One-Party Dominant Systems and Constitutional Democracy in Africa: A Comparative Study of Nigeria and South Africa

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I certify that all material in this thesis which is not my own work has been identified and that no material has previously been submitted and approved for the award of a degree by this or any other University.

Signature: ……………………………

Abstract

Democratization is a fragile process, easily reversed when and where its advance is most recent. African countries present particular challenges to democratization, given generally low levels of economic and social development, often combined with ethnic and cultural fractionalization. Debates about democratization have not been sufficiently developed with the African context in mind. In particular, assessment of the effects of presidential systems on democratization has not been sensitively applied to African cases where most regimes are Presidential. Moreover, a particular feature of African democracy, the dominant party within a multi-party system, also raises questions that have not been so pertinent elsewhere. Debates about the merits and demerits of electoral system options for democratic consolidation also require more empirical analysis in Africa.

This study is based on the assumption that debates about the relationship between political institutions and democratization in Africa can only be advanced by recognition of the interactions that can be identified between the institutions of presidential, parliamentary and party systems, particularly within the dynamics of one-party dominance. Empirical leverage takes advantage of an important case with a parliamentary system and proportional representation: South Africa. The most appropriate comparator from the Presidential and majoritarian camp is Nigeria. These are the two largest and most important states in Africa, sharing a British colonial heritage and a federal system and each dominated by a single party for about two decades.

The thesis conceptualizes democratization in terms of legitimation and institutionalization. Legitimation focuses on the micro-level: the quality of elections and the voting process, the presence or absence of government-sponsored violence or coercion, the extent of public confidence in politicians and public support for democratic principles and practices. Institutionalization is focused at the macro-level: elite compliance to constitutional norms, political accountability, and the absence of violent intervention against the state, by the military or other internal forces.

The thesis finds that leadership transitions within the parties take place with more accountability in South Africa than Nigeria. While corruption is a problem in both countries, it is more pervasive and there are more incentives to generate it in Nigeria due to a combination of the candidate-centred nature of politics, the country's great dependence on oil exports, and its lower accountability in leadership transitions. Mechanisms to promote consensus politics differ in both countries and within-party arrangements call into question an assumption that one-party government is necessarily majoritarian. Although the process of legitimation has advanced well in both countries, they share many problems associated with lack of development.

The main threat to democracy in Nigeria lies partly in the mutual distrust occasioned by the unsettled issues of 'power rotation', 'resource sharing' as well as the widening economic disparity between regional blocs of the principally Islamic North and largely Christian South with possible central state responses that might increase rather than reduce the conflicts, while in South Africa the threat lies in the high level of inequality between the white and black communities. Radical political action to address this inequality might increase the already high level of violence in the country. Such tension could ultimately lead to the break-up of the ANC, but an end to dominant-party politics in South Africa could as well destabilise rather than consolidate democracy. Similarly, in Nigeria, a break-up of the PDP, which has been nearly made possible due to a crisis of confidence in an 'elite consensus' on power rotation among the regional blocs, could as well constitute a threat to democratic consolidation and national integration.

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AC: Action Congress
ACN: Action Congress of Nigeria
AD: Alliance for Democracy
AIDS: Acquired Immune Deficiency Syndrome
ANC: African National Congress
ANCYL: African National Congress Youth League
ANPP: All Nigeria's Peoples Party
APC: African Peoples Convention
APF: Anti-Privatization Forum
APGA: All Progressives Grand Alliance
APP: All Peoples Party
APRC: Alliance for Patriotic Reorientation and Construction
AZAPO: Azanian People's Organisation
BEE: Black Economic Empowerment
BOT: Board of Trustees
BPE: Bureau of Public Enterprise
CDCC: Constitution Debate Coordinating Committee
CDD: Centre for Democracy and Development
CENCOD: Centre for Demilitarisation and Constitutionalism
CJN: Chief Justice of Nigeria
CODER: Coalition of Democrats for Election Reforms
CODESA: Convention for a Democratic South Africa
COPE: Congress of the People
COSATU: Congress of South African Trade Unions
CPC: Congress for Progressive Change
CSOs: Civil Society Organisations
DA: Democratic Alliance
DSO: Directorate of Special Operations
EFCC: Economic and Financial Crimes Commission
EISA: The Electoral Institute for Sustainable Democracy in Africa
FEC: Federal Executive Council
FEDECO: Federal Electoral Commission
FPTP: First-Past-The-Post
FRN: Federal Republic of Nigeria
GDP: Gross Domestic Product
GEAR: Growth, Employment and Redistribution
GNU: Government of National Unity
HCTB: High Casualty Terrorist Bombings
HOR: House of Representatives
ICPC: Independent Corrupt Practices and Other Related Offences Commission
ID: Independent Democrats
IDASA: Institute for Democracy in Africa
IEC: Independent Electoral Commission
IFAS-Research: French Institute of South Africa

IFP: Inkatha Freedom Party
IFRA-Nigeria: French Institute for Research in Africa-Nigeria
IMF: International Monetary Fund
INEC: Independent National Electoral Commission
JCCR: Joint Committee on Constitution Review
JSC: Judicial Services Commission
KANU: Kenyan African National Union
MAT: Media Appeals Tribunal
MDC: Movement for Democratic Change
MEC/MECs: Member of Executive Council/Members of Executive Council
MEND: Movement for the Emancipation of the Niger Delta
MMM: Mauritian Militant Movement
MP/MPs: Member of Parliament/Members of Parliament
MPLA: People's Movement for the Liberation of Angola
MPNF: Multiparty Negotiating Forum
MSM: Militant Socialist Movement
NA: National Assembly
NADECO: National Democratic Coalition
NCNC: National Council of Nigerian Citizens
NCOP: National Council of Provinces
NCP: National Conscience Party
NDC: National Democratic Movement
NEC: National Executive Committee
NEEDS: New Economic Empowerment and Development Strategy
NEPAD: The New Partnership for Africa's Development
NGO: Non-governmental Organization
NGP: New Growth Pact
NIREC: Nigerian Inter-Religious Council
NJC: National Judicial Council
NNP: New National Party
NNPC: Nigerian National Petroleum Corporation
NP: National Party
NPA: National Prosecuting Authority
NPC: Northern Peoples' Congress
NPN: National Party of Nigeria
NPP: New Patriotic Party (Ghana)
NPP: Nigerian People's Party (Nigeria)
NPS: National Prosecuting Services
NRM: National Resistance Movement
NWC: National Working Committee
OPDS: One-Party Dominant System
PAC: Pan Africanist Congress
PARP: Policy Analysis & Research Project
PCA: President Court of Appeal
PD: Path Dependent/Path Dependence
PDP: Peoples Democratic Party
PPA: Progressive Peoples' Alliance
PPPRA: Petroleum Products Pricing and Regulatory Agency

PR: Proportional Representation
PRONACO: Pro-National Conference Organisation
PTDF: Petroleum Technology Development Fund
RSA: Republic of South Africa
SABC: South African Broadcasting Corporation
SACP: South African Communist Party
SAP: Structural Adjustment Programmes
SAPS: South African Police Service
SCOPA: Standing Committee on Public Accounts
SECC: Soweto Electricity Crisis Committee
SGF: Secretary to the Government of the Federation
SNC: Sovereign National Conference
SNG: Save Nigeria Group
SSA: Sub-Saharan Africa
SSS: State Secret Service
TAC: Treatment Action Campaign
TRC: Truth and Reconciliation Commission
UDF: United Democratic Front
UNIP: United National Independence Party
ZANU-PF: Zimbabwe African National Union-Patriotic Front

Maps

Federal Republic of Nigeria

Republic of South Africa

Source: mapcruzin.com

Chapter One: Issues and Methods

1.1 Background to Study

After many decades as a democratic 'laggard', Africa is now the home of several new and emerging democracies. Two key questions define this thesis. What shapes the use of political power by governments in new African democracies? And how does the use of political power affect the degree to which these democracies are likely to consolidate, particularly in terms of their institutionalization, and in the extent of public perceptions of their legitimacy?

Do the answers to these questions lie in countries' choices of political institutions, in a context in which virtually all African democracies have chosen the Presidential option? Or can the answers be found in the way in which social cleavages and electoral systems have defined the shape of party systems in these countries? This thesis argues that the best way to approach this puzzle is to focus on the combination and interaction of these two factors: institutions and party systems.

Two country-cases are selected for the purpose of analysis: Nigeria and South Africa. These are not only the largest and most politically and economically significant on the continent: they also vary on one of the most important independent variables. While the leader of South Africa is called a President, and acts as Head of State, that office is elected by Parliament and remains responsible and accountable to the South African Parliament.

In contrast, like almost all other African democracies, Nigeria operates a fully Presidential system. South Africa elects its Parliament by proportional representation, Nigeria by a first-past-the post system. Yet both countries have one-party dominant systems. The key interactive process identified in what follows is therefore a comparison of how executive power is translated through a one-party dominant system in the two different institutional settings of parliamentary/PR and presidential/FPTP government.

On the surface, perhaps the differences are small ones. For instance, there is a similarity in the use of executive powers of appointment and dismissal in both countries despite the fact that one is systemically presidential and the other practically parliamentary. However, this is just one of the ways in which forms of government shape institutional representation and accountability. The convergence in the exercise of presidential powers no doubt confirms the fact that 'executive dominance and the personification of this domination in a single leader is a central fact of political life' (Farrell 1971: x), but democratic outcomes are shaped differently under certain institutional settings.

As a result of the significance of the context of the party system within which the executives maximise power and distribute patronage, and through which the parliaments engage the electorate and make claims of representation and accountability, it is imperative to flesh out extant theoretical knowledge with comparative empirical evidence to demonstrate specific dimensions of democratisation.

The thesis draws its theoretical thrust from the work of Samuels and Shugart which suggests that 'many of the alleged differences in governance arise as a function of the ways in which regime-type interacts with parties-not with the *number* of parties, as much as previous research has claimed, but with their *nature*- the ways parties organise and behave strategically' (2010:21).

In this research, however, the emphasis is on the interactive and cumulative effects of the party system-broadly taken as the organisation and interaction between the parties. This is taken together with electoral systems, and the regime-types, i.e. presidential and parliamentary. In particular, the uniqueness of the one-party-dominant multiparty system is examined within the process of democratisation across African regimes.

The thesis pursues two major interrelated objectives. Firstly, it seeks to explore the interaction effects of the one-party dominant systems and constitutional designs in Nigeria and South Africa in particular, and Africa in general. By interaction effects, we mean the effects that result from the dynamics of institutional politics which do not result directly from the institutions and systems individually or cumulatively but largely on how such effects interact together.

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This exploration is enhanced by the tracing of processes and procedures as well as what accounts for the gaps between both the principles laid down and the laws and the dynamics of institutional politics and constitutional activities on the one hand and the analysis and comparison of those rules and the possible inconsistencies between rules and practices on the other hand.

Secondly, the thesis seeks to critically evaluate and compare the path dependent contexts within which both the 'interaction' and 'cumulative' effects of one-party dominant and constitutional systems take place. This is primarily done in two important ways.

1. The thesis investigates the social and historical circumstances that have shaped politics both formally and informally, and the implications for democratisation. This is necessary in order to identify the marginal effects of informal political behaviour within the formal institutional contexts and appreciate more clearly how and why one-party dominance and constitutional ordering of political and party power affect democracy.

2. The thesis sums up both the cumulative and interactive effects of presidential/first-past-the-post and parliamentary/PR designs on democratisation so as to identify the similar and dissimilar trends in democratic practices in the two different institutional contexts.

Specifically, this thesis makes four broad claims. First, a one-party dominant system is a paradoxical mixture of 'majoritarian' and 'consensus' elements of constitutional democracy. In other words, while on the one hand one-party dominant system can be a form of 'majoritarian' model, as it tends to encourage winner-takes-all politics and exclude opposition parties from executive power and legislative agenda-setting, it can, on the other hand, be a unifying democratic model for managing multiple ethnic, regional and social cleavages by enhancing consensual politics.[1]

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[1] By a majoritarian model we refer to a system of rule that enhances the rule of the majority, concentrates power in the hands of the dominant or governing party and clearly ensures and shows a sharp distinction between those who hold power and those who do not as well as maintains a higher restriction on the chances of the opposition to influence governmental decisions. On the other hand, a consensus democratic regime ensures a broad-based mechanism for managing and incorporating multiple views and shades of opinions, considers both co-optive and cooperative inputs of the minority and less electorally strong power blocs, while maintaining a less over-bearing central government (See Lijphart 1999:3, and Mainwaring 2001:170-171).

To be clear, a dominant party with a national organisation and appeal, and many are, is by the virtue and nature of its national status, a potentially consociational party in which diverse interests are accommodated.[2] In turn, however, it is a majoritarian government with little inputs by other parties. We make this claim specifically from the analysis of data on political realities as shaped by both the ANC and the PDP in South Africa and Nigeria in particular.

The creative and innovative elements of the one-party dominant system in South Africa has ensured the continuity of both the liberation movement identity of the party on the one hand and the capacity of the party, more than competing parties, to integrate and unite South Africans politically, economically and socially irrespective of their racial, social, and ethnic background and affiliations. One of the most powerful tools for broadening a cross-cutting consensus is the Tripartite Alliance that greatly enhances the 'rootedness of the party'.

Nevertheless, the ANC uses its integrationist and consensual political credentials to 'de-legitimise' other political parties. As a majoritarian party, the ANC forms the government at the national level and controls a parliamentary majority which means that it controls the most powerful level of government: the centre. At the same time, the party prevents all opposition parties, irrespective of their policy appeal and political dynamism from getting hold of the centre.

Similarly, the PDP in Nigeria, like the ANC in South Africa, has had unbroken access to national executive power and a parliamentary majority in the last four elections. As a majoritarian party, the PDP controls most of the states and forms the Cabinet at the centre in which most powers and resources are allotted. The PDP remains the strongest political institution around which the inter-regional, inter-ethnic and inter-religious consensus has been built since 1999.

As will be shown, the relative political stability and peace experienced in Nigeria in the post-military era can be traced to the elite consensus and integrationist politics of the PDP and its

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[2] Interestingly, this is one of the virtues of the single dominant parties in Nigeria and South Africa. So, it is argued that Lijphart's (1999) power sharing criterion can be satisfied by dominant party states, just as group autonomy, as in federal arrangements, is also possible, even though to limited and varying degrees across constitutional designs in Africa. But a fragile democratic order may further be threatened if such power-sharing method is threatened by the collapse of dominance.

leaders. Meanwhile, despite the fact that this consensus has promoted mainstream politics, and has helped pull the country together, there have been calls for more regionalism and greater state-centred politics as a result of the lower level of legitimacy of the party in general elections.

Second, a one-party dominant system is more likely to enhance broader and optimal electoral representation in a parliamentary system in combination with a proportional representation electoral system than in a presidential system in combination with a first-past-the-post (plurality system). As shown in this thesis, South Africa gives more representation to multiple partisan interests than in Nigeria, even when both are dominated by single parties. It can therefore be argued that if South Africa had adopted a first-past-the-post system like Nigeria, smaller parties would have had got less and, in extreme cases, no representation.

Unlike in Nigeria where a first-past-the-post electoral system combines with a candidate-centred system to give lower representation to smaller parties, the proportional-party –list system in South Africa ensures a relatively higher representation to smaller parties, especially in areas where they have concentrated support. Although concentrated support might deliver representation under plurality system too, the lower level of legitimacy generally undermines such possibilities in Nigeria.

Thirdly, and this is specific to the two cases under examination, while one-party dominance can be legitimately attained, it can as well be illegitimately attained. In South Africa, one-party dominance is attained democratically through certain path dependent factors such as the 'liberation' struggle, and is maintained by institutional issues such as free and fair elections and a strongly socially rooted party system since 1994. In contrast, in Nigeria, one-party dominance is generally illegitimately attained and has been further tainted due to less clean elections and less socially rooted party system.

Consequently, the third argument points to the fourth one: unlike in Nigeria, where the legitimacy of the dominant party regime has remained generally low or at times fluctuating, one- party dominance has enhanced the 'legitimation' (deepening of electoral, party and political support), namely people's ability to vote in their preferred parties in South Africa.

