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Heads of State at the 33rd African Union Summit in Addis Ababa in 2020. Photo: Flickr.com

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Editorial



Alex Jiya, PhD

Governance data in Africa has never been this important. Policymakers, researchers and governments are more interested in generating and using sound data to measure Sustainable Development Goals' progress. The 2023 Ibrahim Index of African Governance (IIAG) report underscores the need to focus on data to drive progress, assess government performance, set policy priorities and ensure trust in governments¹.

The Africa Integrity Indicators (All) remain one of the unique initiatives on the continent. It generates quality, comprehensive and timely governance data on governance in practice, examining how policies are implemented to support governments, citizens, and civil society. Furthermore, it assesses key social, economic, political and anti-corruption mechanisms at the national level across all 54 African countries.

In July 2023, we released the eleventh round of the All - a milestone for the African Institute for Development Policy (AFIDEP) for successfully leading the implementation of the project, inherited from Global Integrity.

In this issue, various experts used the All data to analyse the status of governance across the continent where coup d'états, closing civic space, and poor transparency and accountability mechanisms have characterised governance on the continent. The eleventh round of the All revealed that African countries' transparency and accountability statuses face serious challenges. Consequently, frustrating efforts towards fighting corruption. In the eleventh round, there was a notable adverse performance across the continent in the filing of asset disclosures by senior politicians and bureaucrats, and declarations of sources of funding by political parties, which are critical in public sector transparency and combatting corruption.

This issue dives deep into some of the key governance issues affecting the continent, including public procurements and public finance management, good governance, human rights, accountability and elections, and autocratic renewal.

Is good governance marking time in West Africa?

There was a drastic decrease between tenth round and eleventh round in the indicators measuring the independence and effectiveness of the judiciary. This

¹Mo Ibrahim Foundation. (2024). *The power of data for governance: Closing data gaps to accelerate Africa's transformation. 2023 IIAG Series Report.* <https://mo.ibrahim.foundation/sites/default/files/2024-01/2023-iiag-series-report.pdf>

underscores the worsening rule of law environment on the continent. The issue reflects on the findings in the context of West African countries by focusing on the six rule of law indicators on the All. Although a drastic decrease was observed in the judiciary indicators, the rule of law indicators also tracks the independence and effectiveness of supreme audit institutions which this issue covers.

The issue acknowledges established laws and institutional processes across the region that could help improve public service delivery. However, we observe variations across West African countries as regards to performance on the rule of law indicators, with Nigeria and Ghana showing stronger adherence to governance principles, specifically on appointments to the judiciary and the supreme audit and autonomy of the two institutions compared to Mali and Côte d'Ivoire. The issue further highlights the major governance challenges in West Africa and underscores the need to address supply-side governance failures for democratic enhancement.

Respect for human rights, key to Sustainable Development Goal 16

The All have three indicators that look at the rights of ethnic minorities, religious freedom, and the rights of LGBTIQ+ citizens. Overall, there has been a mixed performance on these indicators across the continent. Mauritius, Cabo Verde, Namibia and South Africa are the best performing, while Eritrea and Equatorial Guinea are among the worst. This issue highlights the need for governments to honour their obligations as guarantors of human rights. We further argue for a people-centred governance approach that prioritises human rights for enhanced development and a right to development approach that could solve the human rights challenges on the continent. The African Union needs to promote mechanisms for enforcing human rights standards, including constitutionalism and common positions on issues of human rights.

Accountability and elections in Francophone Africa

Conceptualising democracy has been a major discussion among experts, presenting further challenges in measuring democracy. This issue presents an interesting case by focusing on how countries in Francophone Africa construct the concept of accountability in the context of elections. Accountability remains a key component of democratic governance and has been an issue of discussion in the political discourse, prominently in the discourse surrounding elections on the continent, which usually tend to be marred with transparency and fairness issues. Contested elections have become a main feature of the majority of elections in Africa. This issue discusses the main channels through which accountability is built, including new technologies, international influence and grassroots mobilisation. Indirect factors like discursive mobilisation and narratives shaping public perception have also been highlighted.

Public procurements and public finance management

The All have three indicators (Indicators 25, 26 and 28), tracking transparency and accountability in public procurement processes. They include the level at which public procurements involve competitive bidding, the ease with which

citizens can access records and information on public procurements, and the level at which companies found guilty of violating procurement regulations are barred from participating in future bids. We discuss the status of governance in Africa through the lens of public procurements and public finance management (PFM). The focus is on PFM status in Africa and its implications for development outcomes while also providing recommendations to address related challenges. Africa's poor performance on indicators measuring public procurements emerges from the ineffective implementation of PFM systems. The PFM systems have the potential to improve transparency, efficiency and accountability in resource management on the continent. One key message from this issue is that there is a need to have strong and effective institutions and regulatory frameworks that are able to sanction, debar or blacklist contractors and individuals involved in corrupt practices.

Understanding the autocratic renewal in Africa: Dynamics, forms and rhetoric

The issue explores the evolving nature of autocracy in Africa, shedding light on new methods and actors involved in its production and expression. It contends that all African political regimes, regardless of their ideological leaning, are susceptible to these dynamics. Key actors in this autocratic renewal include political leaders, armed forces, and both organised and unorganised segments of civil society, whose actions contribute to the consolidation of autocratic structures. Additionally, certain diasporic movements engage in violent mobilisation to further autocratic agendas. The issue emphasises that contemporary autocracy often operates with a subtler approach, characterised by "insidious gentleness" and sometimes even utilises democratic institutions. This complexity challenges conventional notions of democracy in Africa and leads to analytical challenges. By addressing these complexities, the issue provides a nuanced understanding of authoritarianism and contributes to the broader discourse on democracy's trajectory on the continent.

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Human rights in Africa: Governance, accountability and the right to development

Carol Chi Ngang, PhD



Introduction

Empirical evidence on a range of different human rights indicators, from 2014 to 2023, illustrate that many African countries do not take their human rights obligations seriously¹. The research findings collated into a cumulative score reveal that of the 54 countries in Africa, only four—Mauritius, Cabo Verde, Namibia and South Africa—top the chart as best-performing countries on the human rights indicators, while Eritrea and Equatorial Guinea are among the worst-performing countries (Ibid). Accordingly, African governments—having the mandate to make laws—are obliged to take the requisite measures to ensure that human rights are protected, exercised and that citizens (right holders) enjoy better quality of life and improved standards of living. The mandate includes the duty to promote sustained progress so that citizens' legitimate expectations are achieved.

However, in most of Africa, State governments do not seem to concern themselves with human rights. The indicators reflect a systemic dispossession of rights from the populations across the continent. In this brief, my attention is on the poor human rights record in most African countries resulting principally from the deficiency of State governments in honouring their obligations as guarantors of human rights.

States' peremptory human rights obligations

States are subjects of public international law. By the orthodox Westphalian definition, a sovereign State is composed of a territory, population, government, and the capacity to enter



The rights and freedoms of all human beings are enshrined under the Universal Declaration of Human Rights (UDHR) the United Nations General Assembly adopted as Resolution 217 during its third session on 10 December 1948. These rights are moral entitlements or inherent natural endowments by virtue of one being human and cannot be taken away, therefore, deserve recognition and protection by law against abuse, violation, or improper invasion

relations with other States. The conception of statehood has however, evolved under contemporary international law to incorporate the obligation to uphold human rights in terms of the undertakings that State Parties commit themselves to various international human rights treaties. The human rights aspect in defining statehood derives from citizens (the population) being central to countries' existence and functioning as political entities. Being a State under contemporary international law is thus, predicated on the triad duty to respect, protect and fulfil human rights because State sovereignty resides with the population (citizens) whose human rights ought to be recognised and protected.

¹African Institute for Development Policy (2023, July). *Africa Integrity Indicators*. <https://www.africaintegrityindicators.org/data>.

²Bianchi, A.(2008). Human rights and the magic of jus cogens. *European Journal of International Law*, 19(3), 491–508. <https://doi.org/10.1093/ejil/chn026>.



To transform the human rights landscape in Africa, State governments must create a protective and enabling governance dispensation with adequate support systems. Photo: Flickr.com

Human rights are, accordingly, inherently peremptory in nature because they lie at the core of *jus cogens*, which are defined as peremptory norms of general international law². As a general principle of international law, *jus cogens* impose an *erga omnes* obligation on States for the implementation and enforcement of human rights. It is so because, State governments obtain their legitimacy to govern in accordance with the social contract that allows citizens to barter their sovereignty in exchange for the protection of their human rights. The laws that regulate such an arrangement include domestic legislation and the combination of human rights treaties which all 54 African countries have ratified and are bound to adhere to. The African Charter on Human and Peoples' Rights³ for instance, makes provision to the effect that State Parties commit to ensure that the rights and freedoms enshrined in the Charter are achieved at the domestic level. Human rights have evolved in this sense, as a normative component in the conceptualisation of statehood and governmentality⁴.

Prioritising human rights therefore, ought to form the central purpose of governmental action, determine political leadership, provide the basis for modelling governance, and equally shape the course and direction of countries' development objectives. When State governments in Africa derogate from human rights as it is evident from the findings discussed above, they contravene the commitment to protect the citizens and consequently, also compromise prospects for advancement which should in turn guarantee greater enjoyment of human rights. When that

happens, the government forfeits legitimacy and by default, sovereignty reverts to the citizens who retain the power to change the government. Unfortunately, the political dispensation in most of Africa is such that citizens are not only dispossessed of their human rights, but also mostly robbed of the sovereignty to effect change.

Governance, accountability and the right to development imperatives

To transform the human rights landscape in Africa, State governments must create a protective and enabling governance dispensation with adequate support systems to ensure that the enjoyment of human rights translates into individual and collective prosperity for the peoples of Africa. It is worth clarifying that the human rights provisions contained in several legal instruments applicable to Africa are primarily abstract in character and not self-actualising, which means they do not become substantive entitlements unless concrete measures are put in place and practical actions are taken. For such to happen, requires a rights-based/people-centred governance dispensation that allows for active, meaningful, and unrestrained citizen participation in the complex processes of representative government as a matter of human right.

