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ELECTIONS DO NOT NECESSARILY MEAN DEMOCRACY: SOME EXAMPLES FROM AFRICA

Abstract: This paper investigates democratic conditionality and (mostly Western) Election Observers Missions (EOMs) in Africa. It will look at motives and aims of foreign election support in order to critically assess whether the aims have been achieved.

As a starting point, there is a statement: Westerners have often brought to Africa some constitutional elements which were entrenched in Europe but irrelevant to the local context. This misunderstanding has driven to a misunderstanding of premises (democracy = elections) and a misuse of means like democratic conditionality and EOMs. In fact, democracy does not mean primarily elections, but peaceful alternation of power. Elections have never prevented tyrants to run illiberal democracies.

The hypothesis of the paper is that democratic conditionality and EOMs are usually designed and implemented in order to respond to democratic requirements in the country imposing the conditions and has little to do with the country subjected to conditionalities. More than to press and cajole non-democratic regimes towards more political openness and participation, Western diplomacy is deployed because ministers and diplomats have to be seen to be “doing something for democracy abroad” to assuage public opinion back home. The presumption to be explored is therefore whether international actors fidget with carrots and sticks in Africa as a sop to the European parliament and other Western audiences. If this were the case, anything that looked from far like an election would be sufficient for rewards and benefits and only frank and widely publicised authoritarian turns would require their temporary interruption.

The paper claims that such home-driven democracy support is likely to negatively affect democracy abroad. It argues that Western democracy diplomacy supports a very narrow understanding of democracy (in this case in Africa, but it can be the case elsewhere), gives right to actors equating democracy with regular elections and incentivises rulers to organise regular elections that only look like elections. By forcing African states to navigate between the risk of being sanctioned and the chance of being gratified democratic conditionality creates the risk that more attention is given to satisfying Western observers than to deepen democracy by creating an environment making it work.

In a more optimistic way, the paper concludes with suggesting other, more modest, but presumably more efficient means to support democracy in Africa: supporting civil society and efficient administration.

Key words: elections, home-driven democracy support, civil society, efficient administration.

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ВИБОРИ НЕ ОBOB'ЯЗКОВО Є ПРОЯВОМ ДЕМОКРАТІЇ: ДЕЯКІ ПРИКЛАДИ З АФРИКИ

Анотація. Ця стаття досліджує демократичну обумовленість та (переважно Західні) місії спостерігачів з виборів (МСВ) у Африці. В статті розглянуть мотиви та цілі підтримки закордонних виборів, щоб критично оцінити, чи були досягнуті цілі.

Почнемо з твердження: західники часто привозили в Африку деякі конституційні елементи, які закріпилися в Європі, але не мають значення для місцевого контексту. Це непорозуміння призвело до нерозуміння понять (демократія = вибори) та нецільового використання таких засобів, як демократична обумовленість та МСВ. Насправді демократія означає не насамперед вибори, а мирне чергування влади. Вибори ніколи не заважали тиранам керувати неліберальними демократіями.

Гіпотеза статті полягає в тому, що демократична обумовленість та МСВ зазвичай розробляються та впроваджуються для того, щоб відповідати демократичним вимогам країни, що встановлюють умови, і мало стосуються країни, яка зазнає цих умов. Західна дипломатія застосовується до того, щоб придушити недемократичні режими до більшої політичної відкритості та участі, оскільки міністри та дипломати, вважається, що «роблять щось для демократії за кордоном», щоб привернути громадську думку до своїх країн. Отже, презумпція, яку слід досліджувати, полягає в тому, чи міжнародні актори, які знаходяться в Африці використовують авторитет Європарламенту та інших західних аудиторій. Якби це було так, все, що здалося б вибором, було б достатнім для винагород та вигоди, і лише відверті та широко розрекламовані авторитарні оберти вимагали б їх тимчасового припинення.

У документі стверджується, що така підтримка домашньої демократії, ймовірно, негативно вплине на демократію за кордоном. Він стверджує, що західна демократична дипломатія підтримує дуже вузьке розуміння демократії (в цьому випадку в Африці, але це може бути і в іншому місці), дає право акторам, що прирівнюють демократію до регулярних виборів, і стимулює правителів організувати регулярні вибори, що виглядають лише як вибори. Примушуючи африканські держави «ходити» між ризиком санкціонування та шансом отримати демократичну обумовленість створює ризик, що більше уваги приділятиметься задоволенню західних спостерігачів, ніж поглибленню демократії, створюючи середовище, що змушує її працювати.

Більш оптимістичним способом документ закінчується пропозицією інших, більш скромних, але, імовірно, більш ефективних засобів підтримки демократії в Африці: підтримки громадянського суспільства та ефективної адміністрації.

Ключові слова: вибори, підтримка домашньої демократії, громадянське суспільство, ефективна адміністрація.

It is worth recalling that the League of Nations failed miserably to stop or even confront aggressions from totalitarian regimes in Germany, Italy, Japan and Soviet Union prior to the Second World War. The United Nations is following a dreadfully similar course.

Martin Slann [1]

Problem statement. This paper focuses on a topic which seems quite provocative: elections do not mean democracy, and *vice versa* democracy does not mean elections. In order to promote democracy, the international community tends to consider that the most obvious sign of success is the holding of elections. For that reason, two major policy tools have been encouraged if not institutionalized: democratic conditionality and elections observers missions. But if we look at the outcome, particularly in Africa, democracy remains more than vague despite a lot of elections, Western threats and observers. Why this failure? Could it be possible to conceptualise a more efficient role for the international community to promote democracy? This is the task of this research, and of course all reflections made about Africa can stretch to other countries in the world [2].

Analysis of recent research and publications.

It seems difficult to start this paragraph without a quote of Nic Cheeseman (*Democracy in Africa: Successes, Failures, and the Struggle for Political Reform*, Cam-

bridge University Press, 2015): “When I told people that I was writing a book on democracy in sub-Saharan Africa they often joked that it would be a very short volume, up there with the history of Swiss military victories and the compendium of great English cooking”.

Recent 2019 studies on democracy in Africa tend to be also quite pessimistic. After a certain mushrooming of democratic movements at the end of the Cold War, times have changed. According to Douceur Kadony Mamboka, the exaltation of democracy has given way, through the failed experiences, to a real anguish before the future (*Les États postcoloniaux et la problématique de la démocratie en Afrique. Un bilan de 50 ans: Analyse critique de la démocratie africaine*, GRIN Verlag, 2019). To speak of an *anguish* is quite sad, but it is obvious that the lack of democracy coincide with the lack of development. Kiari Liman Tinguiri (*La démocratie dans des États fragiles : une illusion* ; L’Harmattan, Paris 2016) quotes the Indian researcher Amartya Sen and his famous famine theory (“*No famine can sustainably harm a functioning democracy*”) that links democracy and development; seemingly Africa has failed either democracy and development.

It is undoubtedly a great problem in Africa (but in many other countries, just consider Venezuela) that almost all the democratic systems established in many states are, in reality, representative democracies, in which an oligarchy confiscates power (Célestin Tagou, *Démocratie*

rotative et élections présidentielles en Afrique : Transcendance et transformation politique des conflits ethnopolitiques dans les sociétés plurielles, L'Harmattan, Paris 2018). This author – like me – consider that it is necessary to “reinventing the public sector”.

Gaston Dyndo Zabondo is disappointed: in Africa democracy is only cosmetic (*Démocratie et éthique : Emancipation politique et sociale de l'Afrique*, L'Harmattan, Paris 2019). Moreover, the military power is considered as a form of degeneration, notably taking Nigeria as an example (Pierre Moukoko Mbonjo, *Armée, pouvoir et démocratie en Afrique : L'exemple du Nigéria* ; L'Harmattan, Paris 2019). But if we take another major change of paradigm in Africa, the seemingly endless growing power of China, it will not help to diminish authoritarianism, quite the contrary (Victor Mag-nani, Thierry Vircoulon, Marc-Antoine Pérouse de Montclos etc., *La démocratie en Afrique : tours et détours* ; Revue “Politique étrangère” 2019).

According to Abraham Lincoln's Gettysburg Address, democracy is the government of the people, by the people, for the people. Unfortunately, in Africa democracy has functioned as democracy without the people, to the extent that it has not responded to the hope of the people (Adrien Mulumbati Ngasha, *Le peuple et la démocratie en Afrique*, Editions Academia, Paris 2019).

But among such a dark vision of democracy in Africa, some (few) recent researches also show some glimpses of hope. In his book *Elections in Independent Africa* (Taylor & Francis Group, 2020), Fred M. Hayward examines elections in eight African states: Botswana, Ghana, Kenya, Nigeria, Senegal, Sierra Leone,

Tanzania, and Zaire. If elections in much of contemporary Africa were widely regarded as irrelevant or a sham, the author argue that elections in Africa have played a much more significant role than has commonly been recognized; that in spite of problems, elections are an important part of African contemporary political life, and first of all that African elections provide one of the few instruments of political action open to civil society. Of course, he bases his opinion on countries which are not “the worse” in Africa...

Nevertheless, glimmers of such hope never involve participation of foreign powers. On the contrary, Giscard Kevin Dessinga considers that African democracy has been a democracy of convenience to please the World Bank and the IMF; it is time to internalize it, to accept it, to digest it (*Nouvelles perspectives de la démocratie en Afrique : Freins, Défis et Opportunités* ; Mon Petit Editeur, Saint-Denis [Paris] 2017). This unhealthy link between Africa and former colonizers is described in severe words by Tétévè Godwin Tété-Adjalo: the tragedy of Africa is that relations of vassality with Europe persist even after the “decolonization”. How can one develop when one is slave to another? (*De la dialectique démocratie / développement en Afrique – Contribution au forum de Delphes* ; L'Harmattan, Paris 2017).

In the same vein, we should not be obsessed by the Western way of thinking. In his book *Money for Votes: The Causes and Consequences of Electoral Clientelism in Africa* (Cambridge University Press, to be published in 2020), Eric Kramon reminds that politicians distribute money to voters during campaigns in many low-income democracies (“vote buying”). His study traces the consequences of elector-

al clientelism for voter behaviour, ethnic politics, public goods provision, and democratic accountability. Ultimately, the book suggests that the relationship of electoral clientelism to the quality of democracy is far more nuanced than our instincts might suggest. Once again, the struggle for democracy must come from the African civil society itself.

But we can let the last word also to Nic Cheeseman: “Given the great power wielded by African political elites, it is tempting to conclude that political reform occurs when leaders allow it to go.”

The purpose of the article is to explore the peculiarities of holding elections in the case of African countries.