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1.2 Contributions of the Thesis

For the last twenty years, scholars of democratisation have been debating the merits and demerits of presidential and parliamentary systems as they may affect democratic consolidation. There is some evidence that presidential systems have more negative effects, particularly in emerging democracies the majority of which are at lower levels of economic development (Przeworski and Limongi 1997:1). The literature on the impact of institutions on democratic growth has focused largely on the explanatory variables of political institutions alone without giving adequate and systematic attention to the outcomes of interactions between such institutions and other factors such as party systems.

Some scholars have even discountenanced the significance of institutional designs as crucial explanatory variables in the analysis of democratic consolidation. For instance, in their study of 56 transitions to democracy in the Third World between 1930 and 1995, Power and Gasiorowski (1997:123) found more or less no correlation between the choice of constitutional type (presidential or parliamentary) and the likelihood of democratic survival in less developed countries. They also asserted that 'in the context of the Third World, the combination of multipartism and presidential democracy does not appear to lessen significantly the likelihood of democratic consolidation, nor does parliamentarism evince any obvious superiority in sustaining competitive multiparty regimes'.

While such claims could be empirically sound across those cases and within that time frame, a similar conclusion may not hold in the post-transition Africa. Rather than discountenancing the effects of constitutional types all together, analysts should try and see the more far-reaching implications of institutional interactions. A systematic survey of more contemporary literature and cross-national empirical data, including documentary, survey and interview, support our proposition that, institutional effects bear significant implications for democratic consolidation particularly in one-party dominant systems (Southall 2005, Lederman et al 2005, Good 2006).

The contribution of this thesis is thus threefold: One, it contributes to the literature on the debate on the compatibility of presidential and parliamentary constitutional designs with democracy (see, in the main, Linz (1990a and 1990b; and Shugart and Carey (1992). By

using an exploratory framework of path dependent-institutional approach, this thesis contributes to the understanding of contextual and institutional forces and factors that shape democratization in African cases.

Two, the thesis enhances both theoretical and empirical understanding of the relationship between one-party dominant systems and democratic sustainability in emerging democracies especially in Africa. This aspect of multi-party democracy has not been given adequate attention even when, by a twist of Pempel's (1990) description, one-party dominant regimes are now by far, the most 'common democracies' in Africa (see Table 2.3).

The third, final and most important contribution the thesis makes is a significantly needed comparative study of democratic effects of one-party dominant regimes in different constitutional orders. Findings generated by these attempts are expected to reveal the extent to which constitutional democracy becomes *legitimized* and *institutionalised* in Nigeria and South Africa in particular, and in one-party dominant systems in Africa in general.

As a corollary, the research has pursued an interrogation of the presidentialisation thesis. It is argued that irrespective of their formal constitutional make-up, several of African political systems are increasingly operating on an essentially 'presidentialist logic', namely in the way and manner of the 'growing power and autonomy of political leaders within political executives and political parties' as well as the 'emergence of increasingly leadership-centred electoral processes' (Poguntke and Webb 2005:1).

It is however argued that while most of the emerging democratic systems are increasingly 'presidentialised', they are at the same time 'partified'. For the most part, it is with the combination of presidentialist and party powers that the national chief executives outsmart the legislature, manipulate the judiciary and reduce their accountability while maximising their power resources. Thus, this thesis seeks to reveal the extent, the causes and the consequences of many of the most important strains and stresses facing multiparty politics and democracy in Africa.

The thesis therefore fills a major gap in the democratisation literature: it offers an institutional-path dependent explanation of the cumulative and interactive effects of the institutions and party systems for the legitimation and institutionalisation of democratic politics (the contents of which include representation, accountability, contestation and inclusiveness). These aspects of democratisation have been given less attention until now. Yet, such significant variables could enrich an understanding of democratisation across developing economies particularly African countries.

1.3 Thematic Issues

Two key themes emerge from this thesis. The first is the issue of *design-reality gap* while the second is the growing *dominance-democracy debate*. Firstly, there is a gap between institutional designs and political realities. If the gap is inevitable then how can it be closed? As democracy involves a 'continuing battle to hold those in power accountable' (Williams 2003:343), a fuller understanding of how democracy works in practice should take into consideration the lacuna that often exists between designs and realities.

While the constitutional structure of powers is designed to empower each branch of government (executive, legislature and judiciary) to act as an effective check against one another (Kinkopf 2007:47), the reality of one-party dominant systems exposes the inherent institutional incentives for the chief executives to bypass the legislature, manoeuvre the judiciary and maximize both their (executives) textual and inherent powers.

Like democracy that 'often disappoints', 'both in its operation and its consequences' (Shapiro and Hacker-Cordon (1999:1), institutional designs too hardly meet up with the promises and attributes people and analysts associate with them. Real-world politics is often unpredictable and so are the capacity, capability and competence of institutions to regulate and fine-tune political decisions and outcomes. Ideally, political actors are not always out to manipulate the system but, even if to pursue politically correct desires, to make it work better:

> A designer's perspective on institutions is a foundation for a principled politics. Those who adopt it do not simply manipulate institutions for their narrow purposes: they also try to improve them. The improvement is achieved in part by making institutions more immune to manipulation, in part by articulating more fully ideas implicit in them (Soltan 1993:16)

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However, there is often a gap between what is desired and what is observed. Most political actors tend to maximize their powers in such a way that manipulations in real political arena delay the expected benefits of constitutional architectures. This is why critical judgments based on factual findings suggest unique implications of the effects of institutional interactions, especially in developing democracies where single parties dominate.

Institutionally, a presidential/FPTP combination and interaction aggravates the dangers of one-party dominance. Over time, additive effects of presidential designs include less accountability, individualism, ruptured party unity and lack of coherence in president-party relations. The prominence of the executive impedes the formal flow of representation and accountability as power politics stems largely around the president. In interaction with dominance of a single party, presidentialism breeds hegemony and intolerance. At times, presidential politics may give rise to what a satirist called 'unrepresentative representation' (*Vanguard* 17 Nov. 2010).[3]

Secondly, is dominance fading or accumulating in African political systems? Are single dominant parties good or bad for democratic stability, sustainability, and consolidation? Can there be democratic development in countries with dominant parties? Specifically, the thesis has sought to explain why and how one-party dominance has over a decade passed the test of 'legitimacy' in South Africa but has recorded less impressive democratic legitimation in Nigeria (see chapter seven).

The thesis argues that while operating democratically remains a challenge for all single dominant parties, those that interact with parliamentarism are more likely to sustain democracy than those in pure presidential systems. This point follows from the contextual and empirical observation of the extent to which one-party dominant systems enhance legitimation and institutionalisation of democracy in different prevailing constitutional circumstances.

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[3] See further comparative issues on one-party dominant system and democracy in chapter five.

However, it is argued that, whether in presidential or parliamentary systems, the margin of electoral victory remains a useful variable for identifying dominance (chapters two and five). This trend remains common in many African countries with dominant parties. The dark side of margin of victory is the possibly less legitimate means through which the dominance might be attained. For instance, in the Ethiopian parliamentary elections held on 23 May 2010, for the 547-seat House of People's Representatives, the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) of Prime Minister Meles Zenawi won 499 seats.

Parties allied with the EPRDF won 46 seats, the opposition coalition Medrek won 1 seat, and an independent candidate won 1 seat. If such elections were free, fair and credible, then electoral dominance of one party would not constitute a threat to democracy. But in that Ethiopian election the process was flawed. A statement by EU election monitors noted that 'the electoral process fell short of certain international commitments, notably regarding the transparency of the process and the lack of a level playing field for all contesting parties'(Election Watch: *Journal of Democracy* 2010).

In Ethiopia, as in Nigeria (at least over a decade, and until 2011), dominance is attained mostly undemocratically. This is very different from the case in South Africa, where elections have been largely free and fair over almost two decades. Meanwhile, what dominant parties do to reach their dominance is as important as how they entrench the dominance in the first instance.

As Southall (1998) noted, at least four processes entrenched the ANC dominance, namely the rewriting of the transitional interim constitution and the promulgation of a new one which abolished the necessity for coalition government after election; the containment of provincial autonomy of the party; the infusion of party discipline in the parliament which goes with some curtailment of the government's accountability to parliament, and lastly the imposition of administrative and financial discipline upon the provinces.

These four processes have been helped by the 'fragmentation and fissure of opposition party forces'. Supporters and funders of potential opposition parties have ceaselessly

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engaged in 'failed attempts' to break the stronghold of the ANC (*Mail & Guardian* 10 November 2010). While some of the strategic moves by the ANC have negative implications for the institutionalisation of multiparty politics, it has not fundamentally reduced the legitimacy of the ruling party.

Nevertheless, the party and its organs such as the Youth League have drawn criticisms from the opposition and the civil society for playing 'exclusive politics'. The president of the ANC Youth League once threatened anti-Zuma politicians and vowed to 'eliminate any force' blocking Zuma's path to the presidency (*Mail & Guardian* 16 Nov. 2008). On the other hand, mainstream, oil rent, electoral authoritarianism, and state capture have been used by the PDP to maintain dominance. Like the ANC, the PDP is engaged with a fragmented opposition. Internal democracy is weaker even though consensual pacts, which are more recently being challenged, have stabilised the party particularly at the national level.

While the fused identity of the ANC as a liberation movement and a political party remains the fundamental path of evolution that differentiates it from the PDP, the character of both parties as dominant political machines has remained similar even when there are unmistakable ideological differences and democratic credentials. This may be due to the unique cultural conditions in both countries but institutional differences have made great impacts in both countries.

Based on evidence in chapters five and six, one can speculate that dominant parties in both countries might respond differently in the event that they were to lose a general election. If the historical trends are considered, it is probable that the roles of the military and the police might shape the consequences of an election defeat. Meanwhile, given the trend of electoral results in the last four elections in both countries, it is not likely that either of the parties would lose an election in the immediate future. But one cannot rule out an eventual election defeat of either of the ruling parties in the long term.

The most probable way by which the dominant party could lose a general election and therefore the presidency and the national parliament will be for the opposition parties to

team up against the ruling party in form of a coalition. This option, as pointed out in chapter five, remains unlikely and difficult to achieve, since the opposition parties are fragmented and weak. It is thus safe to say that while the prospects of election defeat for the dominant party regimes are low, a systemic coalition of the major opposition parties might pose a potential threat to the ruling parties.

Beyond losing elections, however, a transition of power from one or other of the dominant party regimes to a coalition would be peaceful and smooth only if the dominant executive-parties and the military and the police were to be institutionally neutral and willing to support the development of democratic and civilian rule. In Nigeria, if the dominance were broken, it would take great efforts to reach consensus among multiple parties to agree to a power-sharing formula similar to that devised by the PDP. Similarly, a change of government could exacerbate ethnic and regional divisions in ways that could be devastating to the consolidation of few gains of democracy that have accrued in last decade and a half of uninterrupted civilian rule.

1.4 Research Design and Methodology

This research makes use of two related methodological and analytical tools, namely the comparative case study method and historical institutionalism (path dependency +institutionalism). With a qualitative-comparative case study research design that examines two cases in considerable detail, the qualitative approach is more appropriate for this study because of the many values of democracy, the varied characteristics as well as the multi-dimensional nature of institutional designs (Amundsen 2001:43).

Similarly, the comparative design enhances the mapping out of the similarities and differences between the case studies. The approach involves the use of a combination of data collection methods, including documentary sources, in-depth interviews and observation. As an empirical inquiry that investigates political phenomena with no identifiable boundaries in their real-life context, the case study design fits properly with the analytical framework of contextual/historical institutionalism (Johnson and Reynolds 2005:84,85). This section discusses the strategies for selecting cases as well as methods for collecting and analysing data.

Case Selection

Taken as the first level of units of analysis, the two cases: Nigeria and South Africa (N=2) both have one-party dominant system (the first independent variable) but different constitutional (presidential/FPTP vs. parliamentary/PR) systems (the second independent variable). While Nigeria is a presidential republic, South Africa is a constitutional parliamentary republic. On the other hand, both countries have different levels of legitimation and institutionalisation of democracy (dependent variable).[4] This gives us two case studies with comparative variations in both the independent and dependent variables.[5] There are three reasons why the study adopts the small N research design.

One, the small N research gives the ample advantage of studying the case studies in detail. Two, unlike the large N research design that may give weak statistical evidence for illustrating the relationship between institutional design and democratic survival (Cranenburgh 2008), a small N study makes possible an investigation of qualitative data from documents, interviews and observation. This approach facilitates the inclusion of historical and cultural factors and relies less on abstraction as many large N studies may do.

Three, the qualitative small N design exposes analysis of institutional processes better than a large N research alternative. Large N quantitative analysis may identify a small correlation between presidentialism and lack of democratic consolidation in less developed countries (for example Boix 2003:153). In depth qualitative small N research allows the identification of how presidentialism or parliamentarism may-or may not-have such effects, in carefully selected cases. In fact, the small N allows for what Bennett and Elman (2007: 115) calls the 'strong advantage of concept development and measurement' grounded in 'close knowledge of cases'.

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[4] See the comparative notes on democratic development in both countries in 2.4

[5] The 'most-similar' and 'most-different' cases logic can at least be traced back to J.S.Mill, *A System of Logic*, 1843; and Przeworski and Teune, *The Logic of Comparative Social Inquiry,* (1970). We have used this logic creatively here; the two cases are 'most-similar' in terms of one of the independent variables (party system) and are 'most-different' in terms of the other independent variable (constitutional system/regime type) but there are trade-offs since both are far from being 'most similar' or most different' in terms of the dependent variable (i.e. the extent to which constitutional democracy is legitimised and institutionalised). Gerring (2002) recommends that comparativists should either choose the 'most similar' or 'the most different' cases, even though it is possible to choose both (Landman 2008). Equally, a multi-level analysis of cases within cases can maximise variations for comparisons in cases with multiple variables. We also rely on the submissions by Theodore W. Meckstroth (1975) '"Most Different Systems" and "Most Similar Systems" : A Study in the Logic of Comparative Inquiry' *Comparative Political Studies* Vol. 8, No. 2

Additionally, however, while a special focus is given to two case studies, a broader understanding is enhanced by drawing both qualitative and quantitative empirical evidence from other several other one-party dominant presidential and parliamentary systems for comparative purposes. After all, as John Gerring (2007:13, 19) rightly observes, 'there is no such thing as a case study, *tout court*. To conduct a case study implies that one has also conducted cross-case analysis, or at least thought about a broader set of cases', as 'each case may provide a single observation or multiple (within-case) observations.'

Furthermore, the research design here is a 'one-shot' case study, which seeks to account for survival of democracy (representation and accountability) by examining the interaction between the party and constitutional systems. As a comparison of the institutions of political party and constitutional systems the study is largely institutional in approach. The thesis employs comparative methodology; an approach of 'discovering empirical relationships among variables' (Lijphart 1971:683) to compare themes in the case studies.

Despite its strengths, the comparative method has at least two potential weaknesses. First, there is always the problem of 'too many variables, too few cases' as Lijphart (1971:685) noted. Second, as Levy (2007:203-209) notes, while the restriction of the population of cases might ensure conceptual homogeneity and avoid conceptual stretching, it might reduce the capacity to generalize one's findings.

These two potential problems of comparative method are addressed in two crucial ways. One, the thesis employs within-case comparisons, which addresses within-case variations over time. This strategy essentially means one has a multi-level analysis of cases within the cases. The most important advantage of the within-case analysis is that it takes care of the problem of 'too many variables, too few cases' due to its potency to address causally complex situations (Bennett and Elman 2006).

In addition, the within-case approach also helps partial out effects that might arise as a result of constitutional changes in both case studies over time, and makes room for what Flyvberg (2006: 429) describes as the 'irreducible quality of good case narratives'. Two, the problem of lack of

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generalisability is often attributed to single case study design.[6] Certainly, the ability to make 'specific predictions' (King, Keohane and Verba 1994:20) is not attributed to comparative multiple case study research, which is more likely to have explanatory power by providing opportunity for replication and testing a single theory more than once (Johnson and Reynolds 2005:87).