To be rights-based/people-centred entails that the governance dispensation must be designed to operate in a manner that ensures legality and legitimate accountability in the exercise of governmental authority. As earlier explained, the sovereignty of every country resides with the citizens who, in accordance with the social contract doctrine, barter that sovereignty in exchange for the protection of their inherent human rights. By this predetermined arrangement, all State governments in Africa have an obligation of accountability to the citizens from whom the government's legitimacy to govern obtains. Dan Kuwali⁵ posits in this regard that accountable governance should be considered as a remedy mechanism for Africa's problems. To be effective, accountability needs to result in genuine responsiveness not only to citizens' rights but also to their needs, aspirations and exigencies within a context for development that promises improved quality of life and better living standards.

From 1990 when the United Nations Development Programme (UNDP) published the first Human Development Report that outlined the indices for human development, a range of seminal publications have added to that in advocating for rights-based approaches to development. These approaches are premised on the mutually reinforcing nature of human rights and development to the effect that human rights ought to contribute to development and in

³ African Charter on Human and Peoples' Rights adopted by the Organisation of African Unity in Nairobi, Kenya on 27 June 1981, OAU Doc. CAB/LEG/67/3 rev.5; 1520 UNTS 217.

⁴ Augenstein, D. & Lindahl, H. (2016). Global human rights law and the boundaries of statehood. *Indiana Journal of Global Legal Studies*, 23(1), 1-14.

⁵ Kuwali, D. (2022, September 2). Is accountable governance a solution to African problems?. *Raoul Wallenberg Institute*. <https://rwi.lu.se/blog/is-accountable-governance-a-solution-to-african-problems>.





Governance is thus, conceived as an embodiment of the institutional mechanisms, leadership architecture, operational systems and models, policy framework, accountability processes, and the indicators for measurement that must be put in place with the purpose of ensuring the simultaneous attainment of government objectives and citizens' expectations

turn, development must enhance the enjoyment of human rights. The rights-based approach entails a governance strategy that prioritises people-centredness and puts human rights at the top of the governmental agenda as an imperative to be achieved. The Mo Ibrahim Foundation⁶ holds the conviction in this regard, that 'governance and leadership lie at the heart of any tangible and shared improvement in the quality of life of African citizens'. To effect accountability, governmental action needs to be as explicit on the governance question as possible.

Governance must be understood not just in terms of the asymmetry in the exercise of power by the government over the governed, but as an operational platform for interaction between government and the citizens for the attainment of anticipated outcomes. Governance is thus, conceived as an embodiment of the institutional mechanisms, leadership architecture, operational systems and models, policy framework, accountability processes, and the indicators for measurement that must be put in place with the purpose of ensuring the simultaneous attainment of government objectives and citizens' expectations. The African Charter and ancillary human rights instruments prescribe and impose a policy obligation that enjoins African State governments to establish such a rights-based/people-centred governance dispensation to enable realisation of the full range of human rights.

Gauged against six other rights-based approaches conceptualised by Stephen Marks⁷, the right to development is indeed, the most suited as a remedy to the many challenges relating to human rights and development on the African continent. What obtains however, is a void wherein the right to development has for many decades been overlooked in favour of experimented alternative remedies that have largely not been adequate in redressing these challenges. If the rule of law applies as an essential component of governance, there is no justification why implementation of the right to development which is

provided for by law in Africa remains discernibly elusive. Dating back to the late 1960s, eminent African personalities like Doudou Thiam, Cardinal Etienne Duval, Kéba M'Baye and Léopold Sédar Senghor among others, pioneered the idea of a human right to development⁸.

By advocating for the right to development, these personalities basically advanced the proposition that such a right should be adopted as a governance paradigm for development in Africa. The right to development indeed, got incorporated into the African Charter and ancillary African human rights instruments where it has however, remained an abstract collective entitlement without much commitment to its implementation. If Africa had proceeded to conceptualising the right to development not just as a claimable human right but in essence also, as a governance paradigm, probability is that it would have significantly changed the dynamics in Africa in terms of the full realisation of human rights and consequently, raised living standards to thresholds that would have been much better than is presently the case. The circumstances, however, offer the occasion to revisit the need for a rights-based, people-centred governance paradigm for Africa, which should be framed as the Right to Development Governance⁹.

Conclusion

As to why the human rights question is dealt with in Africa with so much intransigence, and in most instances just as an afterthought to other imperatives that are considered more important, the reason is that to a very large extent, State governments tend to see their citizens as a liability to worry about rather than as an asset to protect and make productive use of. The government/citizen relationship gets even more sour as Noam Chomsky notes that governments see their own citizens as the primary enemy and will use whatever technology that is available to combat that enemy¹⁰. It should not be so. In *Man's Rights: And the Nature of Government*, Ayn Rand¹¹ highlights that 'There are two potential violators of man's rights [human rights]: the criminals and the government', which is accompanied by an anonymous quote that says, 'so let us tie the second down with the chains of the Constitution so the second will not become the legalised version of the first'.

With a view to improving on human rights, constitutionalism in Africa has increasingly taken the direction of ensuring that the power excesses of governments are limited as much as possible. This could further be strengthened at the continental level, obligating the African Union (AU) to adopt a common policy position on compliance with human rights as a prerequisite for membership.

⁶ Mo Ibrahim Foundation. (2023). *Putting governance at the centre of Africa's development*. <https://mo.ibrahim.foundation>

⁷ Marks, S.P. (2005). The human rights framework for development: Seven approaches. In A. Sengupta, A. Negi, & M. Basu (Eds.), *Reflections on the right to development* (pp. 23–60). Sage Publications.

⁸ Ngang, C.C. (2021). *The right to development in Africa*. BRILL.

⁹ Ngang, C.C. (2018). Towards a right-to-development governance in Africa. *Journal of Human Rights*, 17(1), 107–122.

¹⁰ Harvey, F. (2013, June 19). NSA surveillance is an attack on American citizens, says Noam Chomsky. *The Guardian*. <https://www.theguardian.com/world/2013/jun/19/nsa-surveillance-attack-american-citizens-noam-chomsky>

¹¹ Rand, A. (1964). *Man's rights: And the nature of government*. The Ayn Rand Institute.



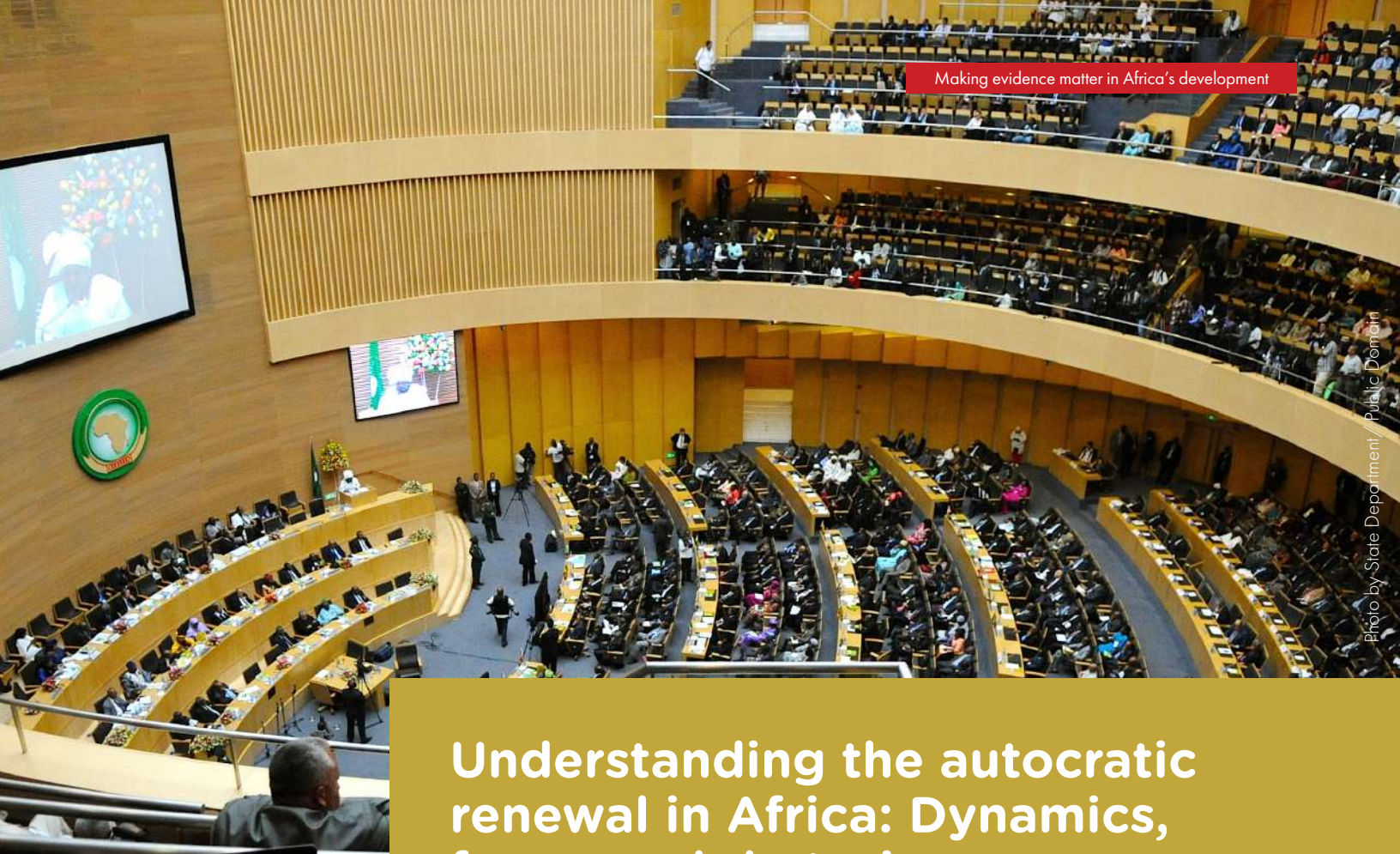


Photo by State Department / Public Domain

Understanding the autocratic renewal in Africa: Dynamics, forms and rhetoric

Arnaud Yombo, PhD and Chris Kaudzu

Introduction

African democracies are at crossroads and there is rising new autocratic renewals on the continent. The concept of 'autocratic renewal', more suitable to describe the current situation, could be introducing a new paradigm shift into the analysis of African political regimes. However, since most of the regimes sliding back into autocracy were already in the process of democratisation, there is a new path of autocratisation taking place. Without doubt there appears to be restoration of authoritarianism in most African countries, even in those regimes that had in a strict sense of the word never experienced another type of regime, in this case democracy. From this point of view, 'autocratic renewal' could be viewed not as a period marked by democratic regimes tipping over into autocracy, nor as a return to the old order, but rather as an attempt to grasp the new ways in which authoritarianism is produced and manifested in the diversity of African political regimes. This conceptual precision means that in this analysis, all African political regimes can be put in a category, without prejudice to their inclination; whether they are understood as limited democracies, non-liberal democracies, liberal autocracies, liberal dictatorships, hybrid democracies, mature or immature democracies, and so on.