In fact, it’s a long time ago that the international community plays quite a role in Africa, where it was not always question to promote democracy. The Berlin Conference, also known as the Congo Conference, took place in 1884–85; it opened the “Scramble for Africa”, and on January 1st, 1900, any existing form of African autonomy and self-governance had disappeared: Ethiopia and Liberia were the only sovereign states left on the Continent. Sixty years later, in the 1960s, it was time of decolonization. Another 60 years later, it is today, and the (Western oriented) international community still wants to “do something” in Africa, this time with trial to promote democracy, in particular by encouraging elections through democratic conditionality or elections’ observation. Looking at the unfortunately poor state of democracy in Africa (see Annex), it is really questionable whether these politics are successful or still continue – 120 years later – to destabilize the Continent. How Africa can get rid of this Western influence? Or at

least transform it in something beneficiary?

We shall start (chapter 2) with the analysis of a misunderstanding concerning democracy and elections. As Western countries have quite a long experience with democracy (which was not easy to implement) they tend to consider that elections are the core of democracy, and as such that they have to be fostered at any prize. But in fact it is a confusion, because elections are the consequence and not the cause of democracy.

In the two next chapters, we shall analyse the reach of this misunderstanding under the point of view of democratic conditionalities (chapter 3) and Elections Observers Missions (hereafter EOMs) (chapter 4) in order to (try to) understand why they prove so inefficient.

The quite long conclusion (chapter 5) will bring some ideas for a potential and possible more effective enrolment of the international community. They involve quite technical and specific functions, which will certainly appear too “modest” for countries which prefer the limelight on the diplomatic stage than deeper long-term action.

2. The notion of elections and democracy.

The difficulty to improve democracy through elections is due – among others – to the fact that Westerners tend to misunderstand the role and place of elections. Elections are not democracy. Democracy is not elections. Democracy is something different, much more complex than elections. By themselves, however, elections are not sufficient – political competition is essential. Democratic power is a limited power in time. The repetition of electoral process at regular intervals allows for a regular change

of people's leaders. It creates a certain "instability" or a certain "uncertainty" because nobody should keep the power forever (at least in theory). But democratic competition is possible only if organization and freedom of expression of all incumbents, candidates and parties is guaranteed. It presupposes pluralism and diversity of programs, ideas, speeches, marketing etc. driving to a complete freedom of choice among electors [3]. Without these preconditions, it seems useless to organize elections.

Democracy means that some delegates of the people accept to represent the people and to work for it for a certain, limited period of time, and that these "leaders" will change regularly. In this context, elections are nothing but the way of choosing the new leaders when the mandate of the old ones is over. To overemphasize elections means to limit democracies to the electoral process. It means putting the cart before the horse. Elections are not the guarantee for an embedded democracy. Elections can create defective democracies. There are countless examples of defective democracies in Africa [4].

2.1 Misunderstanding: democracy \neq elections.

Whenever Westerners arrive in Africa, they import some legal or institutional elements which rely on a long historical development in Europe, but which are almost unknown on the continent. Therefore, when they implement these institutions in African countries, there is a certain lack of historical background, from a conceptual but also from an experimental point of view. So, instead of introducing a "progress" they import something that is foreign to the local culture.

A telling manifestation of this phenomenon can be found when Westerners imported the criminal law in Africa during colonization [5]. In Europe at that time, rules, courts, sanctions and punishments were the result of a long historical development, because it had been necessary to replace the autocratic way of bringing justice. Instead of a king who fulfills justice in the name of God almighty, sometimes with cruel punishments according to the principle "An eye for an eye, a hand for a hand", Europeans have "neutralized" the criminal power and transferred it to courts, sometimes even popular courts, with possibility to appeal to the upper court. It took a long time to reach this "professionalization" of justice, also based upon the separation of powers. This conquest of democracy, according to the conceptual framework designed by Montesquieu, was linked to the American and the French Revolutions in 1776 and 1789. It was enshrined in a specific context, and therefore what seems obvious for Europeans was not for other people.

When Europeans colonized Africa, they brought with them their criminal code, what was not suitable for the local society. There, sentences and punishments were often marked by symbolism and efficiency, two characteristics which were not part of the new laws. As an example, if an African farmer killed his neighbor, he was condemned to work for the widow (in order to "replace" the defunct husband). With the new system he was brought to jail, and the widow was alone with sadness and nobody to work for her. Moreover, the possibility to appeal (meaning that no sentence was definitive) made citizens lose faith in laws and justice.

This little example helps to understand the misunderstanding about democracy. It took (almost) centuries to create embedded democracies in Europe, with the help of famous philosophers like Hobbes, Rousseau or Toqueville, not to speak of the Greeks Aristotle or Platon. Guy Hermet shows that in the old democracies (in Europe or America), the system emerged without being planned and was able to develop gradually, independently of the economic performances, even if the social benefit that it brought contributed to its legitimization (virtual circle) [6]. On the contrary, in African countries democratic systems have been imposed, without sufficient time for a proper adaptation, which means that they are supposed to build themselves from the beginning *ab ovo*, while reconstructing destroyed economies and solving all social problems. What a program! This denotes a confusion about the meaning and function of democracy.

The same is true for elections. They are a classical feature of democracy, because they are the usual way of defining the delegates who should execute for a while the “general will” of the people. But they are part of a much more complex system of thought and of government. It is wrong to imagine that elections *are* democracy. But after decolonization and – eventually – the establishment of quite stable democracies in the Western world (after a dictators’ disheartening continuation in the first half of xxth Century), it was easy to forget the long work of democratic construction and to focus on an epiphenomenon: elections.

2.2 The real sense of democracy: peaceful alternation of power.

Todorov insists on the importance for democracy of the improvement of the

social order, what implies supervision, hindrance, and judgment. All these elements are especially necessary in “Banana republics”, where we tend to reduce the democracy to the electoral act, by rejecting the emphasis on the quality of the debate (pluralism), the activity of institutions (division of powers), the activity of the society with regard to these institutions [7].

Therefore the question remains: what is the very core of democracy? Of course there could be hundreds of theses written on this topic, but based upon the birth of democracy in Athens, a legitimate answer should be: the constitutional and peaceful *alternation of power*. Apart of exceptional functions like *strategos* (general) in the army, or leader of religious worship, all functions were exercised by mandates rotating annually through elections or drawing of lots. As such, elections facilitated the alternation of power. The most famous Greek philosophers discussed this idea of alternation. According to Aristotle, the main characteristics of liberty is the alternation of obedience and command: “Nobody can obey unless he can command in turn”. But for Plato, alternation is also the first condition of equality. This is how the two philosophers combine the two fundamental principles of Greek democracy, namely freedom and equality [8].

In a more modern way, the French essayist Olivier Duhamel has described with lyrical reflections this basic element of democracy: “So endowed with the considerable power to choose, the voter receives moreover the right to have a change of mind and, by having a change of mind, to change the course of events. Any majoritarian political system knows the alternation or, at least, its possibility.

The opposition of today is the majority of tomorrow, the only uncertainty being the date of the tomorrow. The opponent of today is the ruling of yesterday, the ruling of today is the opponent of tomorrow. That is what incites the latter [the ruling] to a little of wholesome modesty and which limits, at least partially, its arbitrary power. That is what gives to the first one [the opponent] a little hope and which limits, at least partially, its demagoguery. When the alternation arises, the voters for a long time minority have the legitimate satisfaction to have become majority. Their vote encompasses a quite particular meaning. The citizen enjoys immediately the “sap” of democracy: the power comes from him. Even the beaten voter can enjoy the change, as is shown by the so called “state of grace” or “honeymoon” from which benefit traditionally the new elected representatives. This is a moment of exceptional link between government and citizens, exactly because the second made the first ones.” [9].

The alternation offers many other advantages. It renews elites, wakes up the political will, feigns the administrations, ends the installed patronage politics, pushes aside the established corporatism, arouses new legal works, regenerates the public debate.

“Absolute power corrupts absolutely” arose as part of a quotation by John Emerich Edward Dalberg Acton, first Baron Acton (1834–1902). The historian and moralist, who was otherwise known simply as Lord Acton, expressed this opinion in a letter to Bishop Mandell Creighton in 1887: “Power tends to corrupt, and absolute power corrupts absolutely. *Great men are almost always bad men.*”

The power wears out. The power too long kept wears out too profoundly. The

power abuses. The power eternally given abuses eternally. The power corrupts. The power durably monopolized corrupts durably. The wear of the power, the abuse of power and the corruption of the power are pushed aside by the alternation – and moderated by the perspective of a later alternation.

Through the “invention” of democracy, ancient Greeks wanted to avoid two things: tyranny and corruption, two elements which become possible when the power is concentrated into the hands of a unique person. “Athens had no King, no President, no Premier; she had curtailed the once kingly power of her Archons till they were of no more political importance than Aldermen or Police Magistrates” [10]. This profound understanding of democracy is not linked to elections... As we shall see, elections as such never prevented bad men to stay in power.

2.3 Inadaptation to Africa.

There is a universal consensus on the idea that Africa has to open itself to the “democratic governance”, even if nobody shares the same vision of democracy and/or good governance. As a matter of fact, in Africa liberal democracy has often been perceived – rightly – as a kind of *exogenous* government, resulting from the experiences of Western societies (“*Europocentrism*”). One of the reasons why it has difficulty in taking root in Africa could come that this Western model lies on the centrality of the individual, while African societies base on communitarianism [11]. Other writers speak of the lack of symbolism... Lokengo Antshuka Ngonga explains that the idea of communitarianism specific to Africa could be considered as an obstacle to power alternation, because of the lack of tradition “majority – opposition”, but that in fact the notion

of alternation is deeply enrooted in the political philosophy of rural areas [12]. Augustin Loada does not hesitate to rub it in: “In Africa, elections – far from being a pacific mean of conflict resolution and to promote elites cooperation – are one of the main sources of conflicts” [13].

In Africa, some autocratic regimes have suddenly called themselves “democratic regimes”, but in fact they did not change anything: they have just organized elections where sometimes citizens had no choice but to vote for the unique party [14].

But if African states do not respect imposed democracy, the Western democracies, which should be the keepers of the democratic flame, have never hesitated to unwind the red carpet in front of some dictators, on behalf of *Realpolitik*, and this all over Africa [15]. As an example, the fortune of “Marshal” Mobutu was placed in Switzerland, what aroused some eddies under the Dome of the parliament, but the Swiss government never hesitated to welcome the Zairian dictator [16]. Does this mean that the threats in favor of democracy work only in already democratic countries?

In October, 2010, during the XIIth Summit of the “Organisation Internationale de la Francophonie” in Montreux, the president of the Swiss Confederacy came to welcome all smiles some of the least commendable personalities of African politics, like Teodoro Obiang Nguéma Mbasogom, Paul Biya and his blazing wife, Blaise Compaoré, Idriss Déby Itno, Denis Sassou Nguesso, Abdoulaye Wade, Joseph Kabila Kabange, François Bozizé Yagouvonda, Bonus Yayi, Ahmed Abdallah Mohamed Sambi or still Ali Bongo Ondimba. What a good example of *Realpolitik*!