Nevertheless, case study research can generate testable hypotheses if it is situated in a wider theoretical and empirical literature, as is the research conducted here. A qualitative-comparative case design allows for thematic investigations of interrelated narratives of attempts, hindrances and prospects of democratisation as shown by Brown and Paul (2007). The most striking variation between the two cases comes in at the level of the constitutional design: Nigeria operates a presidential system while South Africa operates a parliamentary system. This is the precise reason for their selection as primary cases.

Characteristically of many African regime types, both countries operate bi-cameral parliaments. Both are federal republics[7], and both are unarguably the two biggest economies in Africa.[8] Both have multiple parties but only the People's Democratic Party, PDP and the African National Congress, ANC, have held power since the end of the military rule in Nigeria and the end of apartheid in South Africa in 1999 and 1994 respectively.

In both states, opposition parties are many but small and fragmented; electoral victories for the hegemonic parties at the national levels have been consistent and almost unthreatened since the 1990s. Both countries share similar British colonial heritage; both are developing economies (World Bank 2011); both enjoy roughly the same level of survival of civil society (Freedom House 2011); both have multiple ethnic groups; both had experienced limited civil liberties (apartheid and military rule) which peaked and terminated in the 1990s.

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[6] Even the single case study design has potentials for hypothesis-testing in a number of ways. See King and others (in Brady and Collier 2004) where they respond to the claim that they do not 'approve' of single case study research.
[7] As further pointed out in chapter two, the extent to which the countries are nominally and practically federal is debatable.
[8] While South Africa is the largest economy in Africa, Nigeria is the second largest economy in the continent, according to the World Bank (2011). The main foreign exchange earners for both countries are gold and oil respectively. See Comparison Table (Appendix I) for data on socio-political and economic indicators.

Whereas both countries have multiple ethnic groupings, South Africa has one major ethnic group-the Zulus-, and, of course, remains the one African country with a significant white minority. Nigeria has over two hundred ethnic groups with three major ones (Hausa/Fulani, Yoruba and Igbo). While Nigerian parliamentarians are elected in single-member districts on the electoral principle of first-past-the-post, South African lawmakers are elected on the principle of party-list proportional representation. However, members of both parliaments perform the same duties of legislation, executive oversight, constituency representation and constituency service, which are likely to be different – and far weaker-under list proportional representation, where the MPs are more institutionally closer to the party than to the people.

Data Collection

The work makes use of documentary sources and interviews. Firstly, the documentary sources include archival, media, and other secondary sources such as official, technical and reportorial records and parliamentary acts. By official documents we mean such sources as the national constitutions, executive orders, and Standing Orders of the Parliaments, party constitutions and documents, and others which are directly relevant to the research. Quantitative data, where helpful, are used alongside qualitative for a clearer understanding of the discussion in the thesis[9].

Specifically, elements of quantitative data are used even if sparingly. Yet, where we rely largely on empirically collated Afrobarometer data on the freeness and fairness of election as well as the people's support and satisfaction in both countries (as in chapter eight), and where we attempt numerical measurements of presidential powers (as in chapter six), dynamics of major variables such as the regime types (presidentialism and parliamentarism), the character of the party system and the level of democratic consolidation could be much more difficult to quantify. Nevertheless, the country case studies make it possible to draw comparisons and illustrations across diverse contexts.

Most of the documents were sourced from government departments, party secretariats and selected research centres and political institutions, including the Centre for Constitutionalism and Demilitarisation (CENCOD) and the Centre for Democracy and Development (CDD) in

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[9] Lieberman (2005) has discussed extensively the potential merits of 'nested analysis' or the 'mixed method'.

Lagos, as well as the French Institute for Research in Africa-Nigeria (IFRA-Nigeria), at the University of Ibadan, Nigeria. Other documents were accessed at the Parliamentary Library, the Institute for Democracy in Africa (Idasa), both in Cape Town, and the French Institute of South Africa (IFAS-Research), Johannesburg, South Africa. The author also visited the Rhodes House Library at the University of Oxford in England for equally relevant documentary sources.

The documents are supplemented by reports and editorials in Nigerian and South African newspapers as well as data sets on democratic progress across countries from online data banks such as Afrobarometer, Freedom House, Polity IV, and World Values Survey. The Afrobarometer in particular gives comparable data on African people's support for democracy, satisfaction with the performance of democracy, confidence in the future of democracy, and trust in democratic institutions.[10]

Secondly, semi-structured interviews were conducted with party leaders, members of the parliaments, activists, electoral officers, constitutional lawyers, and selected academic experts, among others. The author visited Nigeria and South Africa for a total period of six months, between 2009 and 2011. We designed different but related questions for interviewees of different areas and concerns. There are 10 questions in all.[11]

Interviews as conversations with structure and purpose indicate what actors and stakeholders think, do and experience, giving context, insight and background to what is gathered from the documents (Warren and Karner 2005). For instance, it is almost impossible to determine the extent of partisan influence on president-parliament relations from constitutions and legal papers alone; one needs at least the views of experts and participants to fill in the gaps about how the constitution is applied, and what the 'silences' actually mean in terms of political practice.[12]

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[10] For a similar and comprehensive use of the Afrobarometer data on African cases, see Diamond and Plattner (2008).
[11] See Appendix II for the list of questions for formal interviews. Some other indirect questions were asked from a number of 'anonymous' respondents who have in-house knowledge of how politics is shaped and policies are made in governments.
[12] See Appendix III for the list of Author Interviewees.

Challenges and Strategies

There are challenges in using largely qualitative data for political analysis. For instance, documentary data are susceptible to the three problems: selection bias, the influence of the agencies of the state (and presidency, parliament and party in this research) and the potential errors including omissions and silences. The strategy to counter these is what May (1993) called the 'critical-analytical stance' by which he meant the use of documentary sources with 'reflexivity'. The 'critical-analytical' approach, argued May, helps situates documents within the social and political contexts of their construction. Therefore, all documentary sources are critically assessed to identify the possible effects of political and ideological bias.

Obviously, stamping authority on reality with the use of documents could be a daunting task. Researching and retrieving documents is a complex way of getting information but no research can be carried out on any social, and even more so, political enquiry, without the reference to what has been written down. As demonstrated above, potential errors of omission are mitigated against with the use of alternative and supplementary data from interviews with actors, analysts and experts.

Meanwhile, the interview technique has its own ethical and methodological challenges, including the constraints of time and finance, and the possibility of the interviewees not telling the 'truth'. Additionally, interpreting personal and media interviews with politicians and elite is a challenge. They may say what they think the researcher wants to hear or what suits their political moods or personal motives, thereby raising the issue of validity and reliability. So, to ensure a balance in views collated, identified respondents were of different perspectives and diverse political and practical interests.

As a matter of ethics, research subjects are entitled to their own 'opinions, experiences and sense of community' (Woliver 2002). As Berry (2002:680) advises, 'interviewers must always keep in mind that it is not the obligation of a [research] subject to be objective and to tell us the truth'. Therefore, interviewees' points of view may only contain some useful and relevant hints to enrich and contextualise documentary data. The main strategy for eliciting impersonal and relevant responses from the interviewees for this thesis was the use of *counterfactual questions*. A conscious use of counterfactuals raises comparative

assumptions that may increase cross-national variations that are essential for a comparative study such as this.[13] In the same vein, raising and answering counterfactual questions is helpful in examining some other seemingly non-theoretical dimensions of institutional interactions which in reality have less direct correlates in the cases under study.

1.5 Analytical Framework: Path Dependent-Institutional Approach

This thesis uses an institutional analysis from a path-dependent and comparative perspective. It is based on the assumption that institutions constrain actors' choices and influence the attainment of preferred collective outcomes (Bates 1989; Moe 1990; Shugart and Carey 1992; Amundsen 2001: 49; Sweet 2008; Lindberg 2009, Kreuzer 2009:675). While institutional rules could be shaped by the occupiers of institutions, the logic of inference of institutional influences is possible, for the most part, by understanding the contextual framework within which formal and informal actions take place.

The path dependence (PD) explanation of politics traces relevant historical and structural processes of political actions and outcomes. As Kreuzer (2009:670) points it out, PD explanations have gained currency because they promote the understanding of social forces that shape political systems through 'extensive contextual knowledge as well as conversance with different theoretical literature.'

Being a continent with relatively new democracies, politics in Africa has been analyzed based on different and unique assumptions. Two of such popular approaches include what we call the 'leadership' and the 'statist' theses. Basically, the 'leadership thesis' is mostly found in the works of authors such as Okunade (2008), Good (2006) and Olukoshi & others (2005). The approach locates almost every success and failure of a political system in the actions and inactions of the political leaders.

The rudiment of 'positive leadership' as the 'leadership's capacity for transformatory impact' is nevertheless restricted to the institutional arena of government, politics, and political parties (Olukoshi et al 2005: x, xi). Similarly, problems of corruption, bad

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[13] Lucidly reasoned arguments on counterfactuals can be found in Przeworski (2007:147-171)

governance, political instability and a cyclical legitimacy crisis can be attributed to 'leadership deficit' (Aliyu 2012).

While it may make sense to explain the outcomes of power struggles and democratic politics by the nature and character of the personal political styles of individual leaders (for instance the overbearing and strong personalities such as President Olusegun Obasanjo of Nigeria and President Thabo Mbeki of South Africa), as a result of 'weakly institutionalized democratization process' (Mustapha 2009:79), it is our argument that institutional effects produce far-reaching incentives and contexts for the plausibility of such individualities.

On the other hand, the statist approach, much more popular and generally applied, finds most African states, in comparison with the 'modern' or 'Weberian' state largely unfit to be classified as states and thus are incapable to sustain a democratic order (Chabal and Daloz 1999; Bayart 1993; Adebanwi and Obadare 2010). Richard Joseph has put this in a wider context of what he calls the 'Frontier Region', that is Africa as a continent which is full of many 'weak states, persistent conflicts, and displaced populations that will require international and continental peace-keeping engagements over many years' (Joseph 2008:98).

But the main trouble with these theories, particularly the statist school, is the tendency to homogenize fifty odd independent countries within Africa without taking much cognizance of contextual differences. While it may be logical to propose that many African states have institutions with 'low capacity to regulate political space and implement public policy' and that they are 'inherently compromised by the patrimonial nature of African politics', the onus of empirical evidence across the globe shows that these are not purely an 'African condition'(Cheeseman 2006:8). This, of course, is not to disregard the idea that the formal 'trappings of the state' are soaked in 'patrimonial' and highly presidential patronage and rent-seeking activities of the few powerful individuals in party and government (van de Walle 2001:9; 2002:66).

It is our argument, therefore, that rather than focusing narrowly on the actions of the leaders and the state systems within which they operate, it will be helpful to trace the processes of democratic politics in developing democracies through both their historical, contextual, and institutional dimensions. Doing this will widen the horizon of political development through the intertwined roles of the institutions, systems (including the state system), the civil society as well as the recurring and fluid social movements.

In essence, what we call the path dependent- institutional approach has been variously deployed by several other scholars who have investigated institutional influences on democratic outcomes in Africa.[14] This approach facilitates the understanding of democratisation as a 'time-consuming, institutional step-by-step process' (Amundsen 2001: 50). This variant of 'institutionalist' approach here by no means suggests that we can explain all political and constitutional actions, processes and outcomes in isolation of cultural, ethnic, religious, and economic factors.

While the study borrows from what Guy Peters (1999) described as 'empirical institutionalism', that is, holding institutions as being more critical in explaining elite political behaviour, it critically holds the view that institutions are themselves subject to elite manipulation, thereby raising the conundrum of 'reverse causation' (see Villalon and VonDeopp 2005, Lindberg 2009).[15] Nonetheless, the lines between the formal institutions (such as the constitutional rules and legal norms) and the informal institutions (such as cultural norms and values imposed by structural cleavages like ethnicity, region and religion) can be delineated (Steinmo 2001).

In contrast to other variants of institutionalism such as the rational choice institutionalism that investigates the application of models or theoretical types of institutions across a number of cases, what we call the path dependent (historical) institutional approach enhances our chance to 'study the causes of effects as well as the effects of the causes' (Przeworski 2007:148). Like

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[14] See in particular, Claude Ake (1966, 1996, 2000), Larry Diamond (1999), Ben Nwabueze (1976, 2003) Daniel Posner (2005), Villalon and VonDeopp (2005) Bratton and Mates (2007), and Mustapha and Whitfield (2009). Specifically, this approach gives adequate attention to the nature and dynamics of 'power conflicts, negotiations and bargaining between individuals' (Mule 1999:145).

[15] For a thorough discussion of the assumptions and criticisms of the various strands of institutionalism and neo-institutionalist approach in particular, see Peter A. Hall and Rosemary C.R. Taylor (1996) 'Political Science and the Three New Institutionalisms' *Political Studies* 44(5):936-957

evolutionary biology, path dependent- institutionalism enhances understanding of institutional continuity and change.

It is thus helpful to seek an understanding and explanation of the dynamics of political systems within the context of their *political culture*, or what Almond (1956:396) described as a particular pattern of orientations to political action. Pertinent also is the need to locate institutional analysis of power relations within the contexts of social dynamics of popular participation. After all, parties in Africa operate in an economically and politically challenging environment just as they have had to evolve and cope in spite of the multiple ethnicities and politics of personality (Carothers 2006, Elischer 2008).

As argued further in the thesis, particularly from the path dependent perspective (beginning from chapter two), the growth, practice and consolidation of democracy go far beyond constitutional and legal architecture to an acknowledgement of the historical nature and cultural character of the society, and their impact on governance (Putnam 1993, Lijphart 2004:107; Oyovbaire 2005:85).[16]

The aim here therefore includes an understanding of why and how political elites use one-party dominant system to reinforce political power; why and how local political notables influence national political institutions; and how the citizens, in turn, engage with the system. An analysis of how one-party dominant systems shape political linkages, patronage, and electoral dominance is needed if we must understand how such constitutional arrangements affect democracy in specific cases.

The use of what we call the path dependent-institutional approach is therefore predicated on the analysis for understanding and explaining democratic progress as necessitated by (1) the need to account for the causes and consequences of institutional choices and 'institutional element of political life' (Hagopian 1984:1), (2) the need to account for the variations in constitutional practices based on their 'local contexts and conditions' (Reynolds 2005:57) , and (3) the need to

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[16] The author also had a discussion with Prof Sam Oyovbaire, on the same issue during the summer of 2009 at the National Archives, University of Ibadan, Nigeria. Prof Oyovbaire is a renowned Nigerian Political Scientist and former political adviser to the vice-president, and later minister of information and culture under the regime of the ex-military head of state and self-styled President of Nigeria, General Ibrahim Babangida (1985-1993).

account for the interactive and cumulative effects of institutions of national level politics and the democratic implications of such effects. As Beetham (1994:31) argued, there is a strong need to evaluate political institutions in their context as this would 'often make a qualitative assessment appropriate'.

1.6 Scope of the Study

The general scope of the thesis is Africa,[17] with special focus on Nigeria and South Africa as case studies. Interestingly, political and democratic developments in these states since the 1990s are extremely relevant and significant to this work.[18] However, while Africa remains the centrepiece of the thesis, one has attempted to draw upon extant and relevant comparative literature from other regions of the world particularly historically and colonially similar states in Latin America and post-communist Eastern Europe.

The thesis resists the temptation to limit the scope of understanding on any particular geographical region of Africa, as in east, west, south or north, because in comparing political systems, 'a regional classification is based not on the properties of the political systems, but on their contiguity in space' (Almond 1956:392). While contexts of political contests shift, cross-national and cross-regional comparisons could enrich the facilitation of institutional practices. After all, nations have much to learn from the positive and negative experiences of other countries (Dominguez and Jones 2007).

In addition, while the thesis considers historical circumstances and experiences in governmental institutions and democratic orders, and recognises colonialism as 'an epochal era' (Ekeh 1983; Amuwo 2010) and the end of colonialism as a possible 'starting point' of democratisation in Africa (Simeon and Turgeon 2007), it has focused more on the consistent patterns and processes as shaped by the drafters and operators of institutional designs since 1990s, which were the decade of world-wide democratisation (Lijphart 1994:1). To be sure, the 1990s were the era of the 'third wave', and 'the turning points', of democratisation in Africa (Huntington 1991; Ake 2000; Nzongola-Ntalaja 2006; Mustapha and Whitfield 2009).