This profusion of epithets denotes a singular African political context in which the process of democratisation has had varying fortunes, sometimes leading to an analytical impasse.

While the institutionalisation and consolidation of democracy made their way into African societies, the dimensions and roots have remained problematic. Thus, the appropriations of democracy are not always easy to grasp, and thus it is not easy to tell the context of 'democratisation' in most of Africa operates in vis-à-vis that conceived in the West. Others have talked about the context of hybrid democratisation that combines both local and global realities of democracy. One thing is certain: Democracy in Africa today needs to rethink its forms, because if it is not an empty box, its hard core is coming up again with a return to autocratic practices. Democratic benchmarking since 2022 points to a resurgence of autocratic regimes on the continent. Africa Integrity Indicators (All), data on governance and democracy in Africa produced by the African Institute for Development Policy (AFIDEP), has noted a regional degression in indicators related to the state of law, press freedom and government censorship¹. Unfortunately, another trend we see reflected in the tenth and eleventh rounds of data is a continued

¹African Institute for Development Policy. (2023, July). *Africa Integrity Indicators*. <https://www.africaintegrityindicators.org/data>.



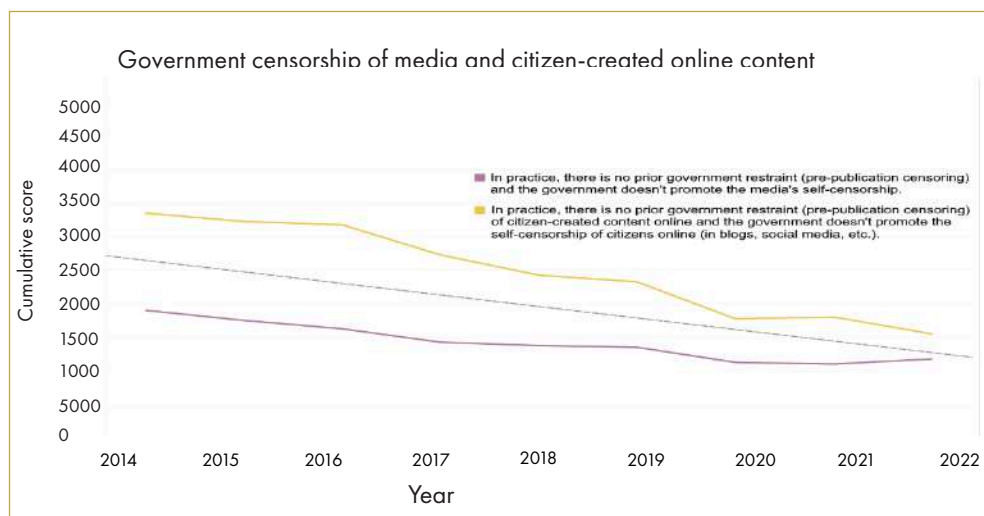


Figure 1: Government censorship of media and citizen-created online content on Africa Integrity Indicators

decline of press and media freedoms. As per Round 10, though the cumulative score across all countries for the indicator measuring government censorship of the press did increase slightly (+75), this was offset by a steeper decrease (-250) in the cumulative score for the indicator measuring the censorship of citizen-created content online. Both indicators have measured steady declines in freedom of the press and freedom of speech since the project began.

What we need to remember, and this is the prism through which this paper views authoritarianism, is that democracy and authoritarianism are two pieces of the same medal. Analysing them requires a relative and contextual approach, which means breaking away from the rigid logic of the Democracy Index. From the Democracy Index 2022, just over 50% of the 54 African regimes are authoritarian, almost 30% are hybrid in nature, 8% are imperfect democracies and only Mauritius is considered a full democracy². As an unprecedented cyclical movement that is neither unidirectional nor irreversible³, this backsliding from democratic ideals has implications for theoretical frameworks that explain democratisation processes. Some critical approaches highlight the illusion of a democratic teleology explained by contexts of aborted transitions that reveal either authoritarian stabilisation logics⁴, or authoritarian continuities⁵. Other approaches examine the transition processes through the concept of 'authoritarian restoration'⁶. This second perspective emerges from work on the complexity of contexts of political recomposition.

A critical and more contextual analysis of the Democratic Index informs the fact that moments of erosion of pluralist effervescence do not systematically lead to a resurgence of authoritarianism, but sometimes result in a "back to the future", characterised by a

complex political reality that does not always refer to a predefined political system, in this case authoritarian. Thus, the restoration does not necessarily mean authoritarianism. Democratic restoration is concerned with the tensions that emerge at these moments, through an analysis of actors, trajectories and situations; it proceeds to conceptualise the processes of restoration without fixing a before and an after.

In Africa, there is uncertainty about the final trajectory of moments of political change. The only certainty is the values that structure these

orders of change are anti-democratic. Moreover, the work gathered here does not aim to construct a theory of

autocratic transitions, because of the elusive nature of the regimes in which they occur. Because of the plurality, singularity and complexity of these events and of the political regimes under consideration, this paper is part of a narrative or 'contextualist' approach to autocracy, which takes a variety of forms that distance themselves from autocratic teleology. This theoretical stance is particularly fruitful when it comes to the particularly heterogeneous societies of Africa, avoids confining facts to authoritarian categories when they do not really correspond to them.

As far as the actors are concerned, three categories are considered. The first are those who make up the repressive apparatus of the State, such as the armed forces. Second, the civil society (organised or unorganised activists), whose positions often help to give substance to the autocratic order. Finally, there are those who respond to State violence with violence, i.e. who oppose authoritarian regimes through violent mobilisation, such as diasporic movements. The new forms of autocratic production and manifestation highlighted here are characterised by their insidious gentleness. In short, the new ways in which autocracy is made and manifested discussed in this issue involve a variety of actors, both state and non-state. They take place in a variety of African political systems, whether democratic or not.

Conditions for the military in post-transition regimes

In the abundant literature on democratic transitions, the problem of the demilitarisation of power in Africa is rarely addressed. When the military factor is mentioned, it is to underline the uncertainty inherent in this actor in the democratic process. In Africa, previous attempts to withdraw from power and disengage from politics have failed, with the army re-intervening in the

²Economic Intelligence Unit. (2023). *Democracy Index 2022*. <https://www.eiu.com/n/campaigns/democracy-index-2022>

³Chin, J.J., & Kirkpatrick J. (2023). African coups in the COVID-19 era: A current history. *Front. Polit. Sci.*, 5:1077945. <https://doi.org/10.3389/fpos.2023.1077945>

⁴Cottiero, C., & Haggard, S. (2023). Stabilizing authoritarian rule: The role of international organizations. *International Studies Quarterly*, 67(2). <https://doi.org/10.1093/isq/sqad031>

⁵Woldense, J., & Kroeger, A. (2024). Elite change without regime change: Authoritarian persistence in Africa and the end of the Cold War. *American Political Science Review*, 118(1), 178–194. <https://doi.org/10.1017/S0003055423000151>

⁶Gerschewski, J. (2023). *The two logics of autocratic rule*. Cambridge University Press. <https://doi.org/10.1017/9781009199407>



Assembly of African Union Heads of State and Government in Addis Ababa in 2018. Photo: Flickr.com

long term. Transitions are the result of two combined processes: “extirpation” and “constitution”. The aim is not only to get rid of the previous regime, but also to establish the new one. The role of the army is fundamental here. Transition is never against the military, it is at best with it, at least without it. Regime transitions are fluid and uncertain situations, in which the political rules of the authoritarian regime are called into question and new rules of the game are negotiated. In this context, each actor chooses from a variety of strategies which have multiple consequences and may conflict with the strategies of other actors. Armed forces have a superior resource at their disposal to draw from should their interests be threatened. In uncertain transitions that can lead to crisis situations, the coercive option takes pride of place. The withdrawal of the army from the political scene, and more generally the issue of transition, is therefore posed for the army in terms of cost-benefit (security, material advantages, etc.).

is a direct function of their cohesion: divisions can be marked between those who benefit directly from power and those who are less closely associated with it. In African authoritarian regimes, the military is one of the elements of power, and withdrawal must be perceived as positive by the corporatist institution that is the army, and there must be a strong demand for democratisation so that the cost of power becomes too high for the soldiers-cum-politicians. An important factor in disengagement is the attitude of civilians: If they can exert pressure and propose a credible civilian alternative, supported by mass movement, whether mediated by political parties, the cost of the status quo becomes too high for the military. This disengagement will be all the more feasible if there is a formal legal framework and institutions enabling the transition to be organised without a sudden break-up and without too much uncertainty. It can also be facilitated by external pressure, which occurs only very unevenly across Africa. Analyses of democratic transitions therefore should focus on the configurations of actors (insiders/outside; softliners/hardliners) and their modes of action. Different disengagement processes can be identified in Africa, depending on the role of the military in the democratic transition.



Transitions can take place when the political initiative is taken by social and political forces acting outside the State, mobilising civil society and pushing the military out of power.

Transitions can be achieved by reforming and amending constitutional rules to create favourable conditions for the organisation of multi-party elections. Most countries that have adopted this approach are civilian autocracies. In these cases, the military and security apparatus have rarely been directly involved in the process, but without their indirect support it would not have been possible (for example in Zambia and Malawi). In the case of authoritarian military regimes, transitions can take place through the planned or negotiated withdrawal of the military from power, with the introduction of a new constitution and negotiations with selected civilian partners. Such withdrawal pacts enable the military to impose their conditions and safeguard their interests. They are in no way neutralised, however, and retain a right of oversight and therefore of possible re-intervention (i.e Burkina Faso, Ghana, Guinea).

Transitions can take place when the political initiative is taken by social and political forces acting outside the State, mobilising civil society and pushing the military out of power. This is the most frequent case, which led to the national conferences in French-speaking countries (Benin, Congo, Togo). Transitions are possible when the authoritarian regime and its military support structures collapse. These then take the form of countercoups by non-commissioned officers or junior officers against the ruling junta but do not necessarily lead to a democratic regime. Transitions can take place after a military or political defeat in the face of insurrection or revolutionary war (Namibia, South Africa). Finally, transitions can take place after an armed conflict (Mozambique) and is a means of pacification after a civil war.