2.4 Dysfunctional democracies (embedded and defective democracies).

It is a quite sad statement to do: democratic hopes have often been disappointed in Africa. As an example, in 2002 Abdalla Bujra and Said Adejumobi concluded their book with this statement: “The dawn of the 21st century has witnessed the gradual emergence of a new political era in Africa. [...] The last two decades has seen old barriers being deconstructed, and new hopes created” [17]. But looking back in 2017 at the situation at the turn of the century, another author made a very different statement: “At its peak, in 2000, Africa accounted for 67 per cent of revolutionary wars worldwide [...] For long periods (1996-7 and 2000-8), Africa was the only continent to experience such forms of violence, and *between 1993 and 2014* the continent never suffered less than 50 per cent of the world’s genocides and politicides” [18].

Using the PITF (Political Instability Task Force Vision) data, Paul D. Williams demonstrates that during the period 1955 – 2014, approximately 40 per cent of all state failure event globally took place in Africa [19]. This regrettable development is partly due to the assimilation of democracy with elections. To be democratic, a state or a regime must held elections. Even if elections are flawed, if voters have no choice, if voters are threatened, if the opposition parties are forbidden, if ballot boxes are filled in advance, etc.

Another violation of the spirit of democracy – while conserving elections – is the tradition of constitutional amendments allowing so many African leaders (but they are not alone: look at Nicaragua, Venezuela, Turkey, even China, etc.) to stay in power almost eternally. When

their status and legitimacy was directly threatened, the tendency for regimes to respond by instrumentalizing disorder and using violence to try and restore their authority only exacerbated the risks of war. [20] There is therefore a link between defective democracies – supported by Westerners – and disorders, violence or even wars. Discriminatory and oppressive systems of governance which lacked effective means of resolving conflicts without resorting to violence were this an important ingredient in every one of Africa's wars.

These phenomena have been analyzed by “transitologists” and “consolidologists” [21], who speak of dysfunctional democracies. In the literature on democratization the mainstream of theoretical and empirical consolidology uses the dichotomy autocracy versus democracy. The latter is generally conceived as ‘electoral democracy’. But this simple dichotomy does not allow a distinction between consolidated liberal democracies and their diminished sub-types. However, over half of all the new electoral democracies represent specific variants of diminished sub-types of democracy, which can be called defective democracies... even if there are some elections. By the end of the 1990s. it was clear that many so-called democratic transitions had led at best to the formation of semi-authoritarian regimes rather than democratic ones [22].

Trying to synthesize the terms used by several authors, Wolfgang Merkel has identified four types of defective democracies [23]. 1) *Exclusive* democracies, characterized by a dysfunctional electoral system because of the denial of political rights of certain groups. 2) *Domain* democracies, in which the steering power

of the elected people is compromised by the interference of certain groups, like army. 3) *Illiberal* democracies in which the judicial power and the respect of the rule of law are weak. 4) *Delegative* democracies, characterized by an hypertrophy of the executive, which is not checked or limited by the judicial power.

This list of defective democracies is not exhaustive. According to the electoral regime, it is possible to find “*electoral terrorist democracies*” in countries where the regime does not hesitate to imprison or kill opponents, to terrorize the electorate and to amend the constitution to stay eternally in power. There are also *exclusionist* democracies, which act like the precedent one, but in a more subtle manner, with less obvious (or more technological) electoral frauds, use and abuse of gerrymandering, use and abuse of public means to support the regime. In these two kind of “democracies” it is not surprising that the result of elections is always contested by the losers [24].

It can be shown that defective democracies are by no means necessarily transitional regimes. They tend to form stable links to their economic and societal environment and are often seen by considerable parts of the elites and the population as an adequate institutional solution to the specific problems of governing “effectively”. As long as this equilibrium between problems, context and power lasts, defective democracies will survive for protracted periods of time.

2.5 Some African examples.

As the recent history of African countries shows quite clearly, they suffered from the power of unmovable dictators [25]. In Africa the tradition of the chief, the king, the leader and then the president, remained extremely long-lived,

without comparison with the design of the Western democracies in which the power is exercised only for a while, and for the good of the country. But this does not more correspond to the wishes and aspirations of African peoples: they ardently wish to separate the state of the person of the Head of state; they want to transform the patriarchal state into a public service management instrument [26].

Obviously, when we think of the potentates who stained Europe with blood during the first half of the European XXth Century (Guillaume II, Talaat Pacha, Hitler, Mussolini, Lenin, Stalin, Franco, Salazar, Ante Pavelic, Seiss-Inquart and so many others), we realize that the European democracy remains relatively recent. It has reached a certain maturity just at the time of decolonization. It was then, as today in Africa, the prevalence of absolute leaders, of almighty Kaisers, even if they hide themselves under a vague democratic appearance. With hindsight, we can now understand to what extent these regimes were disastrous.

In this context, power-hungry politicians also hide behind the notion of providential men. Many African politicians took the lead in revolutionary movements advocating the independence, and once victorious they took the power for no more the release. Such a monopolization of the power can have nothing but fatal consequences, sometimes on the verge of the ridiculous. So, when a simple rumor stated the death of the president of Cameroon Paul Biya, then undergoing treatment in an hospital in Geneva, the country was in the impossibility to work and to assure the continuity of the republican institutions, so much they were bound to the person of the president [27].

Since the 1990s, constitutions have supposedly inaugurated competitive politics through elections, but as Gathii underlines, this has not guaranteed the establishment of stable party politics and has often raised the question whether constitutional governance can withstand the resurgence of authoritarianism that accompanied the inauguration of competitive politics in Africa [28].

It seems unbelievable from a legal/constitutional point of view, but only *three heads of state* have been denied the abolition of the limitation of the number of President's terms to respect the Constitution (Frederic Chiluba in Zambia, Olosegun Obasanjo in Nigeria [29] and Mamadou Tandja in Niger). In many countries – and despite any form of elections – heads of state seem contaminated by the syndrome of the presidency for life (sit-tight leaders): the limitation of the number of President's terms was deleted in particular in Cameroon, in Togo, in the Chad, in Gabon, in Uganda and in Burkina Faso, without forgetting Tunisia and Algeria. Other countries, as Equatorial Guinea, have never planned any constitutional limitation of the number of President's terms [30].

By browsing the history of African countries, we discover that in the Chad, Idriss Déby has been in power for 30 years (and has been elected president of the African Union in 2016); in Burkina Faso, Blaise Compaoré for 27 years (but on October 31st, 2014, after 27 years in power, he had to resign following a *popular uprising*); in Zimbabwe, Robert Mugabe for 30 years (at the end of 2017, while he has been managing *de facto* the country for 37 years and while he was the oldest current heads of state in the world, he was victim of a *coup d'Etat* which drove the Parlia-

ment to commit a procedure of dismissal against him; he resigned then from the presidency and died in Singapore in September 2019); in Uganda Yoweri Museveni for 34 years (in 2016, he was declared elected by the election board with 60,75 % of votes for a fifth mandate); in Equatorial Guinea, Teodoro Obiang Nguema Mbasogo for 39 years (reelected in 2016 with 93.7% of votes) and in the Republic of the Congo, Denis Sassou Nguesso for 41 years (with a break between 1995 and 1997), and on March 20th, 2016, he was reelected in the first round with 60,07% of votes. Not to mention also Paul Kagame in Rwanda or Pierre Nkurunziza in Burundi. All these countries could be called “democratures” [31].

These irremovable heads of state follow the example of their famous ancestors. In Tanzania, Julius Nyerere spent 24 years as head of the State; in Malawi, Hastings Kamuzu Banda 24 years also, and he was more than 90 years old when he had to withdraw; in Zambia, 27 years for Kenneth Kaunda; in Congo, 32 years for Mobutu Sese Seko Kuku Ngbendu wa Za Banga; in Togo, Gnassingbé Eyadéma 38 years and in the Gabon Albert Bernard (said Omar) Bongo even stayed in the presidency during 42 years, replaced by his own son Ali Bongo Ondimba, elected in 2009 with 41.73 % of votes in a one tour election, and reelected in 2016 (he has been declared winner with 50.66% of the votes by the Constitutional Court presided by his mother-in-law Marie-Madeleine Mborantsuo).

Indeed, this obsession of the personal power goes to its transmission by direct filiation. In Democratic Republic of the Congo (RDC), Joseph Kabila succeeded his father Laurent-Désiré Kabila in 2001 (and has been replaced by Félix

Tshisekedi, elected in December 2018, but seemingly leads in the shadows). In Togo, Faure Gnassingbé replaced his father Gnassingbé Eyadéma in 2005 (and has been reelected in 2010 and 2015). In Gabon, Ali Bongo succeeded in 2009 his father Omar Bongo after decades crossed in the power. Senegal could have followed the same way, the “hyper-minister” Karim Wade getting ready to succeed his father Abdoulaye Wade; but in 2012 the latter lost the presidential election and at the end his son was imprisoned for diversion of funds and then exiled in Qatar. It is important to note that in Senegal the civil society mobilized to fight for this alternation (see conclusion).

The same phenomenon seems to take goes for the Equatorial Guinea where Teodoro Nguema Obiang Mangue (often called Teodorin Obiang), son of the president who had replaced his uncle, should succeed him. Of recent tradition, these dynastic successions constitute a serious democratic regression, deserving of the crowning of “emperor” Bokassa I!

2.6 The triumph of hubris.

All these politicians who cling to power could be all victims of the so called hubris syndrome: “Power is a hard drug which not every political leader has the necessary rooted character to counteract: to do so requires a combination of common sense, humor, decency, skepticism and even cynicism that treats power for what it is – a privileged opportunity to influence, and sometimes to determine, the turn of events.” [33]

In the ancient Greece, democracy has been invented *precisely* to avoid unmovable tyrants by requiring a regular alternation of power. In Africa, despite elections which are held quite frequently, there have been very few political leaders

who did not suffer from hubris. The semantic field of the English term “hubris” associates narcissism, arrogance, claim, egotism, even manipulation, lie and contempt. The term also sends back to a feeling of invulnerability, invincibility and omnipotence [34].

As a conclusion, Westerners tended to confuse democracy with elections, but the democratic deficit in Africa is not primarily linked to the elections, because of their mismanagement or disorganization, but to much more severe factors, first of all the complete rejection of power alternation, which represents at the end the very core of democracy.