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[17] Throughout the thesis, we shall use 'Africa', to mean the very geographical and historical entity often referred to as the Sub-Saharan Africa, which indeed is Africa, south of the Sahara.
[18] See the methodological reasons for singling out Nigeria and South Africa for deeper comparisons above. Also consult the second and subsequent chapters for detailed contextual and comparative notes.

While there is no space to fully delve into the often disagreeable times and terrains of colonialism and post-colonialism, an analysis of democratic progresses and failures in Africa can hardly be done if we neglect the past in totality.[19] Of course, political scientists normally situate political arguments in temporal perspective. As Paul Pierson (2004:7) argues in his *Politics in Time*, claims about the social and political world are best developed when time and space are analytically delineated. In delineating the analytical boundary of this thesis we have borrowed from Richard Pious' (2002) idea of focusing not solely on the forms of central governments themselves (macro), or on a single case of events (micro), but a 'meso' level of analysis, dealing with the workings and power relations between and among national political actors and institutions of the presidencies, parliaments and parties, on the one hand and the forces and factors at the local levels.

The thesis is divided into three main sections making up ten chapters. The first section is the ***introduction*** and comprises the **Chapter One** which introduces the thesis, and set out the background of the study, stating the rationale for the study, contributions of the thesis, summary of research findings, thematic issues, the analytical framework employed for the thesis the methods and strategies for selecting cases, collecting and analysing data as well as the scope of the study. It also includes **Chapter Two** which is a review of the themes in the contexts of theory and practice of democracy across African cases with closer focus on South Africa and Nigeria, while opening up the main issues in nature, character and dynamics of electoral and constitutional democracy in comparative terms. This chapter thus lays the foundation for an understanding of the democratization discourse within the historical and comparative contexts of the African case studies such as Nigeria and South Africa.

The second section is on the ***contexts and concepts***. It comprises chapters three, four and five. **Chapter Three** discusses the path dependent (historically informed) issues such as histories, ethnic mixes, economic, racial, regional differences and how such factors affect

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[19] Some elements of these are provided in chapters two and three. Further details can be found in Ali Mazrui (1980) *The African Condition*, Claude Ake (1996) *Democracy and Development in Africa*, and Claude Ake (2000) *The Feasibility of Democracy in Africa*. For useful philosophical notes on these, see Achille Mbebe, (2001) *On the Postcolony*.

the practice and prospects of democracy in both countries. The overall aim here is to bring out the 'contexts' of evolution and practice of one-party dominant and constitutional systems in both case studies. In **Chapter Four,** the thesis gives an in-depth analysis of the institutional effects on democratization with emphasis on the presidential/first-past-the-post and parliamentary/proportional representation political systems in the contexts of theory and case selection issues. This part also gives operational definitions of relevant concepts such as accountability, representation, contestation, inclusiveness, legitimation and institutionalisation. **Chapter Five** delves into the extant and relevant literature on the nature, structure, organisation, behaviour, strategies and types of parties, party systems, dominant parties, dominant party systems, and how the dominant and other parties operate in Nigeria and South Africa in particular. The aim of this chapter is two-fold: one, to situate the thesis within a theoretical framework of general literature on parties and party systems and two, to set out the uniqueness of one-party dominant systems and dominant parties in the case studies.

The sixth, seventh, eighth, and ninth chapters constitute the major *empirical analysis*. While **Chapter Six** traces the interrelated relationship between the presidents, parliaments and parties and how the threesome, individually and collectively seek to maximise their powers and influences based on available contextual and institutional incentives in one-party dominant systems, **Chapter Seven** investigates the unique dimensions of the concept of separation of powers within the ambits of polar opposites of accountability and misuse of powers. It also offers comparative insights on the incentives and potentials for misuse of powers as well as the factors that shape the countervailing constitutional checks on erring presidents.

Chapter Eight gives an analysis of the critical dynamics of legitimacy as an encompassing process of representation and accountability. Here, legitimacy is seen from both the electoral and popular angles. It is equally conceptualized in terms of support for, and satisfaction with, democracy in empirical terms with comparative data from the Afrobarometer. In the main, the chapter investigates the 'diffuse support' that people give to the government and the regime in one-party dominant systems.

Chapter Nine delves into the all-important theme of leadership transition as shaped by the effects of institutional and party politics in South Africa and Nigeria. Specifically, comparative empirical issues of presidential succession in both countries show how far less accountable a presidential system is in comparison with a parliamentary system. These differences are sorted out with a comparison of delegation of powers and the implications of divided executives in both cases. Lastly, **Chapter Ten** is the **conclusion** which provides a summary of findings of the thesis, some projections for the main case studies as well as a general and final conclusion.

Chapter Two: Democratic Consolidation in Africa

'Democracy in Africa is an experimental process in a new generation of countries …We should study this process not only to learn about Africa, but also to refresh our knowledge about the meaning of democracy itself' (Richard Sklar 1983:12).

2.1 Overview

Democratisation takes place within historical and institutional frameworks. The particular experiences and experiments of democratic consolidation in many African countries display both the interactive and cumulative effects of path dependent and institutional structures that affect each other in turn. Some of the perspectives often employed by political scientists to understand and explain political actions, processes and outcomes in advanced democracies need modification as most of the consequences for adopting institutions of democratic governance vary largely from country to country.

Given the particular case of the African continent, experience of colonial and post-colonial nationalism and military rule have influenced the trajectory of democratic challenges and prospects. Most of the states bestowed upon nationalist movements and post-colonial leaders were at best 'artificial' and the efforts of the national leaders to hold these states together have faltered as a result of the inability of the leadership of the 'new states' to conduct free and fair elections, form generally legitimate governments, and devise acceptable means of accountability obligations.

As the politics of post-colonialism peaked in the majority of African countries, national leaders strategically attempted to domesticate institutions of democratic politics through ethnic mobilization, restricted party competition, imposed one-party systems, and nationalisation of the key aspects of the economy and institutionalisation of politics of patronage. These approaches to governance were defended by the early leaders of post-colonial Africa as a means to maintain unity, and ensure the spread of economic prosperity for the majority of the new states.

As events unfolded by the early 1960s, it was discovered that the politics of integration and charismatic legitimation were mainly applied to the political and economic advantage of a few leaders. Corruption became more rampant and individual leaders were seen as only

amassing wealth for their own people. The ruling parties were becoming political machines of terror as dissenting voices were being silenced and the commonwealth of the states was being shared by those in power and the few elites who align with their politics of imposition, centralisation and autocracy. The transition of politics from colonial to the post-colonial era across the continent led to revolutionary tendencies. The general expectations of the people that democracy would bring about development further deepened the frustration of the military and the police who had been hitherto used to suppress the voice of the people.

While some of the post-colonial governments in African countries such as Malawi, Gabon, Ghana, and Nigeria experienced appreciable political and economic stability in the early parts of 1960s (the decade of independence for much of Africa), deep-rooted dictatorial tendencies and resource-centred inter-ethnic crisis led to military rule and civil wars. These disruptions cut across African countries as countries such as Liberia, Benin Republic, Democratic Republic of Congo (formerly Zaire) which later witnessed major inter-tribal wars and economic downturns.

Eventually, internal crisis of legitimacy and increasing pressures from foreign donors (following the end of the Cold War) forced most countries in Africa to take conscious efforts at re-democratising the states by the early 1980s and 1990s when it was obvious that the people would settle for less. These were the most significant decades of democratisation debates across the continent. A school of thought argued that Africa, being different in historical and cultural terms with Western countries, should have a model of democracy that combined universal democratic principles with autochthonous elements of African civilization (Ake 2000).

Institutionalising democracy this way remains problematic for two reasons. One, there is a lacuna between the expectation of democracy by Africans and the results that accrue from democratization processes. Aside the 'crisis of expectation' between the political elite and the mass of the people, demands for democracy, as a universal value, often neglects the various contextual factors that shape institutional politics. Problems of democratic consolidation in Africa thus stem mainly from both the nature of the uniqueness of the

historical paths, fragility of the institutions as well as the inability of the operators of the systems to utilize institutions of democratic politics. It follows, therefore, that systemic outcomes of contextual or background issues, regime types, and the party systems are both the causes and consequences of democratic consolidation. Performance and perception are equally products of legitimate governance (expatiated in chapter eight).

Consequently, the legitimacy of many African regimes has remained low, over the last two decades, due to the lower level of satisfaction with democracy. If the democratic system fails to give the majority of the people a lift of life, they might be forced to view democracy as alien and undesirable (Osadebe and Oseni 2011:2, 3). In countries where majority of the people are poor, democracy can only make sense if the lives of the people are better than it was the case under the autocratic regimes.

2.2 Trends in Consolidation

Apart from the three global waves of democratisation identified by Samuel Huntington (1991),[20] Africa has had its own three historic waves of democratisation. According to Nzongola-Ntalaja (2006:1, 4), the three Africa-specific epochal waves included the period of pre-independence struggle (1945 to 1960), the post-independence era of democratic subversion (1960-1988), and the period of democratic restoration and consolidation, beginning from 1988 to the present. In spite of 'the complex interconnections between politics and society' across the continent (Chazan *et al* 1992:14, Radelet 2010:90), democratisation in Africa has remained entangled within the institutional and social forces.

So far, consolidation of democracy across Africa has been more of mixes- success, semi-success and outright failures. Both in intrinsic (political) and instrumental (economic performance) terms, democratic growth has progressed and retarded at the same time. Most of the independent states across the continent are scoring lower than expected in terms of accountability and transparency of elected officers (Freedom House 2012). Manipulation

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[20] What came with the Huntingtonian 'third wave' of democratisation in the early 1990s was the greater demand for the constitutional variants of democracy, including political and civil rights, process-led electoral power, and, accountability on the part of the government. Although some scholars worried that multi-partyism might not lead to the 'emancipation' of the people (for instance see Ake (2000), political liberalisation and multi-party elections were intense. As Fawole (1994:11) contended, the collapse of communism in Eastern Europe furthered and widened the struggle and agitation for democracy not just in Eastern Europe but also across Africa.

of institutions by office holders in the presidency and the parliament has equally had wide range effects for the legitimacy of the elected governments.

In other words, since several African countries have passed through critical junctures of 'civil authoritarianism' (Cheeseman 2006), the contexts of democracy across the continent have also come to be uniquely shaped by past experiences and institutional factors. As Lynch and Crawford assert, the democratisation process across the continent of Africa over the last two decades has recorded areas of progress and setbacks. The continent of Africa has experienced

> increasingly illegitimate, but ongoing military intervention; regular elections and occasional transfer of powers, but realities of democratic rollback and hybrid regimes; democratic institutionalisation, but ongoing presidentialism and endemic corruption; the institutionalisation of political parties, but widespread ethnic voting and the rise of an exclusionary (and often violent) politics of belonging; increasingly dense civil societies, but local realities of incivility, violence and insecurity; new political freedoms and economic growth, but extensive political controls and uneven development; and the donor community's mixed commitment to, and at times perverse impact on, democracy promotion (Lynch and Crawford 2011: 275).

In spite of these paradoxes, it is crucial to probe into how relevant and interwoven the juridical states, regimes and societies have come to shape the path of democratic growth across the continent (Baker 1999). While the 'meagre impacts' of democratisation in Africa (Amundsen 2001:43) are not solely caused by institutional failure, explanations of failure in the consolidation of democracy have long been spun around the viability of institutional politics.

Legitimation and institutionalisation of democracy have indeed become particularly problematic since the democratisation of the late eighties and early nineties. Indeed, much of recent empirical researches on African case studies have shown that the people demand both the political as well as the economic benefits of democracy. Subsequently, several of African states are now being demanded to move from mere transitional (electoral) democracies, into constitutional regimes.[21]

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[21] According to Freedom House (2009:3), an 'electoral democracy' is a polity with a competitive multiparty political system which grants universal adult suffrage for all citizens, holds regular elections conducted in conditions of ballot secrecy and security and a significant public access of major political parties to the electorate through the media and through generally open political campaign. The adjective 'electoral' is even nobler, when compared with many others such as 'defective' democracy with less institutional capacities to exhibit democratic values and culture.

For instance, the Polity conceptual scheme, from which the graph (below) is based, examines *concomitant qualities of democratic and autocratic authority* in governing institutions, rather than discreet and mutually exclusive forms of governance. This perspective envisions a spectrum of governing authority that spans from *fully institutionalized autocracies* through *mixed, or incoherent, authority regimes* **(termed 'anocracies')** to *fully institutionalized democracies*. The 'Polity Score' captures this regime authority spectrum on a 21-point scale ranging from -10 (hereditary monarchy) to +10 (consolidated democracy).

Figure 2.2:
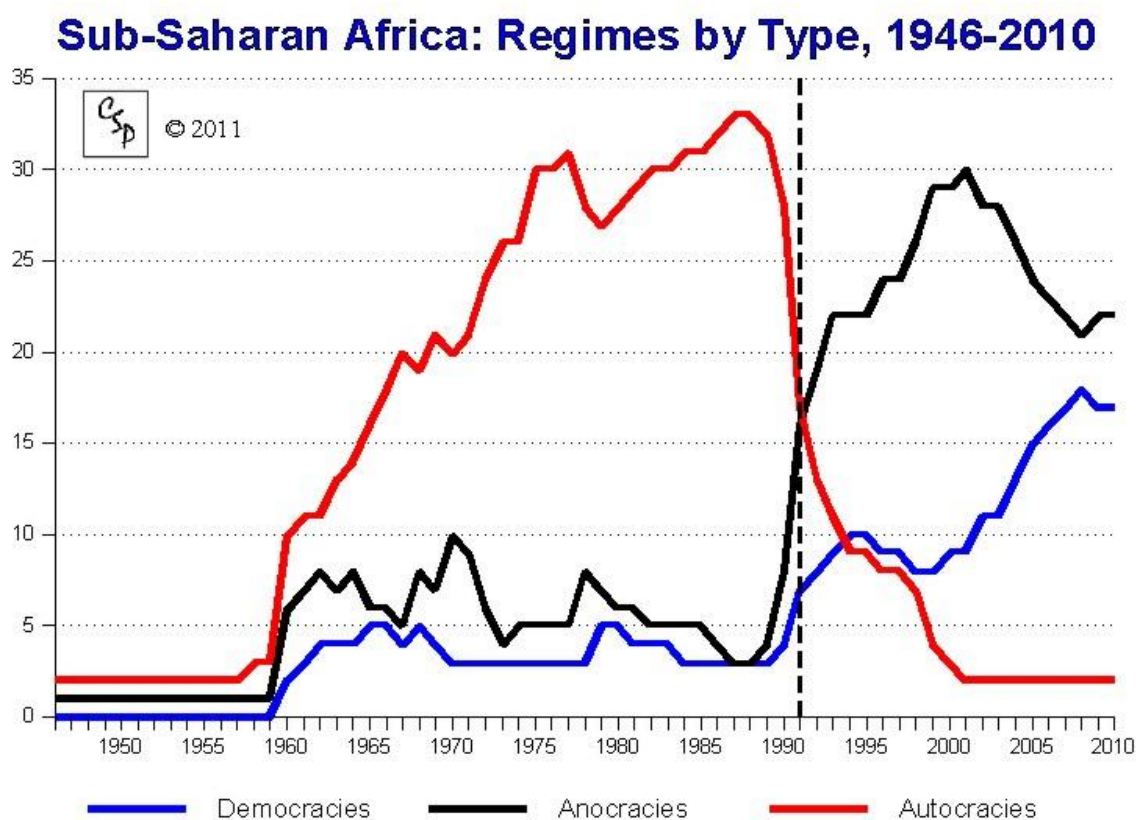
Source: http://www.systemicpeace.org/polity/ssafrica2.htm   Accessed: 11.07.2012

As shown in the graph above, 'fully institutionalised' democratic regimes have risen from zero level in the 1950s to an appreciable level from the 1960s (decade of independence) up till the 1990s (the decade of transitions) from when a rise in the number of democracies got to an all-time level in the first decade of the twenty-first century. On the other hand, 'anocracies' (mixed or incoherent regimes) rose from the 1960s to the 1990s (higher than

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the number of democracies) only to outnumber both democracies and fully institutionalised autocracies in the last two decades. Similarly, autocracies, in the majority of authority regimes from the 1950s to the 1960s rose from the independence period to the stage of re-democratization of the 1990s. Fortunately, in the last twenty years, institutionalised autocracies have fallen back to the same levels they occupied over sixty years ago.