24th Ordinary Session of the Assembly of African Union Heads of State and Government in Addis Ababa, January 2015. Photo: Flickr.com

were not formulated openly; they were largely implicit, precautions that the new leaders imposed on the old ones, like self-censorship. For the challengers of military power, reforming is inevitable, even if it means placing the military apparatus in an arbitrary and irresponsible position, thus demilitarising the government while maintaining the militarisation of the political system.

The preservation of corporatist interests and positions is inherent in any institution. The major concern in a balanced system is to preserve and allow the military to express their normal corporatist demands. Like a safety valve, this should make it possible to avoid resorting to political means of action. It seems important to create “spheres of relative autonomy” to enable the military to retain authority over promotion criteria, conduct, training and recruitment procedures, and specific budget allocations within a global envelope. However, it is difficult to know how far to go. The institutions for co-management of the military institution, such as the National Security or Defense Council, can be seen as a camouflage by which the army continues to exercise power in secret. What

purports to be a convergence of interests turns out to be a new mode of dominance.

However, even when civilian supremacy has been established institutionally, in many countries, it is never clear that the army ceases from interfering in the political arena. The real political neutrality of the army, which in absolute terms does not exist, even in the Western democracies that extol it, therefore requires the demilitarisation of power and not just the withdrawal of military personnel from the direct exercise of executive political power and the subordination of the military institution to civilian decisions. Clearly, in Africa, previous experiments in disengaging the military from political power have always been, in the long term, a failure. The return of power to civilians in Ghana in 1969 and 1979 and in Burkina Faso in 1970 and 1978 ended in military coups. These post-military regimes remained under the pressure and diverse threats, real or imagined, of the military. Even if in all objectivity, the army and military cannot be without influence on politics, it is only the democratic control that can wrestle power and influence from the army so that it ceases to be politically instrumentalised and linked to the accumulation of capital and the search for national hegemony.

The democratic cloak for autocracy

Political power in a democracy is based on the collective will of its citizens. This attractive idea, which underpins all definitions of democracy, is being put to the test in certain African political

Conservation strategies in transition: Military conditionality

Disengaging the army juntas from the political scene is not an easy process. It must be less costly for the military than staying in power. Autocrats leaving power usually set conditions. A first series of conditions usually is that which guarantees them immunity from persecution, formalised in the constitution (the Provisional National Defence Council (PNDC) of Jerry John Rawlings in Ghana imposed reservations in the new constitution, making it impossible to bring legal proceedings for their past abuses), or in the control of the process. More subtly, General Amadou Toumani Touré in Mali had a few senior army officers brought to justice in the blood-crimes trial against the former regime. They were so compromised by Moussa Traoré's regime, so enriched and so corrupt that the military no longer recognised them, and these few sacrifices made it possible to protect the entire military institution from being called into question. In the Congo, the Sovereign National Conference, at which all the “corpses” of the outgoing regime were brought out, ended with a symbolic hand-washing ceremony, signifying that the accounts had been settled. A second set of conditions is clearly corporatist. This is expressed at the level of the entire institution (status of the military profession, status of the military institution, rejection of paramilitary forces). In fact, many of these conditions

situations. Indeed, if sovereignty belongs to the people in a democracy, how can one interpret their support for power taken outside the rules of the constitution? Popular support for those involved in the so-called “therapy coups” is a manifestation of popular sovereignty. However, it is part of the logic of autocratic consolidation because it shows that the popular sovereignty expressed in this support can fulfil functions other than participation in the construction of democratic systems. Indeed, popular support for the seizure of power by non-democratic means, such as coups d'état, poses a problem of principle if we remain within the teleological dimension of democracy. However, rather than questioning the failure of the democratic principle, it becomes relevant to question the dynamics of degeneration, particularly their discursive shaping, receptivity and consolidation.

The democratic cloak of autocracy is also reflected in the ritual of election, which is sometimes a means of legitimising power taken by force. Moreover, political control of the electoral process calls into question the principle of electoral democracy, thereby disqualifying the election as a criterion of democracy. In this way, the electoral game provides information about autocratic excesses, because there is indeed a possibility of electoral autocracy, which can be seen in the following ways by the positioning of players both in an electoral and post-electoral context⁷.

The dynamics of the outside world are not excluded in the process of politico-institutional manufacture of situations of autocracy. This is the case with international sanctions, which produce paradoxical effects. Initiated to encourage regime change, they end up consolidating the autocratic nature of the recipient regimes. As a system of collective values, international sanctions are regularly used against countries that are supposed to deviate from internationally shared democratic values. They are analysed as instruments for putting pressure on authoritarian regimes to bring about the advent of democratic order, but paradoxically produce disorder. Revolutionary anti-colonial rhetoric helped to undermine these international sanctions. Those involved in the putsches used anti-colonial rhetoric to win popular sympathy; this changed the way people viewed the international coercive regimes, which appeared to be manifestations of a colonialist revival. By drawing on the discourses and representations held by actors in contexts of democratic uncertainty, the future of democracy gives cause for concern and reveals the visibility of an autocratic revival in various forms. The discourse mobilised in the context of popular support for anti-democratic regimes is proof of this.

Mechanisms of authoritarian legitimisation and habituation to autocratic dynamics

Questions that arise from the preceding discussions are: How can we understand the popular acceptance of certain authoritarian



Political control of the electoral process calls into question the principle of electoral democracy, thereby disqualifying the election as a criterion of democracy

political regimes? How are authoritarian regimes legitimised and ultimately accepted by the population? The ‘autocratic revival’ offers a framework for explaining this through the concept of ‘insidious gentleness’, meaning it plays in symbolic, indirect, slide and informal ways. The aim here is to understand the new less coercive but highly insidious ways of exercising authoritarian power in the autocratic context. While violence is not disqualified as an instrument of autocracy, it is sometimes replaced by soft forms of domination, reflected in the day-to-day actions of the State. These new structural sources of autocratic consolidation are sometimes fuelled by social vulnerability, which is a major characteristic of failed States.

Presidential gifts, as a form of governance in some sub-Saharan African countries, are part of these mechanisms of domination without any use of violence. They are positive mechanisms of political control and domination. They are based on the real needs of the beneficiaries and could have been perceived as normal public action. However, the rhetoric that accompanies them makes them proof of solicitude of the Head of State. This public action, transformed into donations, becomes a form of clientelist transaction between the authoritarian order and the dominated. In fact, as a form of exchange, the ‘gift’ also presupposes the ‘counter-gift’, which is a form of exchange with a view to strengthening the friendship. From this point of view, presidential donations take the form of rewards to the benefit of populations that have voted in favour of the regime in power. By consolidation and legitimisation of authoritarian rule, it establishes a real relationship of domination where the election becomes the moment when the population negotiates access to what it is legitimately entitled to. In most African countries, identity also helps to preserve an authoritarian regime, since the rulers always enjoy the support of their traditional and tribal companions. Finally, regardless of the support and adherence of the population to autocratic regimes, there are always “coalitions of leaders or elites” or simply what can be called a “union of elites”, at local, regional, national and international levels, which constitute serious support for autocracy.

While traditionally the initiator of violence is the State, through the diversity of its coercive apparatus, new authoritarian dynamics involve actors other than the State. This is the case with African diasporas, whose political protest activity takes the form of

⁷For example, the V-Dem Project (Varieties of Democracy) published its annual report on a key observation that India has been transformed into an electoral autocracy. The same report argues that 87 countries are now electoral autocracies and home to 68% of the world's population.



violent action in their host countries. These new actors see the use of violence as a way of conducting politics in a different way from their own. But above all, they legitimise the use of violence by highlighting the inertia of the political authorities in the face of their demands. This is how the Gabonese and Cameroonian diasporas attacked the delegations of former President Ali Bongo and of President Biya in an attempt to capture them. Diasporic autocracy is a new phenomenon that we are noticing and beginning to record, as the diasporas are no longer content just to take part in voting, but are also carrying out political actions to physically test civil servants and, in a way, artists and various actors who are reluctant to accede to their request to support a certain political leader or to speak out against the dictatorship in their country of origin. These methods are not exclusive to autocratic societies; democracies are also experimenting with them through the mobilisation of violence by so-called far-left or far-right groups as a political modality.

Conclusion: Analytical impasse

The complexity of African political contexts, marked by the variable and varied outcomes of transition processes, has made theories of democratic transition and consolidation more challenging. In the same perspective, normative theories of democracy have difficulty in the new African political environment, where the supposedly classical determinants of democracy contribute to the creation of complex situations akin to autocracy. Without proposing a new theory of democracy or autocracy, this brief has provided an opportunity to deepen the limitations of traditional theoretical frameworks for understanding democracy and autocracy. Hence the analytical impasse revealed by this paper. Because autocratisation occurs without any major disruptive events, because autocrats have mastered the art of subverting electoral norms without completely shattering their democratic façade, we are witnessing a discursive shaping of autocratic



Ghanaians picketing in January 2016. Photo: Flickr.com



The construction of accountability in Francophone Africa: An analysis based on elections

Idah Razafindrakoto, PhD

Introduction

In Africa, the concept of democracy remains in debate. Democratic practices are idealistic and accepted by public opinion (since various notions are connoted, such as votes, inclusion, participation and governance). However, it remains criticised because intellectuals judge it to be stagnant¹ or even unsuitable for African realities, highlighting that it is an important neocolonial product. Other points of view elaborate that Africa was not yet ready to embark on a democratic process, given the inequities and embryonic level in terms of understanding of real political issues by the voting masses. Some critics are also based on nostalgia, notably for monarchical systems which were brutally interrupted by the colonial period. Democracy, whose most documented origins come from the Greek-Ancient era, is therefore seen as mimicry influenced or imposed by liberalism².

Focusing on Francophone Africa would therefore be interesting because the concept of democracy was quickly accepted and incorporated in the aftermath of colonisation. This was done naturally since France was seen as a reference. Francophone Africa brings together 23 countries.

In 2022, only eight of these were classified as either "full democracy," "flawed democracy" or "hybrid" with the remaining 15 as "authoritarian"³. Francophone Africa has had more coups d'état than elsewhere in Africa. Estimates put the number of coups since 1950 at 106⁴.