3. The problems with conditionality.

In order to foster democracy – even in its wrongly unique electoral dimension – Westerners had an idea, which was expressed with a special solemnity by French president François Mitterrand in his famous speech of La Baule in 1990: to link the pursuit of the aid for development to the progress of the state of law. This relation between aid and democracy is called “democratic conditionality”. But as we know, democracy in Africa remains quite problematic. Does it mean that conditionality promised more than it could deliver?

3.1 Emergence and conceptualization of the principle [35].

After the fall of the Berlin wall, it was possible to assist almost everywhere, in an international favorable context, to the growing power of opposition forces. In the whole world, the geopolitical context was marked by the end of the Cold War, which was often a justification for the softness of Western powers with autocratic regimes, in Africa but also elsewhere, providing that they were supposed to fight against communism.

In many countries, political parties, organizations and civil society movements have put pressure on the authoritarian regimes which were in place in order to oblige them to start some democratic reforms. It proved quite successful, because some processes of opening started. But actors of these processes were not only internal, but also external. Western states and international financial institutions, dominated by the neoliberal ideology, imposed to African states, more or less openly, political conditionalities. But the result was quite poor. According to the countries, the intervention of foreign powers proved sometimes decisive but mostly symbolic. Their support for democratization was sometimes purely rhetoric, expressed in the discourses and some legal instruments. But taking into account the positions sometimes ambiguous that they have adopted, it is easy to understand that Western countries have followed one more time *Realpolitik*: they gave up democracy and gave precedence to national interests.

Despite this lack of efficiency, the political conditionality is today recognized and sanctioned by the public international law. This principle is recognized notably by European Council, European Union, African Union and the Economic Community of West African States. It submits the candidate states, the member states and the other states to the respect of democracy, the legitimate state and the human rights. The political conditionality is an enshrined principle as anti-constitutional changes of government and numerous infringements of the human rights have led to the implementation of the targeted sanctions.

At the end of the 1990s, the democratic conditionality of aid gained inde-

pendence from the narrow frame of international financial relations in order to establish itself in the general field of international law. Nevertheless, this “new principle” raises numerous issues linked to its meaning, its nature and its range. In fact, the political conditionality remains ambivalent, because according to circumstances it could be a (highly) political or a legal principle. In other terms: soft law or “real” law. It remains difficult to say. Moreover, the international obligation to be democratic – which is not yet consolidated – remains nothing but soft law.

Some states consider – what is *a priori* not wrong – that political conditionality is the expression of a certain neocolonialism with the imposition of a specific form of political organization: conditionality v. sovereignty. Nevertheless, Emmanuel reminds of a famous dictum of the PCJI in the case of the SS “Wimbledon”: “The Court declines to see in the conclusion of any Treaty by which a State undertakes to perform or refrain from performing a particular act an abandonment of its sovereignty. No doubt any convention creating an obligation of this kind places a restriction upon the exercise of the sovereign rights of the State, in the sense that it requires them to be exercised in a certain way. But the right of entering into international engagements is an attribute of State sovereignty.” [36]

Even in Africa, the revised convention of Lomé IV of November 4th, 1995, marked a significant evolution with its new article 5 para 1-2 which declares: “In this context development policy and cooperation shall be closely linked to respect for and enjoyment of fundamental human rights and to the recognition and application of democratic principles, the

consolidation of the rule of law and good governance.” [37]

In 2000, the Lomé Convention has been replaced by the Cotonou Agreement [38], whose political dimension is important and includes:

- starting a comprehensive political dialogue on national, regional and global issues;
- promoting human rights and democratic principles;
- developing peace-building policies, conflict prevention and resolution;
- addressing migration issues and security issues, including the fight against terrorism and countering the proliferation of weapons of mass destruction.

But as we shall see (cf. 3.3.), the main weakness of this principle is the fact that (almost) nobody really controls and sanctions a state which would have violated its obligations. In the seldom cases where international sanctions have been adopted, they produce automatic effects which apply without any distinction to all the spaces underlying the jurisdiction of a state. This lack of distinction presents annoying consequences for the most vulnerable populations, which are the involuntary victims of restrictive measures.

From that point of view, Emmanuel concludes that “At the universal level, the UNO ‘mash up’ political conditionality, established by not binding instruments, remains a *semantic evolution*.”

3.2 Concerns with the principle.

Fundamental concerns have been raised in the field of democratic conditionality which gained currency after the Cold War. Conditionality offers rewards and incentives for democratic advances and threatens the withdrawal of benefits

when authoritarianism persists or democratic reforms are reversed. As the use of a carrot-and-stick-approach requires an assessment of the democratic situation in a given country, democratic conditionality is typically linked to short- or long-term international elections' observation, reflecting the unfortunate adequacy between democracy and elections that we have mentioned previously (see 2.1.). Based on the international evaluation of elections, benefits such as trade preferences are made available or sanctions imposed – wrongly, if the evaluation is flawed.

But criticism of Western interferences in elections in African countries is more fundamental. In fact, the Western concept of engineering democratisation abroad has been questioned from an analytical as well as from a practical perspective [39]. Democratic conditionality has been accused of undermining local ownership and, more generally, of relying on unequal power relations and imposing democracy by the use of neo-imperial mechanisms and mind-sets [40]. Donations and efforts are mainly done by Westerners (EU African Peace Facility) and not by Africans [41]. This badly lopsided funding stream created a basic problem by undermining “both African leadership of the capacity building process and donor faith in those institutions”. As a result, “African ownership” will continue to be a “politically correct” but “practically flawed” idea. Neither humanitarian nor developmental aid were able to overcome the challenges posed by regime strategies which chose to ignore the laws of war and sought to use aid to bolster their own legitimacy and grease their patronage network. As such, humanitarian assistance and development

policies in Africa's conflict zones were rarely tied to effective conflict resolution strategies [42]. Conditionality has also been seen as a welcome excuse to reduce aid or as a Trojan horse for other interferences, mostly in the field of market liberalisation.

On the practical side, democratic conditionality has been criticised for not being applied in a significant or in a consistent mode. The European Union, the most prominent actor in the field of democratic conditionality, includes democracy clauses in all its international agreements and has used them to impose punitive sanctions on a dozen of African countries over the last decade. Sanctions have mainly been enforced to respond to military coups (Central African Republic, Guinea-Bissau, Togo, Niger and Mauritania) and have generally been lifted before effective reforms towards democratic governance were made. The US and the EU imposed targeted sanctions on Zimbabwe and are lifting them gradually. Other countries, such as Libya, Egypt, Tunisia, Ethiopia, Rwanda, Kenya, Nigeria, Uganda and the Ivory Coast have seen themselves winning or losing new agreements, trade benefits or development payments in a way strikingly disconnected from political evolutions in the country.

3.3 Conditionality remained inefficient.

Since the 1990s, the international community arises as indisputable partner of the democratic governance in sub-Saharan Africa. However, this partnership seems sometimes subverted by the stakes in some of its actors. [43] Among authors, the impact of the external environment on the democratization in Africa is subject to debate, because they do not get

on its contribution to democratization, which corresponds to the state of the debate among transitologists.

What is clear is that the policies of “bonus for democracy” were not really applied except some cases, as Benin which took advantage of it. It is one of the rare countries to have really perceived a bonus for democracy. United States cancelled all of their claims. The Club of Paris has reduced 50 % of the national debt of the country. France and Germany, after two joint visits of their Secretaries for cooperation in six months, have provided gifts and “special extension leads”, to the point to subsidize the democracy, in 1991, at a height of 50’000 francs CFA per capita [44].

But in most cases, the *Realpolitik* quickly gained the upper hand [45] Almost 30 years after La Baule, South Africa and Namibia belong to the very seldom consolidated democracies in Africa [46]. “And far from collapsing, South Africa, a genuine democracy since 1994, has experienced uninterrupted economic growth and relative internal peace” [47]. This reminds of a sad statement.

Despite the wave of democratization in the 1990s, despite international political pressure, almost no country has created conditions for a potentially peaceful alternation of power. They have not created a political transition (what is studied by “transitologists”). They have just organized elections. “Plain” elections, if not flawed elections. But it is not enough for transitologists, who consider that the *transition mode* is crucial at the time of the first elections; it means that elections come (or should come) *after* the democratization process (which can take 5 different ways according to Gazibo). They should be considered as *founding*

elections, as a coronation of the democratization process. If you simply organize elections then you build the roof of the house before having built the walls (or you try to build... and then it is not surprising if the structure collapses).

Bratton and Van de Walle have noted that between 1988 and 1992, among 42 countries which engaged a transition at the beginning of the 1990s, 40 passed through the liberalization. However, only 16 of these countries knew elections considered as democratic while, in 26 of them, the elections did not satisfy the freedom and the transparency which are the indicators of a so-called *founding* election.[48]

3.4 A mixed record of achievements.

It is quite difficult to *measure* democracy. Concerning Africa, we have pointed out (see supra 1.4.) some tremendous difficulties in achieving democracy. But it remains punctual. At a time of universal benchmarking, the organization “Freedom House” realizes for all countries in the world a ranking of democratic performance [49].

Concerning Africa, the organization considers that, despite being home to several of the world’s worst performing countries in terms of respect for human rights, the region saw overall if uneven progress toward democratization during the 1990s and the early 2000s. However, recent years (meaning: despite conditionality) have seen *backsliding* among both the top performers, such as South Africa, and the more repressive countries, such as The Gambia and Ethiopia. Lack of adherence to the rule of law, infringements on the freedoms of expression and association, widespread corruption, and discrimination against women

and the LGBT community remain serious problems in many countries. [50]

3.5 Potential causes for this lack of efficiency .

Three main explanations seem to be drawn for the lack of convincing results in the field of democratic diplomacy in African states.

The first problem with conditionality is due to the fact that Western governments are not fair with their requirements. According to the famous unfortunately universal formula: “Do as I say, not as I make”, the Western governments can pretend to ask some democratic exigences for the African and other developing states, but behind closed doors they continue to support dictators. As a very bad example, all French presidents kneeled before presidents like Felix Houphouët-Boigny, Omar Bongo and Paul Biya (among others) who were far from being models for democratization process.

In France, this phenomenon is called “Françafrique”; the term describes the neocolonial action lent by France in Africa, under the form of personal relations, but also of political, economic and military mechanisms which bind France to its former African colonies, as well as to a number of the other African countries. These relations lean on official, but especially unofficial networks, and as such are obviously little convenient for democracy.

The neologism Françafrique was popularized in its current meaning in 1998 by an essay of François-Xavier Verschave entitled “Françafrique, the longest scandal of the Republic” (transl.) [51]. In his work, the author describes a system characterized by practices of support for the dictatorships, coups d’Etat and political assassinations, but also misappropria-

tions of funds and illegal financing of political parties [52].