Moreover, in Africa, historical circumstances and institutional choices (expatiated above), have not clearly targeted specific models of democracy. If this was so, both the post-independence (from early 1960s) and post-re-democratisation stages (1990s till date) would have witnessed higher levels of democratic consolidation than the current levels in Africa. However, like most emerging democratic systems that have gone through civil wars and post-conflict stages, most political systems in Africa have oscillated around the two models of democracy as propounded by Arend Lijphart (1999): 'majoritarian' and 'consensus' kinds of democracy.

According to Lijphart (1999; 2008) the first five majoritarian features of democracy are concentration of executive power in single-party majority cabinets, executive-legislative relationships in which the executive is dominant, two-party systems, majoritarian and disproportional electoral systems, and pluralist interest group systems with free-for-all competition among groups.

Equally, the first five contrasting consensus characteristics are executive power sharing in multiparty coalitions, executive-legislative balance of power, multiparty systems, proportional representation, and coordinated and "corporatist" interest group systems aimed at compromise and concentration. These variables are 'closely correlated' in such a way that when a country possesses one it is likely to possess others, which in actual fact can be as the executives-parties dimension.

The second dimension, which is the federal-unitary, comprises another set of variables. Here, the majoritarian democracies are characterised by unitary and centralised government, concentration of legislative power in a unicameral legislature, flexible constitutions that can be amended by simple majorities, systems in which legislatures have

the final word on the constitutionality of their own legislation, and central banks are dependent on the executive.

Further, the five contrasting consensus characteristics are federal and decentralised government, division of legislative power between two equally strong but differently constituted houses, rigid constitutions that can be amended only by super-majorities, systems in which laws are subject to judicial review of their constitutionality. The gap in these classifications which of course the African cases tend to fill is the need to factor in the influence of the historically shaped party and electoral systems on the majoritarian and consensual tendencies of constitutional democracies.

Nonetheless, it is not enough to describe single-party majority cabinets and executive-dominant institutional designs as simply 'majoritarian', it is also necessary to explain how dominant executives derive their powers as a result of party arrangement. In certain cases in Africa, aside the difficulty of classifying regimes mainly as majoritarian and consensus, what makes democratic governments reflect the ideals of the two models are arguably a function of institutional interactions and incentives for individual manipulation of the constitution rather than the mere formal provisions of the constitutions and resultant legislations.

From the above, it can be argued that the 'African initiative' in and ownership of the struggle for 'home grown' democracy (Nzongola-Ntalaja 2006) is plausible and possible only when institutions Africans have adopted and adapted are allowed to grow and develop. The path dependence of political development in much of the African continent displays a connection between the past and the new dynamics of formal and informal institutions. After all, decolonization was itself as a result of 'the convergence of interests between the metropolitan (colonial) powers and the African leaders' (Ibid 2006:7).

In other words, it was not by sheer revolutionary trend of the liberation of the nationalists nor the benevolent consideration of the colonial rulers that territorial nation-states be independent (Cabral 1927). While the mass of the people have been disempowered by poor economic growth, dearth of infrastructural development and generally low pace of

democratic development, much of the erosion of democratic gains has largely been due to lack of legitimate government in the post-colonial Africa:

> For the most part, our post-colonial rulers have lacked the legitimacy, responsibility and responsiveness needed to transform the inherited structures of the state and the economy in order to serve the deepest aspirations of their peoples instead of the interests of the governing elites and those of their business allies at home and abroad (Nzongola-Ntalaja 2006:3)

At the same time, as elsewhere, there is an unclear relationship between the compatibility of certain institutional designs with democratic stability. This is further complicated by the failure of some post-colonial states to domesticate the more or less 'imported institutions' of democratic politics. This sort of argument speaks for instance to the issue of clash of context and design in a number of former British colonies, where the Westminster model of parliamentarism was borrowed, developed, and is some cases, later jettisoned for presidentialism.

By the early 1990s, the long-held perception that democracy was imported into Africa started fading away. Even though sceptical views have been expressed as to the 'external interferences' of development partners, and countries with global 'sphere of influence' like the United States and Britain across the continent, elections as instruments of representation and use of institutional means like the judiciary to seek redress and settle conflicts increasingly became part of the African political life.

Admittedly though, and without falling a prey to the often extremist radical thought that 'liberal democracy' was imported into Africa, perhaps via the Huntingtonian wave of the 1990s, we must acknowledge the reality of geo-political dimension of democratisation process that followed the post-cold war era. If anything, the justification for the 'importation' thesis lies in the special interest which the industrialized western countries put into elections in African countries, for instance. Furthermore, the conundrum of a mass-oriented democracy, by which the majority of the people will not only feel the essence of popular governance but also have a sense of ownership, is now being possibly

attempted and attained with a continuous institutional auditing at ensuring democratic representation and accountability.[22]

Although 'only in the context of a mature democracy can values such as the rule of law, accountability, transparency, and competitiveness be fully operational as well guaranteed' (Ake 1996:128), empirical evidence has repeatedly shown, as in Mauritius, Ghana and Botswana, and to some extent, in South Africa, Senegal (until President Wade's controversial constitutional manoeuvre for a third term, which he eventually lost in the re-run) and Mali (before the Islamist insurgency in the North), that 'developing democracies' in Africa can and do make bold attempts at legitimizing and institutionalizing democracy.

At the empirical level, democratisation over the last two decades has shown a positive and progressive trend across the continent (see Table 2.2). An intra-continental comparison points out the fact that more and more countries have liberalised and democratised than they were pre-1990. The higher levels of political rights and civil liberties however remain low when compared with other parts of the world. Unlike in the Americas and the Asia-Pacific where 69 and 41 per cents are rated free respectively, only 19% (9 out 48) of SSA countries are free. African people support democracy but have less satisfaction of the 'dividends' they get in turn.

However, as Mustapha and Whitfield (2009:226) note, the Africans have a higher level of 'authentic support' for democracy as a system of government than the people in other parts of the world. The globally comparative slow pace of democratic development of democracy across the continent would then depend on how representative and accountable the political leaders are. Although making the institutions of governance more accountable to their various constituencies remains the great challenge for 'African democratization' (Ibid: 227), the number of 'free' countries across the continent has risen considerably over the last two decades.

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[22] The imperative for understanding and strengthening the institutions of democracy has been receiving global attention. One of such forums where 'institutional auditing' took the centre stage was the 2010 UN Democracy Day (Sept. 15) with the theme: 'Political Accountability: Strengthening the Links between Parliaments and Citizens'.

Table 2.2: Freedom House Categorisation of Sub-Saharan Africa, 1989 and 2011 (%)

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| | 2011 | | 1989 |
	Global (208 entities)	Africa (48 entities)	Africa (44 entities)
Free	45.0	19.0	6.8
Partly Free	31.0	46.0	25.0
Not Free	24. 0	35.0	68.2

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Source: Compiled from Freedom House data over two decades (available at www.freedomhouse.org**)**

Similarly, between 1989 and the end of 2000, sub-Saharan Africa witnessed 70 presidential elections involving more than one candidate (van de Walle 2002:67). By 2012, multiparty elections have become widely regarded as the benchmark for appraising democratic credentials of African governments (Africa Research Institute 2012:1). Unlike in 1989, when only three African democracies were labelled electoral democracies, the number had risen to eighteen by 2011(Freedom House 2011). No fewer than 15 countries held presidential, legislative and/or local government elections in 2012 (EISA African elections calendar 2012).

While the rise in electoral democracies across the continent bodes well for consolidation of democracy in several cases, multiparty elections have so far formed the basis for improving institutional politics. Thus, what happens between elections in several of African countries including recycling of elites, hegemonic utilization of institutions such as political parties, electoral violence and the widening gap between support for and satisfaction with democracy should as well inform the analysis of African political systems.

So, because democratic consolidation extends beyond the matrix of electoral legitimacy, dynamics of electoral power of the majority, which essentially drives peoples' support for regimes, is both a cause and consequence in consolidating of constitutional democracy. Specifically, the constitutional perspective of democracy differentiates between

constitutional versus authoritarian, presidential versus parliamentary, federal versus unitary, etc. Constitutions are crucial in constructing democracy.

In other words, if we look more closely into to the intrinsic variables such as political representation, voting power and freedoms of speech and media and, on the other hand, instrumental/economic variables such as development/policy performance and well-being of the majority, Africans' satisfaction with democracy has not improved progressively as a result of negative cumulative and interactive historically entrenched and institutional effects on consolidation processes.

2.3 'Big Man' Politics despite Constitutionalism and Multipartism

The pathologies and prospects of constitutional democracy in much of Africa are comparatively rooted in the dynamic history of constitutional designs adopted. From Angola to Zimbabwe, from Nigeria to The Gambia, empirical evidence have shown that African presidents are extremely powerful and many of the constitutional designs in Africa today were either colonial legacies or acts and at times reactions to such acts.

For instance, the Nigerian independence constitution of 1960 was a colonial legal document. It however vested executive powers in the Nigerian prime Minister even though the (British) monarch remained the ceremonial head of state until the country became a republic in 1963. Basically, however, within that period, Nigeria operated an essentially Westminster parliamentary system : 'As far as the executive is concerned, the independence constitution of Nigeria was in most respects a carbon copy of British constitutional practice and nothing in that constitution seems to indicate any tendency toward presidentialism' (Juergensmeyer 1964:159).

Under this arrangement the various regions of the country had constitutions that established a bicephalous executive of Governor-General (who later went by the title 'President') and Prime Minister (also known as the Premier at the regional levels) which was identical to the one established by the Constitution of the Federation. The semblance with the UK Constitutional practice was striking in the sense that Governor-General or President, like the Queen, is the Head of State and not Head of Government and thus only had and wielded ceremonial and not real executive powers.

Upon becoming a Republic in 1963, Nigerians fashioned for themselves a 'truly People's Constitution' by which they dropped a number of colonial vestiges, including the imposed Westminster parliamentarism. The 1963 Constitution established, for the first time, a constitutional presidency with an executive prime minister. The stories were similar for two other West African countries of Ghana and Sierra Leone, which upon independence from Britain in 1957 and 1961 respectively, were given constitutions which were essentially based on the British parliamentary system.

Furthermore, the implication of the need to 'de-colonise' and re-organize regime types focused much more on the nature, structure and dynamics of presidential powers. In fact, preferential treatment was often meted out to the "first presidents" who of course emerged from the front-runner nationalists. The Ghanaian Constitution of 1960, for instance, conferred more powers on the presidents than as were exercised by the Governor-General and the Prime Minister combined under the 1957 Constitution. According to Article 8 of the Constitution of the Republic of Ghana, 1960 : 'In the exercise of his functions, the President shall act in his own discretion and shall not be obliged to follow advice tendered by any other person'.

The framers of the new republican constitution must have wanted to make a concrete case for 'independent presidents' who, unlike the colonially sanctioned Governors-General, should not be obliged to follow advice 'by any other person'. Furthermore, Article 55 (2) recommends that 'the first President may, whenever he considers it to be in the national interest to do so, give directions by legislative instrument'; while 55 (3) backs the provision of Article 2 by stating that 'An instrument made under this Article [2] may alter (whether expressly or by implication) any enactment other than the Constitution'.

This arguably marked the beginning of all-powerful presidentialism in Africa, since Ghana was the first sub-Saharan African country to gain independence and to fashion a post-colonial constitution. The president was free to conduct government affairs with little or no recourse to the parliament, and even when his wish was blocked by the assembly, he was still entitled to use the power of absolute veto.

The only legal limitations on presidential powers was the right of the Supreme Court to declare his acts as unconstitutional, as provided in Article 55 (4) in the case of the Constitution of the Republic of Ghana. Even with judicial review, as practised till date in most presidential systems in Africa and beyond, the presidents often appoint the judges, up to the highest court.

Moreover, the vesting of executive power, real and formal, in monocephalous or single executive (Juergensmeyer 1964:174) characterised the changes in regime types, especially from parliamentary regimes to presidential-type designs in the 1970s and 1980s. According to Nwabueze (2003), three reasons accounted for the pervasiveness of the single executive in Africa. First was the structural monopoly of absolute power in the hands of the colonialists. This monopoly syndrome was of course inherited across the continent at the point of independence.

Second, there had always been pre-colonial tendencies for single executives across Africa. While exceptions exist particularly in the largely "stateless societies" across the continent, as Agbakoba (2005:86) shows, power in African pre-colonial history manifested largely from a single rather than a plurality of sources. In other words, it is deemed un-African to make a man a leader without authority and power. So, while Governors-General and ceremonial heads-of-state might work in Britain it was problematic in much of Africa.[23]

The third reason of course is the carryover of the so-claimed anti-colonial and anti-imperialist sentiments into the post-colonial state, through which politics has further rationalised single executive to maintain national unity and integration. This trend has no doubt encouraged many African rulers to unduly personalise power and justify absolutist and dictatorial practices (Agbakoba 2005:87)[24]. The full adoption of presidential-type

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[23] This partly explains the adoption of a unique constitutional parliamentary system in South Africa, where the powers and functions of the Head of State and Head of Government are rolled into one. The 'President' wields both the executive and ceremonial powers and functions concurrently.

[24] This was particularly the case under Kwame Nkrumah, both as a Prime Minister and later a President. Dr Nkrumah was popular across the world as an African nationalist whose efforts helped liberate many African colonies, but whose domestic politics was later tainted by anti-opposition tactics and subtle presidential dictatorship. By the time he was overthrown by the first military coup on 21 February 1966, President Nkrumah had declared Ghana a one-party state, and he was indeed the Head of State, the Head of

constitutions in African countries granted huge powers to the executives in relation to the legislature. Nigeria adopted presidentialism for the first time with the promulgation of the 1979 Constitution.

Before now, the trend in African presidential regimes was of 'monocephalous executive who is head of state, head of government, head of the major political party, and an indispensable legislative organ' (Juergensmeyer 1964:174). That of course laid the foundation for 'reinforced presidencies', which not only gave seemingly unlimited powers to the presidents but also willingly or unwillingly increased the frontiers of presidential legislative initiatives. The presidents are constitutionally empowered with emergency powers, including declaring wars and deploying troops, and can even by-pass the legislature in matters of legislation as a result of his or her absolute veto.

Even in African parliamentary systems, 'presidential practices' are not uncommon. As Kenneth Good (2006) argues, in the particular case of Southern Africa, presidentialism promotes predominance, fuels personal rule, encourages clientelistic and corrupt practices, and stifles democratisation, both in political and economic terms. In Angola, Zimbabwe, Namibia, and even the parliamentary regimes of South Africa and Botswana, presidents have impeded democracy in varying degrees. Presidentialism not only basically entails the centralisation of power in one office and one person, presidents, particularly in one-party dominant systems, seem more likely to alter or attempt to alter constitutions for different but related reasons, including influencing the electoral system and extending tenure of office.

Furthermore, the intensification of presidentialism as a mechanism for personal aggrandisement and power ballooning flourished under President Seretse Khama of Botswana as it did under President Thabo Mbeki of South Africa. This was aided, of course, by the predominance of the ruling Botswana Democratic Party, BDP, and the African National Congress, ANC, in both countries respectively.
Consequently, presidentialism has fuelled corruption particularly in Angola and Zimbabwe, with the president's men (and women) enjoying 'complete non-accountability

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Government, and the Head of the ruling Convention People's Party, CPP.

and impunity' (Good 2006:81). Moreover, presidentialism is a heavily centralised kind of government easily facilitating a system of clientelistic domination through the reinforcement of presidential power (Messiant 2001)[25].