Accountability and its place in elections

New trendy concepts are beginning to emerge in the context of debates on democracy in Francophone Africa. These include transparency, governance and accountability. AFIDEP's Africa Integrity Indicators closely links accountability with transparency, particularly in the institutional framework. This concerns the need for institutional and civic checks and balances or the transparency of public archives and their access to populations⁵. In addition, public administration and action, accountability consists of contributing and disseminating information so that stakeholders do not receive it in an incomplete or ambiguous manner⁶. It also refers to the notion of responsibility and non-informational lock-in⁷, corporate governance and its reporting obligations⁸. In short, accountability generates more transparency and popular trust in public institutions. Through systematic reporting systems and democratisation of information, accountability therefore deconstructs the classic administrative burdens and the predominant injustices in Africa. It is therefore a promising channel that could solve the problems of bad governance in Africa.

The question of accountability is also linked to elections. Because it is a key moment which raises questions and above all mobilises popular and activists' energies around the theme of transparency. Election periods (notably

¹Agence Ecofin. (2023, February 6). Classement des pays les plus démocratiques d'Afrique en 2022 selon l'EIU. <https://www.agenceecofin.com/gouvernance/0602-105217-classement-des-pays-les-plus-democratiques-dafrrique-en-2022-selon-leiu>

²Razafindrakoto, I. (2022). *La gouvernance de la transition énergétique à Madagascar*. Pan-African University.

³Economist Intelligence Unit. (2022). *Democracy Index 2021: the China challenge*. <https://www.eiu.com/n/campaigns/democracy-index-2021>

⁴AJILABS. (2023, August 30). Mapping Africa's coups d'état across the years. *Aljazeera*. <https://www.aljazeera.com/news/2023/8/30/mapping-africas-coups-detat-across-the-years>



presidential) bring out the doxa (common belief) on suspicions and assertions (gratuitous or verified) on various attempts at fraud, violation of rules, duplicated votes, emotional corruption, and propaganda via unfair competition. As a result, these negative narratives fuel Afro-pessimism, popular contempt and the weakness of public institutions.

Elections in Francophone Africa

Let us take the context of elections in Francophone Africa as a point of reference and illustration to understand how accountability is constructed in Francophone Africa. To carry out this study, documentation and participant observation was conducted in Guinea, Madagascar and Cameroon to interact with local people on the subject. Then, surveys and discussions were organised with former African presidents (Mozambique, Ethiopia and Tanzania), university intellectuals (Benin), activists (Mali and Togo) and citizens (Burkina Faso, Madagascar and Guinea)⁵.

What did we find?

1. The direct forces that drive the construction of accountability in Francophone Africa

In the era of new information and communication technologies, the concept of democracy is beginning to change. We can see new practices that stick to it such as cancel culture, digital governance and open government¹⁰. Post-covid digitalisation has therefore imposed a new pace of work on Africa, hence its shift towards digital culture, which gives more access to data that was previously confidential or less exposed to public opinion. For example, we notice that internet users publish and disseminate information (on social networks) regularly and in real time parliamentary and ministerial decisions. Sensitive data can also be leaked on networks. Politicians and election candidates (at the slightest misstep) can therefore quickly find themselves in the middle of a scandal or controversy that is very harmful to their image. As a result, the actors (institution, collective or individual) discipline themselves and adapt. Consequently, we learn that these new technologies and the digital transition constitute external forces with immediate influence.

Furthermore, an internal construction is also observable. This is about the mobilisation of multi-stakeholders at the local level. Endogenous or exogenous (especially Western) funding for the popular theme of governance is also increasing on



New trendy concepts are beginning to emerge in the context of debates on democracy in Francophone Africa. Photo: MINUSMA/Marco Dormino.

the continent¹¹. This new financial enthusiasm is based on the idealism of the seductive and marvelous connotations of governance, namely: collaboration, mutual trust, horizontality, revenge on the previous elected officials who did not necessarily have an adequate profile according to the popular mass (lack of education, venality, opportunism, manipulation, etc.). This disappointment therefore justified the desire of institutions and multi-stakeholders to repair the erroneous trajectory of the old votes. Through these funds, several local initiatives are emerging. This was the case of Madagascar ahead of the 2023 presidential elections. Upstream, civil society and related actors set up a "Charter of good conduct"¹² to establish moral rules ahead of the elections and whose signatories were the aspiring presidential candidates, political parties and political groups (including former presidents). Various parties were invited to sign it. Despite the tensions between the ruling parties and the opposition, this charter is one of the few points of consensus that has been found, through the mediation of organisations that advocate for accountability.

To illustrate this, in 2018, ahead of the presidential elections, Transparency International in Madagascar asked candidates to fill out a public form on their property and goods for greater clarity and credibility. This initiative was carried out

⁵African Institute for Development Policy (2023, July). *Africa Integrity Indicators*. <https://www.africaintegrityindicators.org/data>

⁶Lafarge, F. (2016). *Rendre des comptes – rendre compte*. *Revue française d'administration publique*, 160, 985–998. <https://doi.org/10.3917/rfap.160.0985>

⁷Gilles, R. (2020). *Mise en place d'un cadre local de redevabilité sociale pour améliorer les indicateurs de vaccination au Mali. Cas de la Communé I de Bamako*. Bircham International University.

⁸Pras, B. & Zarlowski, P. (2013). *Obligation de rendre des comptes: Enjeux de légitimité et d'efficacité*. *Revue française de gestion*, 237, 13–32. <https://doi.org/10.3166/RFG.237.13-32>

⁹The methodology is based on a qualitative approach (which integrates the analysis of speeches and contexts). The theory used is determinism to better identify causal effects, and the data from this study were capitalised between 2016 and 2023.

¹⁰Gavelin, K., Burall, S., & Wilson, R. (2009). *Open government: Beyond static measures*. Involve for the OECD.

¹¹The AU proposes the charter for democracy and a continental institution on governance (AGA), the UNDP agencies have a "GOVERNANCE AND DEMOCRACY" section, the IOC subsidises a programme on governance and stability in the African islands of the Indian Ocean, EISA is increasingly deployed in French-speaking countries as observers of electoral processes, etc.

¹²FES. (2023). *Charte de bonne conduite des partis politiques*. https://madagascar.fes.de/fileadmin/user_upload/A4-charte_de_bonne_conduite_des_partis-2_vfinale_060623.pdf

and succeeded. In addition, in Cameroon, the same logic was present. In 2018 during the presidential elections, all the progress of the counting of the votes was observed very closely, for days, while announcing the progress in real time on the radio. No details were left out. Accountability is therefore practiced not only by the traditional actors concerned (candidates, propagandists and journalists), but also by ordinary citizens and volunteers.

As a result, we can understand that new technologies, the presenteeism of multipartism, citizen and international mobilisation constitute direct forces that generate the elaboration and development of accountability mechanisms in Francophone Africa. This combined force is fueled by vigilance against past political abuses. These vigilances were only the consequences of the low index of citizen access to information except in Madagascar, Côte d'Ivoire and Rwanda where the index is passable⁵.

2. The indirect forces that contribute to the construction of accountability in Francophone Africa

Several factors could indirectly contribute to the consolidation of accountability in Francophone Africa. Therefore, it is appropriate to focus on performative points, hence the interest in observing existing speeches and paradigms. Let's take the phenomena of coups: there have been 14 attempts between 2021 and 2023.

In the name of pan-Africanist solidarity and upon the announcement, continental popular opinion interpreted the coups as liberations under yokes. Guinea propagandises "that the coup leader brought the country out of the dark." Some African internet users congratulated and admired these acts as brave. But this narrative is quickly confronted and refuted by the actors framed by international law. This is the case of ECOWAS which was quick to come up with sanctions against coup leaders. Cases in point include sanctions of the coup leaders in Mali, Burkina Faso, and Niger.

But what is interesting is to know the opinions of citizens from countries living or having lived through a period of transition after a coup. The bitter memories of Malagasy citizens will make them say and react: "Coups are a bad idea. They are the direct route to crises and international isolation." A Guinean reacts: "The general who overthrew the former president promised not to stand for election, I believed it. But now I think he lied. People lie too much." A Beninese continues: "In Africa, all the leaders change the constitution to stand for re-election afterwards."

These types of sensitising and fearful speeches therefore contribute to the warnings and deterrence of an intention of a coup d'état, but also to the popular conscience so as not to be infantilised or manipulated for free by political speeches. It is the multiplication of these types of stories that fuels African citizens' participation to demand more accountability while avoiding extreme revolts such as coups.

Thus, to reinforce this discursive dynamic, a multitude of actors (intellectuals, academics, activists, international agents, opposition politicians, etc.) disseminate narratives hostile to the power in place. They therefore capitalise on popular discontent and provoke (by word of mouth, by the new technologies or by the traditional press) popular discontent. In Madagascar, we very often hear and see indirect and ironic speeches. They are impersonal messages and are transformed into an expression addressed in a vacuum "Mahaiza mifidy amin'ny manaraka"¹³. This speech blames the popular mass because of the very low participation in the vote (the rate in 2018 in Madagascar was 48% in the second round). It also raises awareness among people to no longer be fooled by the propagandist and utopian promises of presidential candidates. Indeed, in Madagascar, in the slums or landlocked areas, the propaganda teams distribute t-shirts and kilos of rice to buy the sympathy of the people who will vote. This practice is not illegal but remains degrading and unethical. The narratives, therefore, begin to subtly criticise them to warn the populations to vote in a healthier and more thoughtful way.

Thus, faced with these popular discontents, elected officials and governments in Africa are making more efforts and are increasingly on the alert and becoming more and more reactive to avoid excesses and attacks on public order. In summary, speeches are performative because they lead to action and reaction, hence change.

Conclusion

We had seen that accountability is built through two main channels: direct forces (new technology, exogenous influences and the mobilisation of multi-stakeholders) and indirect forces (discursive mobilisation and diffusion). To conclude, it is therefore obvious that the practice of accountability is a social construct and in full construction in Francophone Africa. In the context of elections, we can anticipate that it is inevitable, but on the other hand, its establishment and its trajectory will always depend on the contexts and conflicts of interest.

In the era of new information and communication technologies, the concept of democracy is beginning to change. We can see new practices that stick to it such as cancel culture, digital governance and open government.