But apart of France the list of failures is quite large. President Obiang seems to be highly supported by USA, and President Mobutu could hide a large part of its fortune in the Swiss banks.

A second explanation is to be found in the fact that Western priorities have changed. The speech of La Baule was delivered just after the collapse of Berlin Wall and the end of Cold War. Currently there has been *another* shift of paradigm from a global democracy promotion agenda to a global pursuit of security aims. Democratic conditionality seems to have been superseded or undermined by other types of conditionalities attached to more immediate security goals. As a consequence, sanctions are imposed and set aside based on security grounds and without regard to deteriorations or improvements in democratic rights. As another consequence of this shift, election observation missions continue to be deployed but become more and more disconnected from democratic conditionality and possible rewards or sanctions.

A third problem is linked to the quality (or the absence of quality) of Western experts who are in charge of diffusing and making understandable the characteristics of pluralist democracy and free market. They should be competent, well informed and available. But this is far from being the case. Most of the time, they are overbooked, and therefore they cannot spend a lot of time in the countries in which they are in charge of identifying the level of democracy. Moreover, they should be well informed of the local or national political, social and economic specificities, what is often not the case. There is a big resources wasting in this

field. These failures can have serious consequences for the correct estimation of the democratization process in a country [53].

4. The problems with elections' observation (EOMs).

As we have seen previously, the quite inadequate notion of democracy Westerners tend to propose or impose for Africa, with the emphasis placed on elections and not on power alternation and institutional reforms, means that elections are supposed to play a crucial role or even to symbolize democracy. In such a context, it is not surprising that elections' observation plays a major role in the implementation of democratic conditionality.

4.1 The negative dimension.

When John Kerry, head of the Carter Centre's mission observing the 2017 elections in Kenya, applauded the process as free, fair and credible despite "little aberrations here and there", he endorsed a severely flawed election which was later annulled by Kenya's Supreme Court. The court blamed failings by electoral commission for its decision to annul results of August vote [54]. The court's majority decision to annul the poll embarrassed local, African and Western EOMs who said they had found no major problems with the elections.

The Court's verdict threw a bad light on the role of international EOMs and gave new vigour to old criticism. International organisations such as the OSCE, the Organisation of American States, the Commonwealth Secretariat, the Council of Europe, the European and the African Union, as well as a wide array of NGO's regularly deploying election monitoring teams have been sceptically reviewed both for their impact on elections and

for their lack of impact on elections. A number of international missions tasked with independently overseeing and assessing the conduct of election processes have been accused of sanitising electoral fraud.

On the other hand, the criticism towards international election observation is disconcerting as many actors view it as the least intrusive and therefore best form of democracy support [55].

Recent years have seen renewed interest in the potential capacity of transparency to improve democratic governance. Timely, accurate, and freely-available information is generally regarded as intrinsically valuable, as well as having many instrumental benefits. In the field of electoral governance, transparency involves openness about the rules and procedures, outcomes, and decisions processes used by electoral authorities. It is widely assumed that this will build public trust, improve policy-making, and facilitate accountability.

In practice, however, the instrumental consequences of transparency are less clear-cut than many proponents claim. It remains difficult to establish whether, and under what conditions, greater information alone strengthens the accountability of government bodies to their own citizens, the quality of public services, or the compliance of agencies with international norms and standards. There may also be negative consequences, for example if electoral faults are highlighted without redress [56].

4.2 A conceptual problem... with a schizophrenic flavor.

If we dare, we would say that elections' observation has a schizophrenic dimension.

On the one hand, elections' organization is something so tremendously complicated that nobody can control every polling station, every polling box, every voter, every little detail, etc. No human organization, national or international, is large enough to be sure that *every voter* has not be victim of pressures, that every vote was free and fair and that nobody has interfered in the counting process. From that point of view, the mission of EOMs seems as illusory as to empty the ocean with a tea spoon.

But on the other hand, who would dare to say: we do not need EOMs? Nobody [57], because it is highly important to have a neutral control on the voting operations [58]. As a revealing anecdote, we can mention that even in Switzerland, which can be qualified as an embedded democracy, when a highly disputed vote took place on June 18th, 2017, in a small city called Moutiers (it had to choose its settlement between two cantons, Bern and Jura) federal observers have been deployed to control the neutrality of vote [59]. By the way, they did not prevent contestation of the result with a very close margin. At the end, in Switzerland as in Kenya, and despite elections' observers, the vote in Moutiers has been void by the competent authority some 17 months after the ballot, because the judge considered that the vote was fraught with irregularities. "This ballot may have been the most watched of Swiss history, it was nevertheless soiled by irregularities which drove to its invalidation." [60] Even in "very classical" democracy like Switzerland, elections' observers cannot evaluate all details of a ballot, like the unfair behavior of some authorities who make a confusion between information and propaganda, or minor (but neverthe-

less decisive) frauds in the management of the voters' register.

In Moutiers, the contested vote resulted in 2'067 Yes against 1'930 No, also a slight majority of 137 citizens (51,72%) [61]. In the case of national elections process, taking into account millions of citizens and voters (there were 40'000 polling stations in Kenya), the conclusion of EOMs can sound nothing but ridiculous as John Kerry's sentence we have mentioned: everything is OK apart little aberrations here and there. Electoral observation can drive only to platitudes, or even truism.

The problem is due – once again – to the fact that there are *elections'* observers. There are no observers of the level of multipartism, observers of the electoral lists, of the citizens' register etc.

4.3 Some considerations made by an elections' observer himself.

From that point of view, I can share some of my experience, because I was elections' observer, among others in South Africa in 1994 for the first post-apartheid elections. After a training program in Pretoria, all the Swiss delegation (100 members which cannot be accused of post-colonialism) has been dispatched throughout the country. I started first in Umtata, the capital of Transkai, and then I had to move to Coffee Bay for the elections themselves. This experience has allowed me to make three statements.

Firstly, the organization of national elections is such a big task that it can quickly become chaotic. This illustrates very well my concern about the identification between democracy and elections. An important element of democracy, in the sense of "the power belonging to the citizens" is the fact that the latter can

enjoy a good public administration delivering good services. Elections are nothing but one of these public goods that the state has to deliver. It encompasses (among others) the civil registry, the register of electors, the electoral rolls, the capacity to print on time the electoral material, the fact that every polling station has all the material at its disposal, like polling booths or polling boxes, etc. This should be “normal” in such a way that the organization of a (new) vote belongs to the usual tasks of administration.

But if the setting up of elections is such a huge task that it could endanger the whole edifice of the state, then it gives to elections a prominent importance that does not reflect the reality. In South Africa in 1994, the weakness of local administration made the organization of the ballot extremely complex, if not chaotic. As we have said, elections are only a means of choosing the authorities, it is not *per se* the constituent element of democracy, nor the backbone of the country.

The *second* experience is that the observation work remains limited. Because it is pure observation, with no possible intervention, the observer has no clear understanding of what is taking place behind the stage. A funny anecdote: in 1994, the voters were informed that they had to take a ballot paper, then to go in the ballot booth and make a cross, and then to put the ballot paper in the ballot box. Incidentally, after the polling stations closed, I made a tour in the ballot booths. And what did I discover? They were *covered* with pencil drawn crosses! It means that many voters, instead of making a cross on the ballot paper made a cross in the booths and throw a white

paper in the boxes. This could also be called “Little aberration”.

If the persons in charge of the polling station do not make scrupulous work of information or – even worse – if they can discreetly commit frauds and fix the elections, it will be very difficult for the observers to point out the problem. The observers are like the public in front of a scene looking at a theatre play. They cannot see what is taking place behind the stage. And this is a basic problem with elections’ observers. The only mean to have that kind of control is a purely internal system, meaning that every moment of the electoral process takes place in presence of several people representing several political sensibilities, in order to guarantee the neutrality of the whole process.

The *third* point is that there is a gap between the observation of the electoral process in the polling stations and the next part of the process: the votes’ count and the proclamation of the results. If I consider my experience, everything went smoothly in the polling stations (apart of the procedural concerns previously mentioned), there was a friendly atmosphere, a lot of people, a sense of hope in the future. But after the voting process, it was complete black out on the counting process. Finally, the Swiss delegation left the country without knowing exactly what the result of this election was. This is obviously linked to the administrative problem. A normatized process should exist for counting the vote. Otherwise the result is a chaos and – this is a very classical feature of elections in Africa – nobody agrees with the result. Even in Switzerland, when the score is all tied up, some people are very unhappy and claim

that there were some fraud. But in these cases it is easier to organize a new count.

4.4 Tentative conclusion taking the 2018 elections in Zimbabwe as an example.

In Zimbabwe during the last presidential election in 2018, there were lots of EOMs, but also of riots, violence and even murders [62].

For the observers of the *European Union*, the late publication of the official results was a cause for concern susceptible to compromise the electoral process. In their report delivered after elections, they judged that the elections took place peacefully, even if they denounced “the inequality of opportunity” between candidates and the cases of “intimidation of voters” [63]. Voters’ intimidation is by the way a serious threat for democracy... The head of European mission Elmar Brok declared that he could not understand why the publication of the results of the presidential election took so much time: “The more this period will last, the more the credibility gap of the results of the presidential election will be strong”.

The *American* member of Parliament Karen Bass, member of the mission of American observation attending also the ballot, declared that the policy of the United States towards Zimbabwe would depend on the transparency of the elections.

The observers of the *Southern African development community* (SADC) considered for their part that the elections had taken place peacefully, opening the way for more democracy in Zimbabwe.

Seen from a neutral eye, these reactions are in line with our previous observations.

After a long and monopolistic dictatorship of President Mugabe and its rul-

ing party, the country was seemingly not ready for any power alternation. This is of course a reason of deep disappointment for many citizens, what drove to riots and violence.

The EOMs do what they can... but their capacities remain very limited. At the end, the counting process is so tremendously long that there is a risk of flawed election. If there is no obvious desire to fraud, it denotes at least a poor administration which is unable to organize properly a ballot. It represents another risk of violence. Only a “natural citizen control” could guarantee the legitimacy of the process.

The role of the international community seems obviously dictated by *internal* political considerations. The EU, which likes conditionality, wanted to show that it was taking the elections very seriously. United-States wanted only to remind of the fact that USA do not waste money for illiberal countries; this is probably a message to the president’s electorate. Finally the SADC wanted to avoid any problem with one of its members in the region.

Conclusion. The Western support for democracy arouses some questions which are not easy to answer. Firstly, the West is caught in a double trap (see. 4.2.): being accused for engaging with authoritarian governments and fake democracies if it decides not to sanction a country and, simultaneously, for being accused for illegitimately imposing its own values on foreign countries if it decides to disengage from a country. How can African states avoid being a victim of this Western dilemma?