This kind of highly centralised power, which has been robustly cuddled and maintained by 'militant nationalism', based on the use of force had been a mark of President Mugabe's rule in Zimbabwe. The latter frequently deployed the agency of his party, ZANU (PF), the military and the police and a relatively strong bureaucracy for personal and partisan agenda.   Equally, in the oil-rich Angola, 'the system of clientilist control established by President dos Santos both operates at the people's expense and accords impunity to the ruler while doing so' (Good 2006:84). More often than not, predominance accompanies presidentialism.

In essence, presidential dominance can be explained by two factors, not just one: first, the kind of powers granted to the presidents by the constitution and second, the kind of party system in place. Crucial effects on the institutionalisation of democracy are found in the combination of the two. In particular, loyalty of key public functionaries and agencies to the president as an individual rather than the constitution undermines the integrity of the Nigerian state (Ayobolu 2012: 64). While the South African system has in-built 'effectively parliamentary' and constitutional bulwarks against personalisation of power (Chanza, Personal Interview, 4 August, 2011) experience since 1994 shows a growing level of populism and personal politics of the presidents.

No doubt, the rampant nature of 'big man' politics cuts across the institutional designs in Africa, making it a common political culture that keeps impacts of institutional designs at the margin. Yet, the capacity for individuals, such as Presidents, to restrict the chances for accountability obligations is increased with their capacity to control the ruling parties, and maximise constitutional powers to their political advantage.

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[25] For a more detailed discussion of personalisation of power by African presidents, see Nicolas van de Walle, "Presidentialism and Clientelism in Africa's Emerging Party Systems", *Journal of Modern African Studies,* 41, 2, 2003. Also, Claude Ake, in his article, 'Charismatic Legitimation and Political Integration' described the trend as 'a personalistic style of politics' (1966:13).

At the 'informal' level, one of such mechanisms for influencing party competition and maintaining perpetual access to national power is ethnicity- taken broadly as including group identities based on race, clan, region, language, and religion (Posner 2005). While this is correct, at least to some extent, much of what determines ethnic or 'tribal' manipulation of political institutions lies not only within the 'ethnic' or the 'institutional' but as well as a result of the 'systemic' factors such as the nature and dynamics of the party structures. Yet, by a twist of Posner's logic, ethnic compositions provided incentives for party affiliation and political mobilization in two major ways.

One, whether in presidential or parliamentary system, people of similar race, ethnicity, culture or tribes tend to vote for the same party. This is particularly so in Africa where ethnic affiliation and tribal sentiments remain strong.[26] So, party politics can hardly be separated from the nature and character of ethnicity, which in turn shapes the nature of party competition and political formations. Two, particularly in one-party dominant systems, the role of identity politics, based on ethnicity-broadly defined as above-raises stakes for both the necessity of a unifying party structure and the need for cooperation between major groupings.

Specifically, the main gap in the theorizing of institutional democracy in Africa lies in the insufficient attention which analysts have given to the cumulative and interactive effects of institutions and party systems on democratic consolidation in new and emerging democratic countries. It is also now more critical than before that one-party dominance characterises the majority of countries in Africa. As noted in Table 2.3 below, a vast majority of African countries are presidential systems dominated nationally by single parties with far reaching implications for the practice of democracy.

There is a path dependent aspect to the politics of institutional designs. For instance, Zimbabwe operated a parliamentary system at independence in 1980 but changed to a presidential system in 1987, with the President Robert Mugabe's ZANU-PF dominating since then. Whereas the main opposition party, Movement for Democratic Change (MDC), is in a consensus government with the ZANU-PF, following the deadlock of the 2008

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[26] As demonstrated in chapters two and eight, electoral, political, and party supports derive largely from ethnic affiliations and regional sentiments.

presidential elections, Zimbabwe remains essentially a presidential system since the Prime Minister and members of the cabinet are still dependent on the president. In actual fact, as the head of state, the President administered the oath of office on the Prime Minister.

Even in Egypt, where the people's revolt sacked the perpetual regime of President Hosni Mubarak in 2011, it was the reality of the wide-ranging powers of the president- maximized by the party dominance- (even in a so-called semi-presidential system). The Egyptian system is also a confirmation of the claim by Samuels and Shugart (2010:255) that a semi-presidential system is more presidential than parliamentary.

While Lesotho operates a multi-party parliamentary system with a constitutional monarchy (the prime minister is the head of government and holds executive authority while the monarch is ceremonial head of state) some cases such as Uganda (which claims to be a 'Movement System' or 'No-Party' Democracy, according the country's constitution of 1995) is in reality a one-party dominant system. Whereas President Museveni has allowed a minimal level of opposition and seemingly widespread local mass participation, only his 'National Resistance Movement' has been the 'ruling party' since 1986.

Table 2.3: A Classification of African Countries According to Regime Types and Party Systems (1990-2010)

Constitutional Regime Types	One-Party System (Non-Competitive)	One-Party Dominant Systems (Partly Competitive)	Two-Party Dominant Systems (Competitive)	Non-Dominant Multiparty Systems { Highly Competitive}
Presidential		Angola, Burkina Faso, Equatorial Guinea, Namibia, Chad, Cameroon, Guinea, Gabon, Nigeria, The Gambia, Rwanda, Seychelles, Rwanda, Sudan, Tanzania, Togo, Tunisia, Uganda Zambia, Zimbabwe	Ghana	Benin Kenya Liberia Malawi
Semi-Presidential		Egypt, Djibouti, Senegal	Mozambique	Mali
Parliamentary		Botswana Ethiopia South Africa,		Lesotho Mauritius

Source: Compiled by the Author

2.4 Country-Specific and Comparative Issues

As the two 'big brothers' of Africa, Nigeria and South Africa have operated one- party dominant systems since the 1990s. A much more interesting significant difference in both cases is at the level of democratic growth. Since the re-democratisation and political liberalisation in the 1990s, South Africa has performed better democratically than Nigeria, both in terms of legitimation and institutionalisation. As pointed out in the introductory chapter, 'legitimation' (electoral and popular support) of democracy in South Africa is far higher in South Africa than in Nigeria, even though both still have low levels of democratic 'institutionalisation' by which we essentially mean accountability.

The question then becomes pertinent: Why has democracy performed better in South Africa than in Nigeria, even when both countries operate under one-party dominant systems? Can we attribute the divergence (see Tables below) to the institutional choice of presidentialism in Nigeria and parliamentarism in South Africa? Or do the combination effects of such institutional and party systems offer more coherent reasons for the better legitimation and institutionalisation of democracy in the latter than in the former? This section offers introductory insights into the case studies and this is further built upon in chapter two (path dependence) and chapter three (institutional effects).

Equally, as the two most important countries in Africa, South Africa and Nigeria represent the paradoxes of institutional similarities (at the party and transformation levels) with quite contrasting realities of consolidation of democracy. Politically, South Africa is not only more stable and predictable (in terms of electoral integrity for instance), it also has a more diversified economy that can better sustain democratic prospects than Nigeria which runs an oil-dependent mono-cultural economy.

Table 2.4A: World Democracy ranking: Nigeria

Topics	Range	Ranking
World Democracy Audit overall ranking	1-150	89
Political Rights	1-7	5
Civil Liberties	1-7	4☐
Press Freedom	0-150	69
Corruption	0-149	113

Source: http://www.worldaudit.org/countries/nigeria.htm
Accessed: 11.08.2011

Table 2.4B: World Democracy ranking: South Africa:

Topics	Range	Ranking
World Democracy Audit overall ranking	1-150	43
Political Rights	1-7	2
Civil Liberties	1-7	2
Press Freedom	0-150	41
Corruption	0-149	47

Source: http://www.worldaudit.org/countries/south-africa.htm
Accessed: 11.08.2011
         Note: The tables above show the most recent World Democracy Audit scores and rankings (2011) achieved by each country. Lower scores are preferable.

In Nigeria, the introduction and practice of presidentialism began within a competitive multi-party system. The parties were largely organised along ethnic and regional lines. As the first presidential elections revealed in 1979, and subsequently in 1983, all the major presidential candidates not only had the most votes from their ethnic and regional bases, they in actual fact ran on ethnically aligned parties. Nigeria operates a First-past-the-post (FPTP) electoral system.

The five major parties with presidential candidates, in the first ever presidential system in the country, were all off-shoots of the largely ethno-regional parties that formed governments in the pre-civil war republic. The National Party of Nigeria (NPN), which produced President Shagari in 1979 and 1983, was more or less a rebranded successor of the Northern People's Congress (NPC), which produced the Prime Minister in the parliamentary system of the First Republic i.e. in 1959 and 1964/65 House of Representatives.

In short, as it was in the First Republican parliamentary system when highly competitive elections among a plurality of non-dominant parties led to ethnic voting patterns and political instability, so was the case with the second republic. Consequently, the non-dominant party system (safe for the imposed two-party system in the early 1990s) led to ethnic politics and violence, with negative effects for the consolidation of democracy.

Given the similar approach and strategy of political dominance adopted by the ruling National Party of Nigeria (NPN) in the country's first ever presidential system, one could have predicted that Nigeria was going to become a one-party dominant state when the

second republic came to an abrupt end with a military coup. The common tool of domination by NPN (1979-1983) and that of the PDP (1999 till date) has been the manipulation of electoral processes. In both republics, manipulation of by the ruling parties of the electoral agencies in order to inflate the number of votes in their favour was common and similar.

Consequently, in contrast to the previous party systems, the post-1999 era has further revealed the legitimising potentials of dominant parties within the institutional arrangement of presidential politics. The multi-ethnic nature of the Nigerian State has meant that only a dominant and nationally spread party such as the PDP or a coalition of two or more parties with cross-ethnic alliances can win presidential elections and form the majority in the national parliament.

In 1999, the PDP controlled 21 states, while the two other major parties All Peoples Party (APPP and AD (Alliance for Democracy) controlled 9 and 6 states respectively. By 2003, following what turned out to be a controversial election, the PDP produced 28 state governors, the ANPP (All Nigerian Peoples Party, formerly APP) got 6, and AD got 1 while one of the new parties, APGA (All Progressive Grand Alliance), got 1 state. In 2007, another round of disputed elections gave 28 states to the PDP, 3 to ANPP, 2 to the Progressive Peoples' Alliance (PPA), and 1 to the Action Congress (AC).[27]

The PDP states later increased to 31 following defection by the two governors elected on the platform of PPA in South Eastern states of Imo and Abia, and one on the platform of ANNP in the North Eastern state of Bauchi. The PDP also eventually lost 4 states to opposition parties at election tribunals and appellate courts. The ACN states became 4 from 1 and the Labour Party got its only state by court judgement.[28]

Save for the often proven allegations of massive rigging and electoral violence, the electoral appeal of the PDP has always been the most 'national' in outlook. The AD/AC/ACN has always been strong in the South west and lately in the South-south state of Edo; the APP/ANPP has always got its most votes from the Northern region, while

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[27] See chapter five for background information on these parties.
[28] See Appendix IV for a table on the parties and states under their control in Nigeria from 1999 to 2011

APGA is essentially popular in the South-eastern region.

However, unlike in the first and second republics (with parliamentary and presidential systems respectively) when no single party dominated national politics, the post-1999 era with a singularly dominant PDP has given birth to a central government that is representative of all shades of ethnic groups. As it is, no single ethnic zone can claim to 'own' the PDP. Even in 2011, when elections were adjudged to be relatively free and fair, President Jonathan was popularly elected with indisputable 58.89% of the total votes.

In the case of South Africa, one-party dominance and parliamentarism have interacted to have weighty implications on the electoral system of closed-party list proportional representation with wide-ranging outcomes for democratic representation and accountability. As expected, the opening of democratic space with the 1994 elections increased the prospects for legitimation of the state and the regime at all levels. After 1994 elections, the ANC controlled 7 provinces, National Party (NP) 1 and Inkatha Freedom Party (IFP) 1.

As it was expected, both the NP and the IFP got control of the provinces that were largely populated by white and black voters respectively. This projected the ANC as the most widely legitimated party in the post-apartheid South Africa. The party won 63 percent of the total votes in 1994, while both the NP 20 percent of the votes. By 1999, it was 8 provinces for the ANC, with 66 percent of the votes while the IFP got 1 province. In 2004, it was overwhelming control for the ANC as the dominant party cleared majorities in all the 9 provinces (with about 70 percent of the total votes), only to claim 8 in 2009 while DA got the control of 1 province.[29]

This trend was against the fear that the ANC might lose its dominance as a result of the potential of the breakaway party Cope, which many thought would eat into the electoral market of the dominant ANC. Whereas the DA increased its lead of the opposition by taking 67 seats (16.75% of the 400-strong National Assembly, the ANC maintained its dominance with 264 seats (66%) in the National Assembly. Since the parties control the

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[29] Appendix V comprises the parties and the provinces under their control in South Africa from 1994-2009

provinces by controlling the Provincial Legislatures, which elect the provincial Premiers, the ANC has controlled most provinces and municipalities in South Africa since 1994.

Comparatively, the advent of dominant party politics in Nigeria and South Africa has shaped the political and social bases of legitimation in both countries. Unlike in the earlier democratic dispensations in Nigeria where parties struggled to get votes on ethnic sentiments and regional lines, the dominant party politics of the PDP has meant that no single ethnic group can make a candidate win, which means presidential candidates need to broaden their campaigns and ask for as much as possible support from various ethnic and social groups.

Similarly, therefore, as with the ANC, which gathers most ethnic and racial members and supporters to maximise support and broaden legitimacy, the PDP, even though more often controversially, has had to rally support and gather votes among different regional and ethnic bases. The main implication of this is obvious. Just as it would be difficult for an ethnically inclined party such as IFP (Zulu-dominated) in South Africa to control the centre so would it be for parties such as ACN (even though also popular in parts of non-Yoruba states) to get the presidency unless they go into alliance with other parties.

In South Africa, race as well as ethnicity largely determines the pattern of voting. This is why analysts often describe the general elections as a 'racial census' pointing out the pattern of voting by racial groups. However, unlike in Nigeria, where ethnic groups dispute controversial elections and thus have less support for the state and the central regime since 1999, most South Africans have consistently accepted the results of electoral contests since 1994. Free, fair and credible elections have thus remained the benchmark for the legitimacy of dominant party regimes in both countries.

In the main, Nigeria has oscillated between civil and democratic rules since 1960 when it became independent. The country was a competitive multi-party parliamentary system in the First Republic (1960-66); a competitive multi-party presidential system in the Second Republic (1979-1983), but became a military-imposed two-party system (no third party

allowed) during the aborted Third Republic (1992-93) and then returned to a supposedly competitive multi-party democracy in 1999 with the PDP as the dominant party till date.

According to Zwingina (2005:23), there are three problems with the practice of presidentialism in Nigeria. One, the president is extremely strong, 'powerful and domineering' despite the constitutional separation of powers and checks and balances. Two, the size of the office of the presidency is too big. This not only reinforces the bloated power of the president, it also cripples the principles of federalism. This is because the exclusive legislative, within which the president, being the leader at the federal level can act, often supersedes the totality of the concurrent list, within which both the governments of the federation and the sub-units, known as the states, can perform.

Three, the overburden of functions and services expected of the president therefore, in turn, undermine the ability of the president to carry out his task effectively and efficiently. This is probably why Zwingina recommends the French-like mixed system which allows the president to concentrate on state matters, while the prime minister deals with internal matters and governmental administration (2005:25).

While these observations reflect the nature of presidential problems, contextual analysis finds the one-party dominant system, within which the Nigerian president operates as a significant variable. The powers of the president (as calculated in chapter six) are not only maximized within one party dominant system, virtually all formal relationships between the arms of government are shaped by the interaction and additive effects of the organs of government and party system.

On the other hand, the road to democratic transition from 'colonial-racial dictatorship to a condition of non-racial democracy' (Southall 2001: 1) actually began in South Africa in1992 when the then ruling National Party (NP) under President de Clerk called for a referendum to get a mandate on de-racialising the political system. The minority National Party ruled the Republic of South Africa as the dominant party from 1948-1994 within a parliamentary system. The country became a multi-party and multi-racial democracy in

1994 with the ANC as the dominant party while retaining a modified parliamentary system since then.