¹³Translation: "Since you are suffering so much now, next time, know well who you are going to vote for in the upcoming elections: no longer choose anyone who sells you utopic dreams".



Public procurements and public finance management status in Africa

Hopestone Kayiska Chavula, PhD



Photo: AUC

Introduction

Literature identifies accountability, transparency, combating corruption, citizen participation and an enabling legal framework as key elements of good governance^{1,2}. As stipulated by former United Nations Secretary General, the late Kofi Annan, “Good governance is perhaps the single most important factor in eradicating poverty and promoting development”. Indeed, as stated in one of the aspirations of the African Union Agenda 2063: The Africa We Want, “An Africa of good governance, democracy, respect for human rights, justice and rule of law,” stands out as the key to Africa’s political and economic transformation over the coming decades.

Recognising the significance of good governance, African countries undertook institutional reforms that have significantly changed their governance architectures; however, these reforms have not been able to prevent elements of dictatorships, corruption and economic decline, leaving some countries saddled by poor functioning governance structures^{1,3}. Dysfunctional governance processes create opportunities for civil servants and political elites to act with impunity by embezzling the little and scarce resources that could contribute significantly to governments’ provision of public services to their citizens.

Poor governance distorts the allocation of resources, impairs the provision of public goods and services, and undermines the business climate while promoting rent-seeking activities and state capture, leading to poor economic growth and enhancing inequality². However, sound, transparent and accountable public financial management (PFM) has been a key pillar of governance reforms and plays a central role in the provision of public services of good quality, as well as creating and maintaining fair and sustainable economic and social conditions in a country⁴. Public procurement is one of the core components of any PFM system⁵.

The main objective of this article is to critically discuss and analyse the status of African governance through the lens of PFM with a special focus on public procurements. Emphasis will be placed on PFM status and its implications for development outcomes, while also providing recommendations in trying to address related challenges.

¹Mbaku, J. M. (2020). Good and inclusive governance is imperative for Africa’s future. In *Foresight Africa: Top priorities for the continent 2020-2030* (pp. 23–27). The Brookings Institution. <https://www.brookings.edu/research/good-and-inclusive-governance-is-imperative-for-africas-future/2020>

²The World Bank. (2022). *CPIA Africa: Assessing Africa’s policies and institutions*. <https://doi.org/10.1596/38094>

³Ayee, J.R.A. (2005). *Public sector management in Africa* (Economic Research Working Paper No 82). African Development Bank. <https://www.afdb.org/fr/documents/document/working-paper-82-public-sector-management-in-africa-9074>

⁴Morgner, M., & Chêne, M. (2014). *Topic guide: Public finance management*. Transparency International. <https://knowledgehub.transparency.org/guide/topic-guide-on-public-financial-management/download>

⁵United Nations Office on Drugs and Crime. (2013). *Guidebook on anti-corruption in public procurement and the management of public finances*. https://www.unodc.org/documents/corruption/Publications/2013/Guidebook_on_anti-corruption_in_public_procurement_and_the_management_of_public_finances.pdf



Public finance management and public sector reforms

Most public sector reform programmes over the past decades were introduced as part of the structural adjustment programmes (SAPs) in the 1980s and 1990s because of inefficient and often ineffective public service provision which was underpinned by earlier reforms of the 1960s post-independence. These earlier reforms were aimed at shaping a public administration that could spur national development, but based on some institutional peculiarities that were inherited from the colonial period with the State having the overall prominence⁶. However, the Bretton Woods institutions excluded the State from their reforms⁷, leading to the SAPs' failure in some countries as the ratio of civil servants to the population in SSA fell to 1% in 1996, much lower than the 3% that prevailed in other developing countries⁸.

Despite the continued influence of the public sector reforms as part of the new paradigm and macroeconomic policy frameworks during SAPs, most recent ones have been influenced by the new public management (NPM) where public sector management reforms are a key component of good governance prescriptions pointing towards market and private sector approaches to public sector management. The NPM approach shifts emphasis from traditional public administration to public management focussing on management devolution or decentralisation within public services as well as markets and competition³. It has mainly been driven by a combination of economic, social, political and technological factors triggered by the quest to enhance efficiency and reduce costs in public service delivery⁶.

The public sector is the largest spender and employer in virtually every developing country, and it sets the policy environment for the rest of the economy. The effectiveness and efficiency of a country's public sector is vital to the success of its development activities. Good public service delivery is underpinned by sound financial management, efficient civil service and administrative policy, efficient and fair tax collection, and transparent operations that are relatively free of corruption⁹. PFM involves revenue collection, public procurement, audit practices and the whole budget cycle. Strong PFM must be grounded on legislation that supports a transparent and well-coordinated budget process with robust expenditure and procurement controls, treasury operations, and fiscal oversight. This ensures an efficient use of public resources, improves governance, reduces corruption risks, and safeguards fiscal consolidation⁶.

One of the core components of the PFM system is public procurement since it involves the utilisation of vast amounts of money, hence presenting a great risk for corruption. It is

estimated that public procurement accounts for about 15-20% of gross domestic product (GDP) globally⁵ and about 70% of GDP in Africa¹⁰. It is an integral activity in the management of the public sector of any country.

With the high complexity associated with PFM technical tasks and processes, public scrutiny becomes limited, hence providing many opportunities for corruption. Strong PFM systems are essential to improve service delivery, poverty reduction and achieve sustainable development by maximising financial efficiency, improving transparency and accountability and contributing to long-term economic development¹¹. Hence, PFM reforms have typically focused on achieving and securing overall economic and fiscal stability, and both allocative and operational efficiency, while mostly prioritising technical approaches to improve the performance of the PFM systems. This is mostly through the integration, modernisation and automation of PFM processes, revenue collection, public expenditure management and procurement systems, which are deemed key in preventing and detecting misuse of public resources through streamlined processes, increased transparency and stronger oversight. Generally, decentralisation and digitalisation of PFM systems have been at the centre of these reforms^{3, 12}.

Decentralisation is seen as a key element of democratisation and participatory approaches to development, as a means of slimming down ineffective central administrations and as a way of improving governance through increased government responsiveness and accountability³. Decentralisation of procurement activities and practices also reduces the problem of information asymmetry. Reforms have also led to the establishment of institutions and legal frameworks to oversee public procurement activities in different African countries¹². Digitalisation through e-government services is believed to have also reduced information asymmetry, procurement corruption and delays in procurement processes, hence promoting transparency and accountability^{3, 12}.

Empirical analysis and evidence

The analysis was predominantly based on statistical manipulation of quantitative data emerging from the 54 African countries based on PFM performance assessments from Africa Integrity Indicators (AII) surveys. The analysis is supplemented by a review of the Country Policy and Institutional Assessment (CPIA) Africa 2022 World Bank report which provides an assessment of the quality of policies and institutions in 39 African countries, especially focussing on the public sector management and institutions cluster².

⁶ United Nations Economic Commission for Africa. (2003). *Public sector reforms in Africa: Lessons learnt*. https://repository.uneca.org/bitstream/handle/10855/5552/bib-39573_1.pdf?sequence=1

⁷ Peterson. S. (2010). *Reforming public financial management in Africa* (Faculty Research Working Paper Series). John F. Kennedy School of Government, Harvard University. <http://nrs.harvard.edu/urn-3:HUL.InstRepos:4669673>

⁸ Archibong B., Coulibaly B., & Okonjo-Iweala N. (2021). Washington Consensus reforms and lessons for economic performance in Sub-Saharan Africa. *The Journal of Economic Perspectives*, 35(3), 133–156. <https://www.jstor.org/stable/27041218>

⁹ The World Bank Group. (2008). *Public sector reform: What works and why?: An IEG evaluation of World Bank support*. <http://documents.worldbank.org/curated/en/311251468150314338/Public-sector-reform-what-works-and-why-An-IEG-evaluation-of-World-Bank-support>

¹⁰ Alo, U. U., Nwobu O. A., & Adegboye A. (2021). Government integrated financial management information system and sustainable public procurement in Nigeria. *Revista Brasileira de Politicas Públicas*, 11(3), 331–347. <https://doi.org/10.5102/rbpp.v11i3.7988>

¹¹ Pretorius, C., & Pretorius, N. (2008). *A review of PFM reform literature*. DFID.

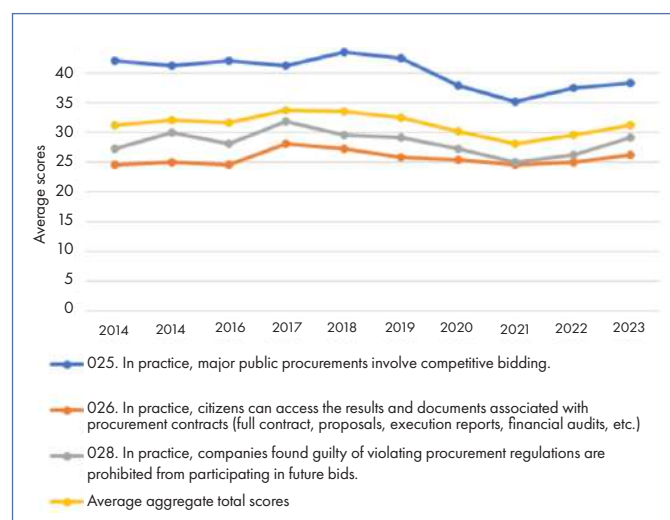
¹² Bowwale J. N., & Adjei-Bamfo, P. (2020). Public procurement and public financial management in Africa: Dynamics and Influences. *Public Organization Review*, 20, 301–318. <https://doi.org/10.1007/s11115-019-00443-7>



Using data from All surveys to analyse the status of African governance, especially the 3 public finance management indicators over the 2014-2023 period (see figure 2), it is found that only 11 out of the 54 African countries (representing 20.4%) had their cumulative score above the 1500 or an average of 50 (moderate score) threshold. To a greater extent implying that major public procurements may not be involving competitive bidding, citizens not having full access to the results and documents associated with procurement contracts, or not prohibiting companies found guilty of violating procurement regulations from participating in future bids. The results show that Rwanda, Zambia and Mauritius seem to lead African countries performing relatively better.