Secondly, can election missions or narrowly conceived conditionality be opened up to broader, more effective and more legitimate political leverage? Final-

ly, can we think of models of North-South and East-West cooperation in the field of democracy support avoiding potentially harmful incentives, preventing blame shifting and supporting more equal and sustainable approaches to democracy support?

The tentative answer to these questions is that legitimate international cooperation in the field of democracy promotion must itself be agreed upon democratically. Moreover, it should not concentrate on elections *stricto sensu*, but on broader forms of democracy support.

5.1 The limits of conditionality and elections' observation.

Globally, democracy improves very slowly in Africa, if it does not back off. But democracy is something complicated with a strong Western connotation. And in fact, what is democracy? Not only elections. First of all, it is the alternation of power, which means that political leaders regularly and peacefully change. It is also linked to good governance, to minority protection and other subtle mechanisms. It is useless to pretend improving democracy only in improving the elections process, because "real" democracy means more than elections, which are only a *mean* and not the *goal*. From that point of view, there is certainly a misunderstanding between democracy and elections.

Although free, fair, and credible elections can provide a peaceful path to seeking political power and could lead those contesting for power to refrain from violence between election cycles, elites unwilling to concede electoral defeat are likely to spark the types of *political and constitutional crisis* Gathii has described in his chapter. However, regional and international actors are often *reluctant* to get involved in resolving intractable

conflicts that arrive when constitutional commitments to channel conflict into everyday politics fail. [64]

Is it possible for conditionality to play a role in reinforcing democracy? Currently, the political conditionality remains a semantic evolution. It should be transformed into a general principle of law and become a customary standard opposable to all states. It should be released from the yoke of the voluntarism to stand out *erga omnes*, why not through an "*actio popularis*". Unfortunately, such a proposal formulated in an international society set up on the dogma of the State sovereignty seems utopian...

It is all the more utopian if we consider that Western governments – despite all their beautiful speeches and addresses – have never hesitated to collaborate with illiberal regimes. This is called *Realpolitik* and belongs to politics since the beginning of history [65].

As for elections' observation, even if it is a cosmetic necessity, it will never be possible to check and control the totality of an electoral process, which is a huge machinery.

In insisting on elections only, Western countries bet on the wrong horse. As electoral democracy has no historical root in Africa, we dare say that all these elements – definition of democracy, conditionality and elections' observation – have a post colonialist dimension that does not facilitate its support.

5.2 Beyond conditionality and elections' observation

But as complicated as democracy can be with all its *facettes*, it should be encouraged. Conditionality is perhaps not the best way, but it would be wrong to avoid this means. As it is the case in all very complex themes, several differ-

ent means have to be used jointly to improve the situation. Currently, too many people try to find a wizard like Harry Potter whose magic wand can solve all the problems. This will never be possible. From that point of view, conditionality in the broader sense – despite its weaknesses – belongs to this cocktail of solutions which can slowly but surely improve the democratic future of the Continent. It is the same for elections' observation, which should also find a place in the toolbox of good governance. But this is not enough!

As a matter of fact, it is undeniable that, in the African cases, preliminary mobilizations about democratization took place in an overwhelming number of country. In their compared analysis, Bratton and Van de Walle noted that, on 42 countries, 28 knew popular mobilizations while only 14 did not [66].”

What is also important is therefore the *civil society*, the involvement of civil society, the fight against fiscal paradise which allow African dictators to steal and hide a lot of money, transparency is important, the eradication of corruption, the eradication of “reigning dynasties” which are not royal but just corrupted.

It is necessary to go back to the roots of democracy, with this idea of the power exercised for a *short* period by people in the name and for the benefit of *citizens*. The solution has to be found inside Africa or African countries, but it should not be an opportunity for their leaders to refrain from any democratic movement arguing that African tradition knows no democracy.

Democracy in Africa should not be what Karl Loewenstein described as *militant democracy* in 1937. He published extensively on political and legal devel-

opments in Europe. In two articles in the American Political Science Review in 1937, he argued that democracies were incapable of defending themselves against fascist movements if they continue to subscribe to “democratic fundamentalism”, “legalistic blindness”, and an “exaggerated formalism of the rule of law”. They should not, he insisted, tolerate “Trojan horses” using elections to destroy the very core of democracy” [67].

This reflection, which is not completely untrue, should not be considered as a pillow of laziness for all governments in the world (not only in Africa) who can always pretend that every democratic opening is a “Trajan horse”.

5.3 What Westerners and international community *could* do to help.

As we have seen, the most fundamental element of democracy is not elections, but a certain “spirit of democracy”. This spirit is neither brought “top-down” by the “politics-of-the-stick-and-carrot” nor by elections' observation. It is created “bottom-up” by the indefatigable commitment of the civil society and could be improved by an efficient state administration.

Looking for a more effective role for the international community to promote democracy in developing counties, we have to admit that conditionality lacks of neutrality and elections' observation lacks of efficiency. Moreover, elections are not democracy. Against this background, the “international community” could be well inspired to help African countries in two other ways.

5.3.1 Civil society.

“The colonial state was that of exclusion of local people”. Nothing seems to have changed since decolonization. Local populations are not taken into consider-

ation, political opposition is gaged, muted, silenced and ignored. Therefore “the emergence of civil society appeared to many as a new phenomenon” [68], which remains quite fragile: “Civil society does not yet present a strong countervailing force to the state” and has rarely been strong enough to hold those who commit abuses to account. [69]

Therefore the first thing to do is to help, strengthen, encourage, and support the *civil society*, or what we could call “local protagonists” [70]. Behind any democratic development in Africa, there are popular movements. As it was the case in the Western world with for instance the American and the French Revolution, the democratic movement is enrooted in the people. As said Rousseau, there is no other sovereign than the people, and the people has to exercise this power itself. Therefore the necessity of a constant alternation of power: it corresponds to the changes of mind of the people.

“The initiators and promoters of the move toward democracy, which were consolidated over the years, are not essentially those in charge of Governmental. This was possible thanks to the joint actions of the media and the civil society” [71]. According to Jeffrey Haynes, civil society is one of the three main domestic factors [of democratization], with social capital and political society [72]. The definition of the term “civil society” is not as easy as it might appear [73], but the above mentioned notion of “local protagonists” contains an important element: even if supported by Western governments or organizations, protagonists must remain “local” with rooting in African soil, and not an enslavement to the wishes and opinions of the donors [74]. Developing civil society meant pro-

moting government by the people and for the people. But it’s not all rosy. NGOs are easy to organize and cheap to fund. Many studies of the donor-assisted civil society have reached the conclusion that pro-democracy NGOs tend to be quite isolated from the society at large [75]. On the contrary, in many of the countries where the organizations officially designated as civil society are weakest, for example in many war-torn African countries, *informal civil society organizations* have proven resilient in trying to address the most severe difficulties created by state collapse. [76] Therefore it seems necessary for Westerners not to support own NGOs disconnected from African realities, but deeply enrooted movement which can feel the heart of the populations. It obliges Westerners once again to remain very modest...

Baohui Zhang makes an interesting distinction which reminds of the vital necessity for democracy to structure civil society. As a matter of fact, he distinguishes between *well-established* societal organizations with a capacity for representation and control (as it is the case in Latin America and in Europe) and *spontaneous* social movements without such capacities (as it is the case in many totalitarian States like in Africa) [77]. This can drive to riots between authoritarian elites and opponents, according to the principle that “the winner takes all”.

5.3.2 A good administration

Two institutional variables seem to have been neglected though, specifically in empirical research: Electoral Management Bodies (EMBs) and International Observer Missions (EOMs) [78]. But as we have seen, the second ones lack efficiency, and it might be the same for the first ones. A further interesting research

question is to endogenize EMBs. As identified only anecdotally, the less established a democracy and the lower the administrative effectiveness of a country, the higher the probability that it delegates administrative electoral tasks to an independent EMB, with all the problems – among others the lack of confidence and of neutrality – linked to such bodies

Paul D. Williams speaks of “organizational architecture”, whose goal is “constructing both bureaucratic structures and mechanisms and a capacity to create and disseminate knowledge” [79]. Therefore, it seems undisputable that the second way to help promoting democracy – if we want to enter into a more institutional process – is the necessity to support the creation and the management of an *efficient administration*, which would be able to organize elections in such an easy way that the latter cease to be the only element of democracy, but start to be relegated to their real place: a technical way of allowing the necessary change of politics.

Since the African independences in the 1960s, almost nobody could prevent some autocrats and presidents to remain in power for decades. This lack of change could result of a bad administration, which allows for a bad management of elections, opening the door to frauds [80]. From that point of view, a newly born efficient administration could be part of what Abdulmumin Sa’ad calls “Restorative justice (RJ)” in peace building [81]. This subtle mechanism needs “envisioning”: “Conflicts is in the present and has its roots and origins in the past. [...] We need to move to a future different from the past and present”. But how is it practically possible to take a fresh start? Well

organized and functioning administration providing efficient public services could change the world.

Another advantage of such an efficient administration would be the absence of discussion about the results. Currently, as the results of votes are almost always questioned, they give rise to riots and concerns. If there are no more doubts on the results, democracy will be easier to create.

But of course African leaders themselves are perhaps not so much interested to a neutral administration... and Western donors are not so much interested to support an administration which at the end will benefit only to the African country itself.

5.4 A last word.

If we consider that democracy = elections, then unfortunately we close the eyes on some of the most important – but so delicate – elements of “real” democracy and you can use a lot of means, like democratic conditionality or elections’ observation, just to foster dysfunctional or even illiberal democracies.... What a waste of time and money!

Improving democracy is an in-depth work. It requires a long-term strategy and a certain modesty, because it has to give priority to the *local* civil society and *local* administration. Democratic conditionality and elections’ observation can be quite different: as we have seen, many Western subsidized NGOs are close to the donors and far from the real local needs. And EOMs can result in self-satisfaction diplomatic communication. If we dare say, it is more “bling bling” than serious. But the contemporary world is fan of bling bling and quick communication, not of in-depth work.

“Events are the foam of things; it is the sea what interests me”. [82]

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2. We shall not insist however on another element of democracy, which is nevertheless extremely interesting, namely the difference between *representative* and *direct* democracy. Some authors like Guy Hermet do not consider that (representative) democracy is a panacea. On the contrary, the idea to consider representative democracy as the golden rule of good governance is just a mean to avoid any direct exercise of power by the people. At a time where in France the “yellow slickers” still demand a referendum like in Switzerland, the fact that democracy is limited to elections every four or five years can explain many problems viewed in the organization of so seldom elections; Guy Hermet, *Le Passage à la démocratie*, p. 16. In the same sense, Lokengo Antshuka Ngonga warns against the hasty and precipitous introduction of the majoritarian system, because it exacerbates oppositions instead of smoothing them; *Consensus politique et gestion démocratique du pouvoir en Afrique*, p. 217. Both reflections could be the topic of further contribution.