Like the Nigerian system, the South African political system is no less different if we consider the major interaction effects of one-party dominant system and parliamentarism. Despite free and fair elections, critical press, independent judiciary, and mass political culture of participation and representation, prospects for democratic consolidation are undermined by the dominance of a single party. According to Seekings (2009:134), the strength of the ANC tends to undermine both the constitutional separation of powers and the accountability of the executive to the electorate.

Unlike Nigeria that practices presidentialism at the national level, and a semblance of it at the state and local levels of government, South Africa practices parliamentarism and a semblance of it at the provincial and local levels of government. However, as a result of the constitutional status of 'Head of State' and the Head of the national executive, who 'must uphold, defend and respect the Constitution as the supreme law of the Republic and promote the unity of the nation and that which may advance the Republic' (Constitution of the Republic of South Africa, 1996, Chap. 5, section, 83:1-3), the South African president is more than a figure head which usually is the case in prime ministerial parliamentary system.[30]

The 'presidentialist' status notwithstanding, the head of state is elected not by the people but by the National Assembly, to which he or she is responsible.[31] Aside the unique single national executive, one can observe four key elements of parliamentarism in the South African system: 1) the executive is not wholly outside and independent of the legislature, since the 'president' is elected from the legislature, 2) there is some fusion of power between the executive and the legislature since members of the executive cabinet are

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[30] The unique feature of the Republic of South Africa as a Parliamentary System in which the constitutional court can invalidate parliamentary legislations stipulates the supremacy of the constitution and not that of the parliament. This was confirmed by the Constitutional Court in the case of *Executive Council of the Western Cape Legislature v. President of the Republic of South Africa* 1995 10 BCLR 1289 (CC) 1995 4 SA 877 (CC) Par 100.

[31] A more detailed analysis of the powers of the president and how the relations between the executive and the legislature affect, positively and negatively, the outcomes of democracy is done in chapters six, seven and nine.

elected or appointed from the legislature, 3) parliamentary superiority, since the executive is ultimately responsible and accountable to the legislature, and 4) existence of a constitutional court, whose powers are limited.

Since 1994, for instance, only the ANC has produced the president of the country. Equally, as it has turned out, the president of the dominant party has always emerged the president of the country. In essence, once the National Executive Committee of the ruling party decides who becomes president what the parliament does is often a mere formal endorsement of the choice of the dominant party. The reason the ANC has preferred to make its president the same as the president of the country is never far-fetched: 'we simply don't want two centres of power' (Turok, Personal Interview 01 August 2011).

Comparatively, irrespective of the institutional designs, the executive is similar in structure and functions. In Nigeria, the executive consists of the President, the Vice President and the Cabinet ministers at national level, and the Governor and the Cabinet commissioners at state level while in South Africa, the executive consists of the President, the Deputy President and the Cabinet ministers at national level, and the Premier and Members of the Executive Councils (MECs) at provincial level.

Nevertheless, the most striking difference between the two countries has been the far-reaching implications of the interactive and cumulative effects of the presidential/first-past-the-post in Nigeria and the parliamentary/PR in South Africa. Even when not dominated by single parties, presidential systems tend to have higher prevalence of executive abuses and lower level of inter-branch checks and balances. Ghana, for instance, despite the non-dominance of a single party, and in spite of the significant powers given to the president by the 1992 Constitution, is said to be running a 'hegemonic' presidency which for the most part negates practical checks and balances (Mattes and Gyimah-Boadi 2005;Whitfield 2009:5).

In contrary, parliamentary/PR system ameliorates the negative effects of one-party dominance. As a parliamentary system consolidates, it tends to exhibit virtues of consensus, proportional representation, executive accountability, and tolerance through parliamentary vetting and collaboration. These attributes particularly enhance positive

institutional effects which boost democratic consolidation in countries with multiple parties such as Mauritius.

Meanwhile, aside the institutions, various historical trends and systemic changes and continuities (path dependence) have shaped the processes of democratization in African countries in general and in South Africa and Nigeria in particular. Thus, further examples that might enrich our understanding in this regard include relatively stable Ghana and Mauritius. Since independence from Britain in 1957, the Republic of Ghana, like Nigeria, had experienced a number of military coups and its own share of political instability.

Aside from the lower level of acrimony in president-parliament-party relations in Ghana, elections are more peaceful and less rancorous in comparison with Nigeria. As a non-dominant party system, Ghana, unlike Nigeria, can be said to have passed the 'alternation test' with the smooth transition of power from President Rawlings of the National Democratic Congress (NDC) to President John Kufuor of the New Patriotic Party (NPP) and then back to the incumbent John Attah Mills of the NDC.

Similarly, the over-concentration of powers in the hands of the executive branch has inhibited institutional checks and balance as well as inter-branch accountability. Presidents in Nigeria and Ghana, as in other many African states, make use of discretionary authority to make unpopular appointments, and carry out policies that undercut parliamentary scrutiny. The presidents and ruling parties use presidential powers and influences to silence opposition, and reward partisan members with patronage in form of appointments and contracts. It is often as if the presidency is equal to the state. Whether in a constitutionally federal Nigeria or in a unitary Ghana, everybody wants to go to the centre ostensibly to have a share of the 'national cake'.[32]

One can argue that despite crucially similar presidential designs and almost the same military-civil rule path, prospects for democratic consolidation are brighter in Ghana because no single party dominates the system. Aside making power alternation and vibrant

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[32]While it could be plausible to reach far-reaching conclusions from the problems of oil-rent in Nigeria, due to availability of empirical cases over decades of oil politics and economy, caution will still need to be exercised for Ghana which has only recently discovered oil in commercial quantity.

opposition possible, the competitive multiparty political environment in Ghana has ensured greater in-between election accountability. This is because of the likelihood of the incumbent party regime losing elections. Unlike the one-party dominant system in Nigeria, the relatively competitive two-party dominant system in Ghana tends to exhibit comparatively higher level of tolerance, representation and accountability. The fear of being likely to be probed by another party regime may make an incumbent party government to be less corrupt and probably more accountable than the regime that is not likely to be displaced.

Essentially, therefore, unlike in the multi-party political environment such as in Ghana, the one-party dominant climate in Nigeria combines with presidentialism to promote political authoritarianism, undermining institutions and creating incessant friction between the executive and legislature (Adejumobi 2002: 32). Therefore, both the interactive and cumulative effects of the historical and institutional trajectories make the real difference in terms of representation and accountability, and the extent to which these processes have been legitimated and institutionalised in both countries lie largely in the dynamics of such effects.

On the other hand, Mauritius, a parliamentary republic, is a good comparator with South Africa. Mauritius gained independence from Britain in 1968. Like South Africa, Mauritius comprises multiple ethnic and racial groups including Indians, Africans, Chinese and French. The institutional structure of Mauritius is similar with that of South Africa to the extent that the president is elected by the parliament but unlike South Africa, the president, who is the head of state, shares executive powers with a prime minister, who is designated as the head of government.

While the party or majority coalition in the parliament forms the government and its leader becomes the Prime Minister, the President is elected by the parliament for a five-year term. Unlike in South Africa, where the second biggest majority party elects its own Leader of the Official Opposition, it is the President who nominates the Leader of the Opposition from the second largest majority in Mauritius. In the latter, the Assembly elects a Speaker, a Deputy Speaker and a Deputy Chairman of Committees as one of its first business.

Like South Africa, Mauritius operates a multi-party system, which however, unlike the South African system, is competitive to the extent that no single party can dominate and hence forms the government out of a coalition with other parties. The Mauritian system has been run essentially by two major party coalitions since 1992, when the country became a republic. The inherently consensus political system in Mauritius means that the parliament and the presidency can in reality be jointly controlled by two or more parties, a situation that barely can happen in South Africa, with a dominant party or even in Botswana, which operates an equally similar diarchic executive-parliamentary system.

Unlike Mauritius which has a diarchic executive (as is now the case in Kenya and Zimbabwe, albeit tentatively), South Africa operates a single executive who combines both the powers and statuses of the Head of State and Head of Government. With these powers rolled into one, the South African president is further empowered by the office of the party presidency which he concurrently occupies. In Mauritius however, power arrangement between multiple parties in a parliamentary democracy reveals once again the likelihood of such practice in South Africa were it not for the dominance of the ANC. The Mauritian system is highly representative in electoral terms and the constitution ensures that all ethnic and party interests are represented.

Consequently, at least four issues are clear from the above explanations and comparisons. First, while presidentialism tends to exacerbate the crisis of electoral contestation, as in Nigeria and to a lesser extent in Ghana, parliamentarism tends to reduce the negative sides of electoral competition in South Africa and Mauritius. This is because, unlike under parliamentarism, the president, under presidentialism, has far-reaching powers in such a manner that the party that continually captures the centre not only becomes more powerful in terms of access to state resources and patronage, it continually also seeks to be in power. Even in Ghana, where alternation has been possible and where two parties dominate, presidentialism has raised 'the stake and the tension' during presidential elections.[33] Even though parliamentarism rarely incentivizes stiff competition for the centre, as with presidential election, competitive parties all aim the premiership.

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[33]Victor Brobbey, a research fellow at Ghana's Centre for Democratic Development, CDD, quoted in *The Punch* (Lagos) 12 July 2009, p. 56

However, while presidentialism remains a key explanatory variable for the problems of competition and representation, such problems have been better handled in two-dominant party systems such as Ghana, where the major political parties have almost equal chances of getting presidential powers. This, of course, is made possible by the relatively higher level of legitimacy for the successive governments in power since re-democratisation of the 1990s (typifying the cumulative and interactive effects of historical legacy of healthy party democracy and the institutional strengthening of presidential politics).

While the conducive dynamics and nature of political culture has demonstrated the possibility of relative peaceful party competition, institutionalisation and alternation in Ghana, such prospects are due largely to other 'stabilizing factors' such as a politically neutral and independent electoral agency and transparent electoral processes, integration of political elites alongside the creation of norms and institutions structuring elite behaviour, and, of course, the institutionalisation of political parties along cross-cutting ideological and non-ethnic agenda (Lindsay 2009:621-641).

Second, while parliamentarism tends to enhance representation especially at the national levels, as we see in the cases of South Africa and Mauritius, it is the interaction of such system with the party systemic factors such as dominance (in South Africa) and consensus-building politics (in Mauritius) that shape the dynamics of representation and accountability. For instance, unlike in Mauritius which operates a predominantly parliamentary system with a constitutionally weak president, the South African system operates an effectively parliamentary system with a powerful president.

While, as in South Africa, the president in Mauritius is appointed by the National Assembly, the Mauritian president, unlike the South African president, shares executive powers with a Prime Minister, who may come from another party. The dynamics of the Nigerian and South African cases come closer here, despite different institutional designs as a result of the dominant nature of the party at the centre which makes the president more or less equally powerful. On the other hand, Mauritius comes closer to Ghana in terms of representation and less so in terms of accountability obligations. Whereas Ghana is close to a parliamentary system since members of the legislature can be appointed as members of

the executive, while retaining their parliamentary seats, the system can hardly be parliamentary in the Mauritian or South African sense since Ghanaian parliamentarians account to the president.

Third, in cases where the parliaments are given bigger, better roles to play, the checks on the executives are stronger in contrary to the general perception that effectively presidential regimes give bigger constitutional room to checks and balances. In all the cases, the central role of the legislators as representatives and lawmakers is clear. Aside the specific and sometimes informal interests of the constituencies to which the parliamentarians give representation as a result of 'putative and popular mandate' given to them by the people (Asobie 2007:73), members of the legislative arms are expected to keep the executives in check.

Fourth, the dimension of accountability is inhibited by the dominance of single parties that nominate and sponsor occupiers of both the executive and the legislature. This is particularly the case in Nigeria. In contrast, lack of dominance in Ghana ensures that at least two parties contest ideas and deliberate policies in the parliament with almost equal political strength. Even in South Africa with a parliamentary system, party dominance has reduced the few gains of economic growth by fostering lack of accountability. In the particular case of South Africa, the paradox is cogent: a macroeconomic stability and an internationally praised constitution designed to promote multiparty competition and individual rights are 'overshadowed by one-party dominance and limited governmental accountability' (Mattes 2002:23).

The extent to which the structural principle of separation of powers enhances accountability has been of mixed results in countries with dominant parties. A dominant party not only forms and dominates the executive, it also more often than not enjoys majority in the legislature. While few cases exist where the legislature asserts itself in dominant party systems, party dominance, as a matter of fact, tends to inhibit the principle of 'separation of powers'. The executive is better equipped in terms of resources and personnel than the legislature and the judiciary combined. By this token, the executive is better positioned to carry out the functions of formulating and executing policies. For

example, section 148 (5) of the constitution of Nigeria (1999) vests in the president the function of determining policy direction of the State.

Nevertheless, the logic of executive's responsibility to govern is based on the need for efficiency; the executive should not arrogate power to itself. In fact, the National Assembly, in the case of Nigeria, remains the source of executive actions (Nwabueze 2003a:212). But a separation of powers also calls for a harmony of purposes because a harmonious partnership between the legislature and the executive is 'an imperative necessity' for sustainable democracy, even when efforts are made on both sides to restrain the 'arrogance and intolerance of State power' (Ibid 2003a:337, 365).

While the parliamentary system in South Africa gives unique incentives for representation and accountability obligations of elected officials, presidential system in Nigeria puts technical emphasis on separated nature of institutional powers as regarding executive accountability and legislative representation. In both cases, it is the mixture of the dynamics of the party system and institutional design that shape the practice and effects of inter-institutional politics and democratic outcomes.

In a counterfactual sense, dynamics of representation and accountability would all the same be shaped by the contextual as well as institutional dynamics. If Mauritius were to be one-party dominant: parliamentary practice would be different, if Ghana were to be one-party dominant, presidential excesses would be more obvious. If Nigeria was to be two-party domain like Ghana, legitimation may be improved as was witnessed in the Nigeria's aborted Third Republic with a military-imposed two-party system but stiff competition between two main parties in deeply divided state like Nigeria may lead to instability.
If Nigeria were to be a parliamentary system, not much would be different in terms of the fragmentation of the party system, unless it was not dominated by a single party. Elements of loose opposition and a dearth of inter-institutional accountability would most likely characterize a one-party dominant parliamentary system in Nigeria, as currently witnessed in South Africa.

If one takes the available historical within-case data on Nigeria into account, one may assume that a parliamentary system with competitive parties would enhance legitimation and horizontal accountability which in a way might be similar to the extant system in Mauritius, where, as in Nigeria's First Republic parliamentary system, a diarchic executive exists. As in Mauritius, political alliances and politics of coalition characterised Nigeria's first attempt at parliamentary system, which of course was not allowed to maturate until it was aborted by partisan acrimony and eventually by military coup in 1966.

Furthermore, unlike the one-party dominant parliamentary system of South Africa, the parliamentary system in Nigeria in the First Republic was competitive and politically tensed. Unlike the dominant ANC in South Africa since 1994, the more electorally formidable Northern People's Congress (NPC) was only able to form government after going into a coalition with the NCNC in Nigeria. Unlike in the contemporary parliamentary system in South Africa with a single executive, the parliamentary system in Nigeria had a bicephalous executive (President and the Prime Minister) which incentivized conflicting roles for both leaders. It was the constitutional and political crisis experienced during the shaky parliamentary regime that made Nigeria switch to the American-styled presidential design, even when fears were expressed that the new system would be highly majoritarian and polarising.

In addition, if South Africa were to be a presidential system, it would still be ruled essentially by the ANC and if that such was combined with a First-Past-the-Post electoral rule, several of the opposition would be unable to get representation in the Parliament. That would, of course, dim the available chances for inter-institutional accountability even though this may tend to enhance vertical accountability since the president would be directly accountable to the people.

Similarly, a fully presidential system would upset the political system in Mauritius where multiple ethnic and regional power blocs would hotly contest for the big prize: the presidency. This would replicate the darks sides of presidential system which are largely emblematic of the Nigerian design. Presidentialism concentrates powers. Parliamentarism disburses power, especially when the executive powers are shared among different parties.

The extent to which one can generalize as to which aspects of institutional designs and party systems may fare better or worse in entirely new contexts would depend on more empirical cases.