Overall, the results reveal that cumulatively on average, countries scored 31.4 points covering all the three indicators over the period 2014-2023 (see figure 2). The same is true with indicators' specific performance scores over the period. Although countries performed relatively better in indicator number 025 (compared to the other two indicators, 026 and 028, see figure 2 for details), with an average score of 40.2 points, this result is far below the average minimum and moderate threshold of 50 points. This indicates that most of the countries' major public procurements did not involve competitive bidding over the 10-year period under consideration. The results also show that many countries in Africa do not effectively punish companies found guilty of violating procurement regulations and that citizens do not seem to have access to the results and documents associated with procurement as their specific cumulative scores averaged 28.4 and 25.7 points, respectively. This raises concerns about issues of accountability and transparency in many countries. The results also show that on average most of the countries performed relatively better in the pre-COVID-19 pandemic period (2014-2019)¹³, with an average score of 32.5 points, as compared to the period during/after the pandemic (2020-2023), where they scored an average of 29.9 points. This could be reflecting the COVID-19 –related stress on public sector management and institutions leading to some rules and regulations not being concretely followed.

Figure 2: Trends in public procurement, Africa Integrity indicators 2014-2023



However, these results obscure the heterogeneity among country specific performances, for example, countries such as Tunisia performed significantly better in Indicator 028 since 2019 as compared to the period before the COVID-19 outbreak. While countries such as Benin, Cameroon, Côte d'Ivoire, Kenya, Liberia, Senegal and Zambia performed very well in the period before 2019 on this indicator. It is important to note that countries such as Burkina Faso, Ethiopia, Morocco and Rwanda performed persistently well on this indicator over the period 2014-2023, reflecting their efforts in punishing those found violating procurement rules and regulations.

These findings are to a greater extent in line with the World Bank's CPIA Africa 2022 report findings, as countries are found to be experiencing challenges with regard to transparency and accountability and quality of public administration in the delivery of public services, which play a key role in efficiency and effectiveness of public finance management practices. Weak public administration systems, particularly in the areas of health and safety nets, and the deficiency in technological capabilities, constrained by inadequate financial management systems and shortage of skilled staff, are found to have affected the delivery of public services among African countries².

Conclusion and policy recommendations

Despite a plethora of reform efforts over the past decades in Africa, the results in this paper seem to support the emerging consensus in the development community that progress in improving public financial management outcomes in Africa has been limited, mainly because governments often lack the underlying capabilities to make proper use of reform opportunities.

The results signify the need for strong and effective institutions and sound legal frameworks for public procurement and anti-corruption to ensure transparent, competitive and objective procurement systems, and mechanisms to ensure accountability and integrity in carrying out procurement activities. Among others, there is need to enhance the public disclosure of contract information, especially using digital technologies, and transparency in the criteria of selecting and evaluation of bids. To enhance the oversight activities in public finance management, countries could adopt technologies such as *Huduma Halisi* being implemented by the Government of Kenya in the fight against corruption, by promoting the principles of public participation, transparency, accountability, responsiveness, trust and integrity, in the delivery of goods and services by public servants.

Strong and effective institutions and regulatory frameworks should be able to sanction, debar, or blacklist corrupt or unqualified contractors and individuals, or those that indulge in malpractices and violation of procurement rules and regulations. This should be followed by a public disclosure of these institutions or individuals and their associated misconducts. As well as the exclusion of such kind of contractors that have committed certain types of wrongs, there should be more broadly, exclusion of those that pose unacceptable performance or reputational risks because of bad acts or broken internal controls⁵.

¹³Since the first case of COVID-19 was reported on the 14th of February 2020 in Africa.



Is good governance marking time in West Africa? A reflection on African Integrity Indicators performance

Olusegun David Sotola, PhD and Oluwapelumi Oluwashakin

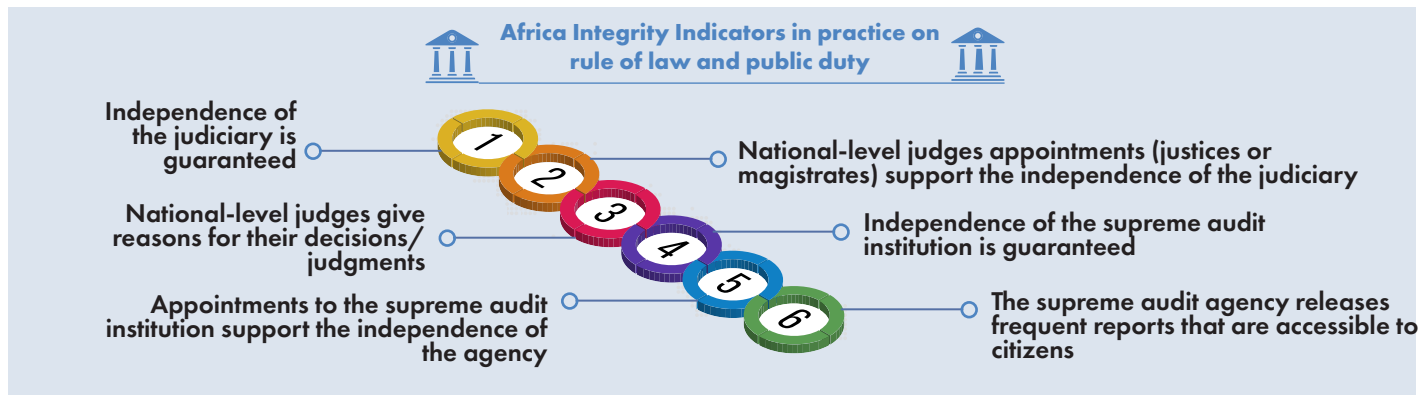
Introduction

Good governance remains elusive in much of Africa, despite years of efforts and attention towards improving it. At the heart of the issue is failure by governments to deliver excellent services to the citizens. Afrobarometer surveys find that increasingly fewer number of Africans believe their countries are going in the right direction¹. The recent coups in parts of the continent and the associated street jubilation that herald them when they occur raises concern². While evidence suggests that citizens have strong preference for democracy and democratic governance, they are however not satisfied with the

governance delivered¹. As such, they are discontent with the supply side deliveries from government. This essay discusses the governance challenge in the context of West Africa and presents some reflections on the rule of law and public duty dimensions on the extent that certain indicators are improving.

Outlook on governance

African governance scenario is complex, with deep and entangled contexts and interplay of multiple factors and drivers. Analyses to dissect these factors are useful in generating insights and improve understanding of the issues. Over the years, there



¹Afrobarometer. (2023, April 13). *Democracy in crisis: Africa's long-standing democracies under pressure, Afrobarometer CEO warns* [News release]. <https://www.afrobarometer.org/wp-content/uploads/2023/04/News-release-Africas-long-standing-democracies-under-pressure-Afrobarometer-bh-13April23.docx.pdf>

²Mimault, A., & Ndiaga, T. (2022, January 25). *Burkina Faso crowd celebrates West Africa's latest coup*. Reuters. <https://www.reuters.com/world/africa/burkina-faso-crowd-celebrates-west-africas-latest-coup-2022-01-25>



have been improvements in the laws, creation of new institutional framework/bodies, internationally supported programmes and benchmarks (e.g. SDGs). Beyond these laws and frameworks, not much has changed in the practical sense, and there is a gap between the law and the practice. This essay essentially argues that the West Africa region is marking time on governance. The laws and institutional processes that have been established seem strong and should ordinarily help improve service delivery, but the actual performance has over the years been mixed and average at best, but do not reflect forward movement.

This essay advances this argument using the data from African Integrity Indicators (All) to generate insights in the discussion of the problem. The essay focuses on six All indicators and discusses them comparatively within West Africa³. The six indicators include the extent that the independence of the judiciary is guaranteed; freedom and independence of the national-level judges' appointments, and ability to give reasons for their decisions/judgements; the independence of the supreme audit institution; appointments to the supreme audit institution support the independence of the agency; and whether the supreme audit agency releases frequent reports that are accessible to citizens.

The extent that independence of the judiciary is guaranteed

While most of the West African countries tend to have laws that guarantee judicial independence, the extent that this exist in practice is varied. Countries like Nigeria and Ghana have judges that are appointed through a non-political process and expected to discharge duties independently - to a great extent, are free to interpret and review laws and regulations and the judiciary is constitutionally independent of the other two arms of government (executive and legislative) and judges can carry out their duties without fear or favour. Incidents of the executive arm interfering with judicial processes or judges being targeted for carrying out their constitutional duties are infrequent and the exception.

The judiciary in countries like Mali and Côte d'Ivoire have limited independence and performed poorly in the African Integrity Indicators. On the contrary, judges in Mali and Côte d'Ivoire are still susceptible to political interference and there are recorded cases of interference. In Mali, judges have limited power and independence particularly in certain major cases where they are subject to the order of the highest military authorities. For example, in July 2020, the Mali ex-President, Ibrahim Keita ordered the dissolution of the Constitutional Court and repealed the license of six judges. Further, court cases and judgements, especially those related to politics and elections, are widely perceived as having political undertones. Judges are constantly under pressure and could be penalised by being transferred or demoted. They are therefore likely to play the game of the high military authorities, who hold the power in Mali.