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4. There are examples of recent peaceful transfers of power [...] in Ghana, Nigeria, and Liberia. But “these hopeful examples are however largely the exception to the rule”; James Thuo Gathii, *Term Limits and Three types of Constitutional Crisis in Sub-Saharan Africa*, p. 337.

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was Prime-Minister of Mali in 1999, during a “National Conference” in Bamako.

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13. Augustin Loada and Jonathan Wheatley (dir.), *Transitions démocratiques en Afrique de l’Ouest : processus constitutionnels, société civile et institutions démocratiques*, p. 21.

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16. Born Joseph-Désiré Mobutu, self-proclaimed Marshall Mobutu Sese Seko Kuku Ngbendu wa Za Banga represents (perhaps)

the epitome of the African dictator. See a long description of “Marshall Madness” in David van Reybrouck, *Congo: the epic history of a people*, Ch. 10 (363–394), who makes a comparison between Mobutu in Zaire and Ceaușescu in Romania.

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22. The word is a creation of Marina Ottaway, *Democracy Challenged. The rise of Semi-authoritarianism*.

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29. Stephen Wright, “Nigeria : Building Political Stability with Democracy”, in Peter

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32. David Owen, *The Hubris Syndrome*, Methuen, revised ed. 2012; Prologue: The intoxication of power; see also Tzvetan Todorov, *The inner enemies of democracy*, Chapter 1, Democracy threatened by its own hubris.

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34. D.E. Emanuel, from the Marien Mougabi University in Brazzaville, has written (in French) an extensive article called “*The emergence of the principle of the political conditionality in international public law*” (transl.).

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42. Hilaire de Prince Pokam, *Communauté internationale et Gouvernance démocratique en Afrique*.
43. Francis Akindès, *Les mirages de la démocratisation en Afrique subsaharienne*, p. 60.
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45. This recognition of the prominent democratic role of Southern Africa is also made by Eboe Hutchful, “Militarism and Problems of Democratic Transitions”, in Marina Ottaway (ed.), *Democracy in Africa: the Hard Road Ahead*, p. 43.
46. Robert A Schrire, “South Africa: From Divided Society to New Nation”, in Peter J. Burnell and Vicky Randall, *Politics in the developing world*, p. 413.
47. Michael Bratton and Nicolas van de Walle, *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*, pp. 30–33.
48. The ranking for Africa is presented in the Annex.
49. <<https://freedomhouse.org/regions/sub-saharan-africa>> (consulted January 30th, 2020); it is also interesting to note that many elements taken into account for this benchmarking do not include elections.
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51. Whereas the homophony: Françafrique = France à fric [France with cash, as in French “fric” means “money”]).
52. All these problems have been thoroughly identified by Pascal Mukonde Musulay, *Démocratie électorale en Afrique subsaharienne – Entre droit, pouvoir et argent*, pp. 66 – 78.
53. Among many others, The Guardian : <<https://www.theguardian.com/world/2017/sep/20/kenyan-election-rerun-not-transparent-supreme-court>> (consulted January 30th, 2020).
54. Anne van Aaken, *Independent electoral management bodies and international election observer missions: any impact on the observed level of democracy? A conceptual framework*.
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56. Apart of Joseph Kabila for the 2018 elections which *seem* to be flawed from the beginning.
57. See also Anne van Aaken hypothesis 5a and 5b: Countries with a weak technical system of election administration and countries receiving a high level of development aid (in relation to GDP) will have fairer elections if there are election observers (*op. cit.*).
58. Le Temps, January 31st, 2017 : <<https://www.letemps.ch/suisse/observateurs-federaux-surveiller-vote-moutier>> (consulted January 30th, 2020).
59. Le Temps, November 5th, 2018, <<https://www.letemps.ch/suisse/moutier->

prefete-invalide-un-vote-entache-dirregularites> (consulted January 30th, 2020).

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63. James Thuo Gathii, *Term Limits and Three types of Constitutional Crisis in Sub-Saharan Africa*, p. 336s.

64. As a recent and quite shocking example, consider the good relations between USA and Saudi Arabia despite the assassination of journalist Jamal Kashoggi.

65. Michael Bratton and Nicolas Van de Walle, *Democratic experiments in Africa:*

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67. Oumar Ndongo, *The Role of West African Civil Society in Peace-building*, p. 173, 175.

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71. Jeffrey Haynes, “Introduction: twenty five years of democratization – the third and fourth waves of democracy in perspective”, in: Jeffrey Haynes, *Rootledge Handbook of Democratization*, p. 1–9.

72. “Civil society is mainly ‘in construction’”, Augustin Loada and Jonathan Wheatley, *Transitions démocratiques en Afrique de l’Ouest : processus constitutionnels, société civile et institutions démocratiques*, p. 29.

73. Lokengo Antshuka Ngonga, *Consensus politique et gestion démocratique du pouvoir en Afrique*, p. 210 : The existence of many NGOs testifies to the vitality of democracy.

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75. Marina Ottaway, op. cit., p. 166 (180–182); the author makes the comparison with the overwhelming efficiency of Islamic civil society. The importance of civil society was especially true for Nigeria: “Despite long periods of oppressive rule, civil society groups have remained active and strong”; Stephen Wright, “Nigeria : Building Political Stability

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76. Baohui Zhang, *Corporatism, Totalitarianism, and Transitions to Democracy*, p. 133; for him, Poland with Solidarity is the only posttotalitarian state that had some form of institutionalized societal organizations.

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79. Just a quotation about Nigeria among so many others touching almost all Africa: “Elections have always been manipulated by incumbents, and the 2003 elections were no exception”; Stephen Wright, “Nigeria : Building Political Stability with Democracy”, in Peter J. Burnell and Vicky Randall, *Politics in the developing world*, p. 463 (468).

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81. Paul Valéry translated by Marthiel and Jackson Mathews, Collected works of Paul Valéry, vol. 15, *Moi*, Princeton University Press, Princeton 1975, p. 291.

82. <<https://freedomhouse.org/regions/sub-saharan-africa>> (consulted January 30th, 2020); between 2009 and 2018, Mali fell into the partially free countries. Therefore in 2018 among Sub-Saharan countries there are 9 «free» against 40 «partly free» or «not free».

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20. Paul D. Williams, *op. cit.*, p. 276.

21. See Mamoudou Gazibo, *Les paradoxes de la démocratisation en Afrique : analyse institutionnelle et stratégique*, ch. 7, RN 24–39.

22. The word is a creation of Marina Ottaway, *Democracy Challenged. The rise of Semi-authoritarianism*.

23. Wolfgang Merkel, *Embedded and Defective Democracies*, pp. 33 – 58.

24. As it was the case in Harare, were riots took place after the result of legislative elections giving the majority to the ruling party Zanu-PF; see for instance: <<http://www.20min.ch/ro/news/monde/story/L-armee-tire-a-balle-reelle-contre-des-manifestants-15550342>> (consulted January 26th, 2020).

25. Paul D. Williams, *War & Conflict in Africa*, p. 278; he concludes that bad governments have the worse effects on good governance, ever worse than religion.

26. Pascal Mukonde Musulay, *Démocratie électorale en Afrique subsaharienne – Entre droit, pouvoir et argent*, p. 39.

27. M^e Mohamadou Gamdji, *Plaidoyer pour une véritable démocratie en Afrique*:

<<https://www.journalducameroun.com/plaidoyer-pour-une-vraie-democratie-en-afrique/>> (consulted January 30th, 2020).

28. James Thuo Gathii, *Term Limits and Three types of Constitutional Crisis in Sub-Saharan Africa*, p. 335.

29. Stephen Wright, “Nigeria : Building Political Stability with Democracy”, in Peter J. Burnell and Vicky Randall, *Politics in the developing world*, p. 463, 469.

30. Ismaïlia Mador Fall, “Les Constitutions africaines et les transitions démocratiques”, devotes a chapter to what he calls : “The persistence of the phenomenon of the opportunist revisionism of the presidential condition” (transl.); in Augustin Loada and Jonathan Wheatley, *Transitions démocratiques en Afrique de l’Ouest : processus*

constitutionnels, société civile et institutions démocratiques, p. 146ss.

31. This French portmanteau has been created in a book of Max Liniger-Goumaz, *La démocratie, dictature camouflée, démocratie truquée* (L'Harmattan, Paris 1992).

32. David Owen, *The Hubris Syndrome*, Methuen, revised ed. 2012; Prologue: The intoxication of power; see also Tzvetan Todorov, *The inner enemies of democracy*, Chapter 1, Democracy threatened by its own hubris.

33. See Audrey Chabal, *Syndrome d'Hubris : quand le pouvoir produit des arrogants et narcissiques*. (Hubris syndrome: when power produces arrogant and narcissistic people; transl.).

34. D.E. Emanuel, from the Marien M'gouabi University in Brazzaville, has written (in French) an extensive article called "*The emergence of the principle of the political conditionality in international public law*" (transl.).

35. <http://www.worldcourts.com/pcij/eng/decisions/1923.08.17_wimbledon.htm> (consulted January 30th, 2020).

36. <http://ctr.c.sice.oas.org/Trade/CARIFORUM-ECEPA/Cotonou_Agreement_&_Lome4_lome4_e.pdf> (consulted January 30th, 2020).

37. Whose official title is : Partnership Agreement 2000/483/EC between the African, Caribbean and Pacific Group of States of the one part, and the EU, of the other part; see also <[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:22000A1215\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:22000A1215(01))> (consulted January 30th, 2020).

38. According to Pascal Mukonde Musulay, in fact and in reality, all these pressures for "democracy" emanate mainly from World Bank and IMF; but the final goal is more free market than democratic governance; *op. cit.*, p. 66ss.

39. Mark Malan, *Africa: building institutions on the run*, p. 111, quoted by Paul D. Williams, *War & Conflict in Africa*, p. 211.

40. "EU enlargement continues to be the clearest case of positive democratic

conditionality, but it is not quite the cut and dried example it is assumed to be. Extensive work on the conditionality deployed by the EU in the context of Eastern enlargement has concluded that incentives played a secondary role and were linked mostly to second phase governance, not the big, overarching choices in favor of democracy." Richard Youngs, in: *Rootledge Handbook of Democratization*, p. p. 287 (293).

41. Paul D. Williams, *War & Conflict in Africa*, p. 211, but also chapter eleven (p. 253–274).

42. Hilaire de Prince Pokam, *Communauté internationale et Gouvernance démocratique en Afrique*.

43. Francis Akindès, *Les mirages de la démocratisation en Afrique subsaharienne*, p. 60.

44. Cf. Mamoudou Gazibo, *Les paradoxes de la démocratisation en Afrique : analyse institutionnelle et stratégique*, p. 163.

