyre, *The Power of Institutions*.

57. See also Prempeh, ‘Presidents Untamed’.

**Notes on contributor**

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**Bibliography**