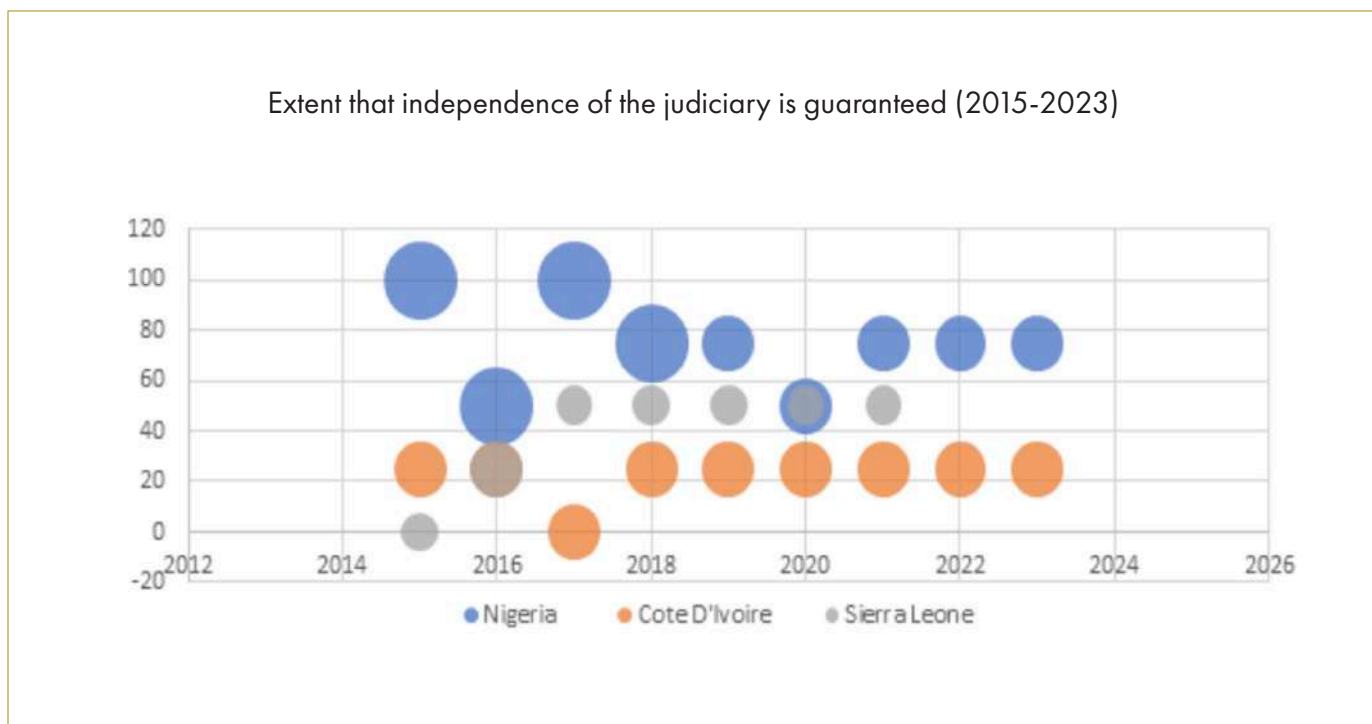


Figure 3: Comparative score on judicial independence of some select countries in West Africa from 2015 through 2023 on Africa Integrity Indicators

³African Institute for Development Policy (2023, July). *Africa Integrity Indicators*. <https://www.africaintegrityindicators.org/data>

Appointment of judges and the independence of the judiciary

The process of the appointment of judges is a notable indicator of judicial independence. In theory, when judges are appointed in a clear, non-political and non-partisan manner, it frees them from political interference, and will most likely lead to non-biased judgement. Additionally, it signposts merit-based process and as such would outlast and transcend governments. Our review shows that in most countries in West Africa, the appointment of judges is non-partisan and non-political and the institutional process often rely on the supreme judicial body's recommendation. This is especially true for the higher judicial position than lower courts. In Nigeria, Ghana and Senegal, appointments of judges are based on recommendations or consultation with judicial institutions and bodies like the National Judicial Commission, the Judicial Council and the Superior Council of Judiciary respectively.

However, scores of other countries in the African Integrity Indicators on appointment of judges and judicial independence are average. The six countries in the West African region considered in this study scored 300 out of possible 600 in the 2023 African Integrity Indicators. There are cases of rancorous appointment and sometimes the judges are appointed without merit. In Mali, for instance in 2022, the Superior Council chaired by the Head of State, Colonel Assimi Goïta, appointed several judges to the highest judicial body in the country, the Supreme Court. The appointed magistrates are partly civilians close to the ruling military junta⁴. In Nigeria and Ghana, some of the judges have been viewed as having close relationships or expressed sympathetic views to political leaders or parties. For instance, the appointment and swearing of Ghanaian High Court Judge Eric Ansah Ankomah in July 2022 by the president has been described by some as political, due in part to his November 2020 Facebook posts viewed as strongly sympathetic with the ruling New Patriotic Party⁵. The Chief Judge of Nigeria, Justice Ariwoola has also been criticised for statements and close association with political groups⁵.

National-level judges give reasons for their decisions/judgments

In principle, it is a judicial duty for judges to give reasons for their decisions. Across West Africa, it seems to be the case that the judicial systems across the countries expect judges to follow this tradition. Judges are expected to provide formal reasoning informing their decisions, and to show that the reasoning and decision are made in accordance with relevant laws. In

court, judges read aloud the reasons for the decision and the sanctions imposed on the parties and the judgment can be accessed by relevant parties. There are few exceptions to this generally. In Mali and Sierra Leone, judges at the national level often do not explain the basis of their decisions. In Mali, certain court decisions, including detentions deemed arbitrary due to the absence of charges, sometimes lack references to laws. Some court decisions taken in 2022 had very weak foundations³.

The independence of the supreme audit institution

The independence of the supreme audit institution is poor in West Africa. In most cases, the independence is constitutionally guaranteed but in practice, they are hardly free and often operate in the shadow of the political trends. In the 2023 AI, Nigeria's score is 25, out of a possible 100 on this indicator. Similar trends are reported in other countries including Ghana (25), Côte d'Ivoire (50), Senegal and Sierra Leone (50). This is hardly surprising, and it touches on the degree of transparency and accountability of the government. There are real cases that indicate limited independence. Funding for the auditor-general's office remains dependent on the executive arm of government and continues to constrain its operation. In November 2021, the Federal House of Representatives of Nigeria called for both administrative and financial autonomy for the Office of the Auditor General of the Federation to ensure the efficient performance and transparency of its operations.

Appointments to the supreme audit institution support the independence of the agency

Appointment to the supreme audit office relates directly to their independence as the individual as well as the process can impact on institutional independence. Appointment to the supreme audit office is mostly made by the president and often made according to laid down rules. The key issue is the extent that such appointment is merit based, non-partisan and non-political. In the West African countries considered in this essay, the scores varied from 75 to 25 out of possible 100—Nigeria (75), Ghana (50), Côte d'Ivoire (25), Senegal (75), Sierra Leone (75) and Mali (50).

One implication of this is to which extent are the appointments supportive of institutional independence? In most cases, the president has also used the appointive power to remove State officials who are supposed to be independent and with security of tenure. In 2021, the Auditor General of Sierra Leone, Lara Taylor-Pearce was suspended by the president weeks before her office was due to present an annual report⁶.

⁴ Freedom House. *Freedom in the world 2022: Mali*. <https://freedomhouse.org/country/mali/freedom-world/2022>

⁵ Abuh, A. (2022, November 30). Rights group fault CJN Ariwoola visit to Wike, insist, demands impartiality from judiciary. *The Guardian Nigeria*. <https://guardian.ng/news/rights-group-fault-cjn-ariwoola-visit-to-wike-insist-demands-impartiality-from-judiciary>

⁶ Thomas, A.R. (2023, July 22). Calls for the reinstatement of Sierra Leone's legitimate Auditor General – Lara Taylor Pearce grow. *The Sierra Leone Telegraph*. <https://www.thesierraleonetelegraph.com/calls-for-the-reinstatement-of-sierra-leones-legitimate-auditor-general-lara-taylor-pearce-grow>



The supreme audit agency releases frequent reports that are accessible to citizens

This is perhaps the most varied indicator and poorly performing of the six considered in the essay. The frequency of audit report release is particularly important because it touches at the heart of openness and transparency of not only the audit but also citizen access to information. The key factors include whether the audit is credible and released on time, and whether there are gatekeeping and barriers for access. The average scores for the years 2020 to 2023 in the African Integrity Indicators are Nigeria (31.25), Ghana (81.25), Côte d'Ivoire (25), Senegal (6.25), Sierra Leone (62.5) and Mali (56.25). These scores indicate audit reports have mostly not been available for citizen over the last four years.

Conclusion

Supply side governance failure is the main challenge of Africa's democratic governance. The performance of West African countries has shown that governance is poor and there have been limited improvements in the indicators over the years.

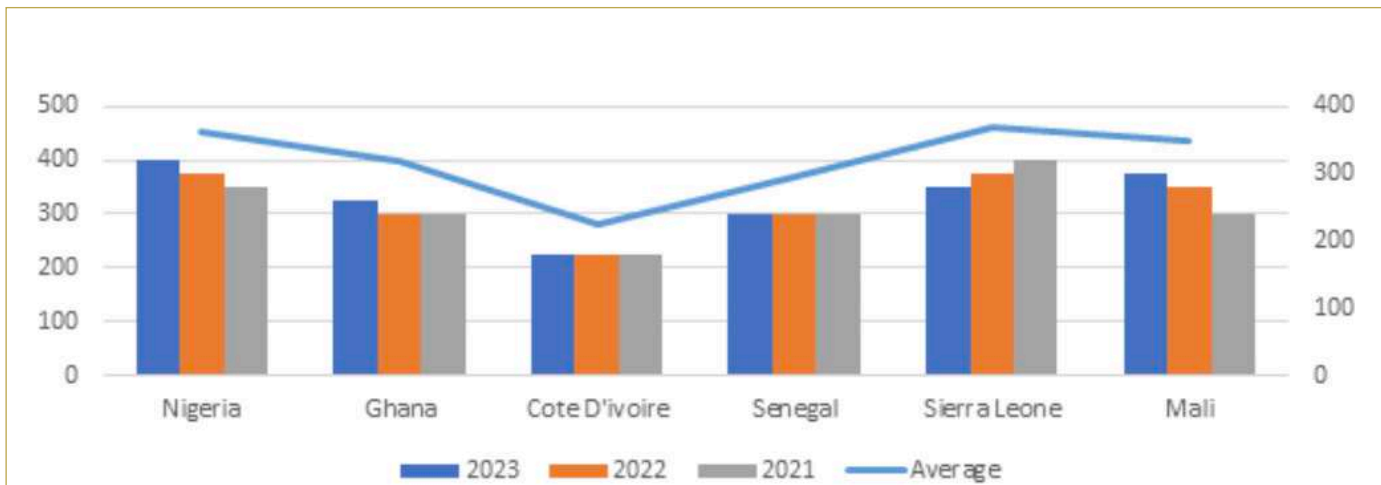


Figure 4: Average score for selected West African countries in Africa Integrity Indicators (2021-2023) in six indicators for the rule of law



Appointment to the supreme audit office relates directly to their independence as the individual as well as the process can impact on institutional independence

° Thomas, A.R. (2023, July 22). Calls for the reinstatement of Sierra Leone's legitimate Auditor General – Lara Taylor Pearce grow. *The Sierra Leone Telegraph*. <https://www.thesierraleonetelegraph.com/calls-for-the-reinstatement-of-sierra-leones-legitimate-auditor-general-lara-taylor-pearce-grow>

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