45. This recognition of the prominent democratic role of Southern Africa is also made by Eboe Hutchful, "Militarism and Problems of Democratic Transitions", in Marina Ottaway (ed.), *Democracy in Africa: the Hard Road Ahead*, p. 43.

46. Robert A Schrire, "South Africa: From Divided Society to New Nation", in Peter J. Burnell and Vicky Randall, *Politics in the developing world*, p. 413.

47. Michael Bratton and Nicolas van de Walle, *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*, pp. 30–33.

48. The ranking for Africa is presented in the Annex.

49. <<https://freedomhouse.org/regions/sub-saharan-africa>> (consulted January 30th, 2020); it is also interesting to note that many elements taken into account for this benchmarking do not include elections.

50. *La Françafrique, le plus long scandale de la République* (Stock, Paris 1998); but *de facto* this neologism was created in the 1950s by Félix Houphouët-Boigny.

51. Whereas the homophony: Françafrique = France à fric [France with cash, as in French “fric” means “money”].

52. All these problems have been thoroughly identified by Pascal Mukonde Musulay, *Démocratie électorale en Afrique subsaharienne – Entre droit, pouvoir et argent*, pp. 66 – 78.

53. Among many others, The Guardian : <<https://www.theguardian.com/world/2017/sep/20/kenyan-election-rerun-not-transparent-supreme-court>> (consulted January 30th, 2020).

54. Anne van Aaken, *Independent electoral management bodies and international election observer missions: any impact on the observed level of democracy? A conceptual framework*.

55. Pippa Norris and Alessandro Nai, *Election Watchdogs*.

56. Apart of Joseph Kabila for the 2018 elections which *seem* to be flawed from the beginning.

57. See also Anne van Aaken hypothesis 5a and 5b: Countries with a weak technical system of election administration and countries receiving a high level of development aid (in relation to GDP) will have fairer elections if there are election observers (op. cit.).

58. Le Temps, January 31st, 2017 : <<https://www.letemps.ch/suisse/observateurs-federaux-surveiller-vote-moutier>> (consulted January 30th, 2020).

59. Le Temps, November 5th, 2018, <<https://www.letemps.ch/suisse/moutier-prefete-invalide-un-vote-entache-dirregularites>> (consulted January 30th, 2020).

60. See <<https://www.jura.ch/fr/Autorites/Moutier/Votation-du-18-juin-2017.html>> (consulted January 30th, 2020).

61. It was the same in the Democratic Republic of Congo in December 2018 : The conditions for the smooth running of the presidential were not fulfilled. The National Independent Electoral Commission (CENI) still maintained the vote on Friday December

28th. But it decided to postpone the elections in March in the districts of Beni and Butembo, in the North-Kivu, and Yumbi, in the province of Mai-Ndombe, in the south-west of the country. Some constitutional experts are already tearing their hair out. How can CENI organize such a crucial presidential election by depriving 1.2 million Congolese of the right to vote? When Beni, Butembo and Yumbi can vote, the games will already be played. See: <<https://www.letemps.ch/monde/rd-congo-elections-peur>> (consulted January 30th, 2020).

62. Among hundreds of articles, see Le Temps – ATS, published August 2nd, 2018 : <<https://www.letemps.ch/monde/heurts-meurtriers-apres-lannonce-resultats-elections-zimbabwe>> (consulted January 30th, 2020). See also “Élections au Zimbabwe – l’Union européenne tance le processus électoral » (Elections in Zimbabwe – the European Union scolds the electoral process) : <<http://fr.africanews.com/2018/08/01/elections-au-zimbabwe-l-union-europeenne-tance-le-processus-electoral/>> (consulted January 30th, 2020).

63. James Thuo Gathii, *Term Limits and Three types of Constitutional Crisis in Sub-Saharan Africa*, p. 336s.

64. As a recent and quite shocking example, consider the good relations between USA and Saudi Arabia despite the assassination of journalist Jamal Kashoggi.

65. Michael Bratton and Nicolas Van de Walle, *Democratic experiments in Africa: Regime Transitions in Comparative Perspective*, p. 117; see 3.3.

66. Karl Loewenstein, “Militant Democracy and Fundamental Rights I” (American Political Science Review 1937, 417); quoted by Jan-Werner Müller, “Militant democracy”, in: Michel Rosenfeld, *The Oxford handbook of comparative constitutional law*, Oxford Univ. Press 2012, p. 1253 (1256).

67. Oumar Ndongo, *The Role of West African Civil Society in Peace-building*, p. 173, 175.

68. Emmanuel Ghiyma-Boadi, *The Challenges Ahead*, p. 90.

69. David F. Gordon, “On promoting Democracy in Africa”, in Marina Ottaway (ed.), *Democracy in Africa: the Hard Road Ahead*, p. 162.

70. Oumar Ndongo, *The Role of West African Civil Society in Peace-building*, p. 172. See also the conclusion drawn by Paul D. Williams, *War & Conflict in Africa*, p. 275–278.

71. Jeffrey Haynes, “Introduction: twenty five years of democratization – the third and fourth waves of democracy in perspective”, in: Jeffrey Haynes, *Rootledge Handbook of Democratization*, p. 1–9.

72. “Civil society is mainly ‘in construction’”, Augustin Loada and Jonathan Wheatley, *Transitions démocratiques en Afrique de l’Ouest : processus constitutionnels, société civile et institutions démocratiques*, p. 29.

73. Lokengo Antshuka Ngonga, *Consensus politique et gestion démocratique du pouvoir en Afrique*, p. 210 : The existence of many NGOs testifies to the vitality of democracy.

74. Marina Ottaway, “Civil Society”, in Peter J. Burnell and Vicky Randall, *Politics in*

75. Marina Ottaway, op. cit., p. 166 (180-182); the author makes the comparison with the overwhelming efficiency of Islamic civil society. The importance of civil society was especially true for Nigeria: “Despite long periods of oppressive rule, civil society groups have remained active and strong”; Stephen Wright, “Nigeria : Building Political Stability with Democracy”, in Peter J. Burnell and Vicky Randall, *Politics in the developing world*, p. 463 (469).

76. Baohui Zhang, *Corporatism, Totalitarianism, and Transitions to Democracy*, p. 133; for him, Poland with Solidarity is the only posttotalitarian state that had some form of institutionalized societal organizations.

77. Anne van Aaken, *Independent electoral management bodies and international election observer missions: any impact on the observed level of democracy? A conceptual framework*.

78. Paul D. Williams, *War & Conflict in Africa*, p. 189.

79. Just a quotation about Nigeria among so many others touching almost all Africa: “Elections have always been manipulated by incumbents, and the 2003 elections were no exception”; Stephen Wright, “Nigeria : Building Political Stability with Democracy”, in Peter J. Burnell and Vicky Randall, *Politics in the developing world*, p. 463 (468).

80. Abdulmumin Sa’ad, “The Importance of Restorative Justice in Peacebuilding”, in: Jibrin Ibrahim and Oumar Ndongo, *Resolving West African Conflicts – Early Warning Early Response*, p. 185 (193).

81. Paul Valéry translated by Marthiel and Jackson Mathews, Collected works of Paul Valéry, vol. 15, *Moi*, Princeton University Press, Princeton 1975, p. 291.

82. <<https://freedomhouse.org/regions/sub-saharan-africa>> (consulted January 30th, 2020); between 2009 and 2018, Mali fell into the partially free countries. Therefore in 2018 among Sub-Saharan countries there are 9 «free» against 40 «partly free» or «not free».

ANNEX – RANKING OF AFRICAN DEMOCRACIES ACCORDING TO FREEDOM HOUSE¹

Cape Verde	Free	1.0 / 7
Ghana	Free	1.5 / 7
Mauritius	Free	1,5 / 7
Benin	Free	2.0 / 7
Namibia	Free	2.0 / 7
São Tomé and Príncipe	Free	2.0 / 7
Senegal	Free	2.0 / 7
South Africa	Free	2.0 / 7
Botswana	Free	2.5 / 7
Lesotho	Partly free	3.0 / 7
Liberia	Partly free	3.0 / 7
Malawi	Partly free	3.0 / 7

¹ <<https://freedomhouse.org/regions/sub-saharan-africa>> (consulted January 30th, 2020); between 2009 and 2018, Mali fell into the partially free countries. Therefore in 2018 among Sub-Saharan countries there are 9 «free» against 40 «partly free» or «not free».

<i>Seychelles</i> .....Partly free	3.0 / 7	Angola	.....Not free	6.0 / 7
<i>Sierra Leone</i> ..Partly free	3.0 / 7	Cameroon	.....Not free	6.0 / 7
<i>Burkina Faso</i> ..Partly free	3.5 / 7	Congo,		
<i>Comoros</i> .....Partly free	3.5 / 7	Republic of		
<i>Madagascar</i> ..Partly free	3.5 / 7	(Brazzaville) ....Not free		6.0 / 7
<i>Somaliland *</i> ..Partly free	3.5 / 7	Gabon	.....Not free	6.0 / 7
<i>Côte d'Ivoire</i> ..Partly free	4.0 / 7	Rwanda	.....Not free	6.0 / 7
<i>Kenya</i> .....Partly free	4.0 / 7	Burundi	.....Not free	6.5 / 7
<i>Niger</i>.....Partly free	4.0 / 7	Chad	.....Not free	6.5 / 7
<i>Nigeria</i> .....Partly free	4.0 / 7	Congo,		
<i>Mozambique</i> ..Partly free	4.0 / 7	Democratic		
<i>Tanzania</i> .....Partly free	4.0 / 7	Republic		
<i>Togo</i> .....Partly free	4.0 / 7	of (Kinshasa) ...Not free		6.5 / 7
<i>Zambia</i> .....Partly free	4.0 / 7	Ethiopia	.....Not free	6.5 / 7
<i>Gambia, The</i> ..Partly free	4.5 / 7	Swaziland	.....Not free	6.5 / 7
<i>Mali</i> .....Partly free	4.5 / 7	Central		
<i>Guinea</i> .....Partly free	5.0 / 7	African Republic	Not free	7.0 / 7
<i>Guinea-Bissau</i> Partly free	5.0 / 7	Equatorial Guinea	Not free	7.0 / 7
<i>Uganda</i> .....Partly free	5.0 / 7	Eritrea	.....Not free	7.0 / 7
<i>Djibouti</i> .....Not free	5.5 / 7	Somalia	.....Not free	7.0 / 7
<i>Mauritania</i> .....Not free	5.5 / 7	South Sudan	.....Not free	7.0 / 7
<i>Zimbabwe</i> .....Not free	5.5 / 7	Sudan.....Not free		7.0 / 7