2.5 Concluding Notes

In summary, as demonstrated above, democratisation in Africa in general and in South Africa and Nigeria in particular is a mixed bag. Processes of legitimation and institutionalisation have been shaped by the colonial, historical, constitutional and institutional structures. Since the 1990s, trends of democratic consolidation have shifted from brutal, non-representative regimes to multiparty, democratic and popularly elected governments.

Comparatively, whereas multipartism has remained essentially pronounced in formal terms, one-party dominance is generally becoming the model across the continent. Even when attempts to have electorally dominant parties are not deliberate, institutional and electoral rules have favoured and reinforced one-party dominance. While some exceptional examples of non-dominant party systems do exist, majority are dominated by single parties. It is the argument of this thesis that one-party dominant system has become a crucially significant variable that must be given adequate attention in investigating democratic consolidation across the continent.

In essence, democratic consolidation across Africa has been problematic in electoral and constitutional terms. While appreciable progress is being made despite weak institutions, the cumulative and interactive effects of one-party dominance and the institutions of presidential/first-past-the-post or parliamentary/PR regimes have slowed down the pace of democratic consolidation. In countries with strong presidents, elections are more problematic both in terms of executive excesses and maintaining peaceful turnovers. In countries with parliamentary heads of state, elections are less cumbersome. Yet, in almost all cases, one-party dominance has dwarfed parliamentary oversight and thus reduced the accountability potentials of both the presidents and parliaments.

Specifically, the South African political system seems to have moved faster toward legitimation and institutionalization than in Nigeria. Aside from building a stronger rights-based constitutional democracy with conscious efforts at making them work, the South African parliament and presidency have acted largely in support of the key constitutional architectures in ensuring a more 'pro-people' political system. Nevertheless, South Africa remains a 'dominant-party democracy' in which the ANC (the governing party) is 'largely immune from effective challenge' (Seekings 2009:138).

In contrast to Nigeria, where legitimation remains problematic, South Africa is getting the fundamentals of legitimation right with cleaner elections and constitutional checks by courts of law. In both countries, however, institutionalizing democracy remains low, especially at the level of accountability. Whereas party dominance partly contributes to the dearth of accountability in both countries, it is in the dynamics and character of the interactive effects of the key institutions of democratic politics that we can locate the implications of representation and accountability obligations.

Generally, developing democratic legitimation across the continent would require creation of democracy support institutions that will hold leaders accountable. Yet, for such institutions to be effective and efficient, effort would have to be made to insulate them from the direct influence of the incumbent leadership. While a shining example of constitutional medicine has been attempted in South Africa (with the so-called chapter 9 institutions), potential gains for constitutional democratic consolidation would be more obvious only when elections are free and fair, corruption is drastically fought, and both the leaders and the voters continue to work for 'more' democracy.

Chapter Three: Path Dependence

'We, in Africa, have no more need of being 'converted' to socialism than we have of being 'taught'
democracy. Both are rooted in our own past-in the traditional society which produced us'
-Julius Nyerere (1964:76)

Contemporary democratic systems in Nigeria and South Africa are similar in historical terms since both have proceeded along similar transformational changes. Specifically, both countries have gone through episodic and epochal events that have had far-reaching consequences for both the old and the new regimes. While both the 'post-military' and 'post-apartheid' eras began in the 1990s, most of the democratic struggles in both countries are directly and indirectly influenced by their past structures.

In this chapter the thesis explores the path dependent issues of historical developments, including colonial, military and apartheid rules as well as the social structures, including the economy, federalism, and violence and how these variables have affected the dynamics and levels of democratic consolidation in both countries.

Additionally, we investigate the roles of ethnicity, regionalism and religion in the shaping of crucial institutions of democracy such as the independence of electoral commissions and the media. It is argued that unlike in South Africa (with an independent electoral institution), one-party dominance and presidentialism has enhanced the chances for the manipulation of elections, and therefore contributing to a lower level of legitimation in Nigeria.

3.1 Historical Backgrounds

Nigeria is the most populous country in Africa and has the highest number of black people in the world. Located in West Africa, with an estimated population of 35 million in 1959, and a projected population of 150 million people in 2009, abundant mineral resources, ranging from oil to gold, the Nigerian state remains the most vital and powerful country in Africa. When the Federation of Nigeria became an independent member of the Commonwealth of Nations on October 1, 1960, the total population of United Kingdom dependencies the world over was reduced by about 45 per cent (Sklar 1963:3). The name

'Nigeria' itself was coined by Flora Shaw, mistress, and later wife to Sir Lugard, the first colonial Governor-General of a unified Nigeria.[34]

The 'Lugardisation' of the territories, as Mazrui (2001) termed it, was the beginning of the modern day Nigeria. Debates persist about the real reason Lugard joined the North and South together. It was argued that the amalgamation was basically for economic reasons, namely to pool resources of the relatively rich territories of the South to assist their poorer neighbours in the North (*Report of the Political Bureau* 1987: 27).

It has also been posited that the amalgamation was done to ease the colonial administration of the two regions as an entity. The unification was however arbitrary, and not properly done in the sense that the kings and rulers of the kingdoms, empires and communities so artificially brought together were neither consulted nor were their opinions sought.[35]

Moreover, the pre-1914 structure was replaced by regionalism with the 1946 Constitution that paved the way for three regional administrative units, namely the North, East and West. Coincidentally, these three political regions were dominated by the three main ethnic groupings in the country: the Hausa/Fulani in the North, the Yorubas in the West and the Igbos in the East. The 1946 administrative units became stronger with the granting of internal self-rule to regions from 1951.

The last colonial constitution of 1954 further entrenched the Nigerian federation till the eventual independence on 1 October 1960. Nevertheless, the North, East and West were always in hot rivalry, as the 'Nigerian project' was threatened by political bickering and inter-ethnic conflict. For instance, struggle for regional control coupled with the personal ambitions of the civilian and military elites led to military take-over in 1966, and consequently a bloody three-year civil war from 1967 to 1970.

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[34] Flora Shaw derived the name from the River Niger that runs through the country. She wrote in *The Times* of 8 January 1897: 'The name Nigeria applying to no other part of Africa may without offence to any neighbours be accepted as co-extensive with the territories over which the Royal Niger Company has extended British influence, and may serve to differentiate from the colonies of Lagos and the Niger Protectorate on the coast and from the French territories of the Upper Niger.'
[35] See for instance, Nicolson, I.F (1969) *Administration of Nigeria, 1900-1960: Men, Methods and Myths* Oxford: Clarendon Press

With single parties dominating the politics of the pre-and-post independence politics in each of the inherited three regions of the North, East and West, a foundation for politics based on ethnic rivalries was inadvertently laid. The ethnicity-driven politics of the early sixties offers a partial explanation as to why the military leaders took over on 15 January 1966, followed by a countercoup on 29 July 1966. Subsequently, there were a number of back-to-back military coups and rule in 1975, 1984, 1985, and 1993 before the military 'finally' bowed out of politics in 1999.

While it remains a fact of history that the military coup on New Year's Day 1984 ended the country's first presidential democracy (Huntington 1991:11), one can begin to define a post-military era from 1999, for at least four main reasons. One, the country has enjoyed, for the first time since independence, an interrupted decade of democratic rule with prospects for continuous civilian to civilian transitions.

Two, there has been an increase in people's aversion to military rule and a corresponding increase in the demand for democracy across the country. For instance, in response to the question on whether Nigerians preferred the alternative that 'The army comes in to govern the country' 72 percent of people surveyed by Afrobarometer interviewers said no.[36]

Three, there have been an increased, constant and consistent commitment and pronouncements from the military establishment in favour of democratisation, which, in effect, has increased the level of military subordination to civilian authority. Four, Nigerian politicians seem to be learning fast about not encouraging the military to take over again. In fact, several sensitive and polity-threatening events, including the leadership lacuna of an ailing president have been constitutionally resolved with the soldiers keeping publicly neutral stance.[37] Similarly, contentious political issues are now being resolved constitutionally, in court most time, just as institutions of democracy like the National

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[36] See *Afrobarometer Briefing Paper No 35,* April 2006, p.4.
[37] Our argument here, that Nigeria is in a post-military era, benefits from personal discussions with Dr Sylvester Odion Akhaine of the Centre for Constitutionalism and Demilitarisation, CENCOD in Lagos. Also see 'We shall resist coups of any kind, vow Activists, Politicians' *The Guardian* (Lagos) 4 April, 2004, p.1. However, as a result of frequent instability in the polity, an excuse the soldiers always gave each time they struck, Mustapaha (2009: 83, 91) urges a cautious optimism about the 'formal disengagement' of the Nigerian military from politics in 1999.

Assembly and Judiciary are becoming more relevant in democratic discourses and conflict resolution.[38]

Like Nigeria, South Africa has also gone through a tortuous historical journey, from colonialism through legalised apartheid, the latter phase having some similarities with Nigeria's military experience. South Africa changed from being a Union in 1910, without a full integration of the black majority, to becoming a Republic in 1961. In 1948, apartheid rule was legalised by a minority white government.

South Africa, which one can describe as a 'deviant case', remains the only African country with a substantial white population which simultaneously experienced a long and tortuous period of apartheid/minority rule. While South Africa is, in real terms, not 'exceptional' so as to be different from other countries of the so-called sub-Saharan Africa, series of path-dependent events have made the country a case with hugely unusual features.

Aside the hagiographic and emotive perception of some its post-apartheid leaders (such as demonstrated by Thabo Mbeki in his 'I am an African' speech), both geographic location and demographic characteristics of the country nevertheless qualify the country as a typical African country. Notwithstanding, the strictures and structures of apartheid regimes from post-British colonial rule into 1948, and from then to 1994 were not popular among the majority which experienced such rule as dictatorial and exclusionary.[39]

The current dominant party in South Africa, the African National Congress (ANC; formerly South African Native National Congress, SANNC), was formed in opposition to white minority rule. Although Africans were often defeated in wars with their colonial masters like the British and the Dutch, various forms of resistance adopted by the 'all-

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[38] One of the most tense issues which was institutionally settled was the invocation of the 'doctrine of necessity' by the National Assembly, making the Vice President Goodluck Jonathan an 'Acting President' in the long absence of the ailing President Umaru Yar'Adua, who was unable to transfer power to his deputy as stipulated in the 1999 constitution (Details on this in chapter 9).

[39] President de Klerk, South Africa's last apartheid leader, admitted to the lack of legitimacy in apartheid regimes, in a televised debate with Nelson Mandela prior to the general elections of 1994, which later led to the formation of the Government of National Unity within which de Klerk was the second deputy to Mandela. The live debate was covered by the South African Broadcasting Corporation, and relayed worldwide by the Cable News Network, CNN, of America. Transcripts and details were perused in Alade (2008: 155-159) and *The Independent* (London) 15 April, 1994

ethnic militant organisation' (SANNC) in 1912 provoked further liberation struggles. The ANC was not only a revolutionary movement against external rule of colonial order, it was also a movement against 300 years of minority rule, which was declared an official state policy by the Afrikaner Nationalists, under Daniel Francois Malan, following the parliamentary elections of 1948.

Prior to the negotiations leading to the constitutional pact in South Africa in the 1990s were a series of conferences and multiracial attempts at uniting and unifying South Africa as a constitutional democracy. Prominent among public figures who participated in such multiracial negotiations were the President of the State, de Klerk who later became deputy President in the first post-apartheid democratic regime, and the imprisoned freedom fighter, Nelson Mandela, who eventually became the first President of multi-racial democracy in South Africa.

As it turned out, it was the all-inclusive negotiations under the aegis of the Convention for a Democratic South Africa (CODESA) and the Multiparty Negotiating Forum (MPNF), which involved about nineteen political organisations that represented the diverse and competing political groupings that made the desired change possible. The talks were indeed markedly different from the so-called 'whites only' negotiations that led to the Union of South Africa in 1910. Essentially, the negotiations, started in 1991, culminated into the Interim National Constitution (INC) of 1993 which was succeeded by the Final Constitution of 1996 (itself a product of the First Parliament which acted as a Constitutional Assembly).

While race remains a significant factor in the country's politics, occasional electoral surprises give hope of a post-racial democracy. Aside from the multi-racial membership of the ruling ANC, some minority political parties (particularly the Democratic Alliance, DA), which is a largely white party, have continued to make inroad into black communities. For instance, the 18 May 2011 municipal elections saw the opposition DA winning, for the first time, a ward in Frischgewaagd, North West, where there was not a single white, coloured or Indian voter. Similarly, only recently, the DA elected a young black woman, Lindiwe Mazibuko, as its Parliamentary leader in preference to the

incumbent Athol Trollip (a white citizen, with whom the author had a personal interview in August 2011).

Meanwhile, as in Nigeria where ethnicity and tribalism remain crucial determinants of voting decision and perpetual elements of party patronage and presidential appointment, politics of tribalism, ethnicity and race equally resonate in South Africa. It can be pointed out, however, that like Nigeria, where colonial rule created ethnically inclined party competitions (pointed out above), apartheid in South Africa equally created what was called Bantustans (which grouped provincial populations according to tribes).

As a result of this, there emerged Eastern Cape dominated by Xhosa speaking people, Limpopo by Shangaans; KwaZulu Natal by AmaZulu-who happen to be the biggest tribe in South Africa, Western Cape by Coloureds people; North West by Tswana's, Free State by Sotho and Afrikaners people; Mpumalanga by Ndebeles; Northern Cape by Coloureds and Khoisan people; and Gauteng which is a concentration of cultures.

The carry-over of these ethno-regional configurations into the post-apartheid regime fuelled the complaints that Xhosas dominated government since both Mandela and Mbeki were from that tribe and from Eastern Cape. As such much of Zuma support was also fuelled by a strong sense of Zulu nationalism, which sought to install one of their own at the apex of South Africa's governance, because it was 'their' turn to lead.

As it happened during Yar'Adua regime in Nigeria, when he was accused of favouring the Hausa/Fulani ethnic group upon assuming office in 2007, President Zuma has been accused of tribal politics in South Africa. The entire security cluster, from his choice of Justice Minister, Police Chief, Chief Justice, and Police Ministers was initially dominated by the Zulus from KwaZulu Natal. This has changed with the departure of Chief Justice Ngcobo, who was replaced by a Tswana man and Police Chief was sacked and replaced by a Sotho /Shangaan woman. With these, it becomes obvious that South Africa and Nigeria are no exceptions to the dynamics of tribal politics that affects the rest of the continent.

3.2 Economy

Some scholars have argued that while economic development does not tend to transform dictatorship into democracies, democracies are more like to survive in wealthy societies (Przeworski et al 2000). In an earlier study, Lipset (1959) asserted that (economic) development leads to democracy because it produces certain socio-cultural changes that shape human actions in favour of democratic values. In spite of the structural damages and institutional corruption which the military and apartheid caused, the levels of economic development in Nigeria and South Africa remain relevant in the analysis of democratic development in both countries.

In spite of the far-reaching negative impacts of the IMF and World Bank-inspired structural adjustment programmes, SAPs, adopted by African countries in the 1980s and 1990s, both countries under study have experienced weak economies and revolutionary pressures that generally undermined the 'limited legitimacy' in several African states like Ghana and Gabon before democratisation of 1990s.

In the post-1999 Nigeria, economic policies such as the New Economic Empowerment and Development Strategy, NEEDS, did not translate to economic empowerment of the majority of the population. Whereas the NEEDS, under President Obasanjo, was targeted at poverty reduction, wealth creation, employment generation, value re-orientation and corruption elimination, over 70 per cent of Nigerians still live on less than the equivalent of a US dollar a day.

By 2006, however, the country made appreciable gains in macroeconomic terms. The inflation rate, which was 14.4 per cent in 2000, had been reduced to 10.7 per cent. The country's foreign debt which was US$28.3 billion in 1999 had been reduced to US$5.3 billion, through an US$18billion debt relief from the Paris Club and repayments by government.

Nigeria's external reserve rose from US$3.7 billion in 1999 to about US$ billion in 2006. Life expectancy increased slightly from 54 in 1999 to 57 in 2006 while the country's HIV/AIDS prevalence rate declined from 5.4 in 1999 to 4.4 in 2005.Things have however

retarded as the average life expectancy for male and female Nigerians stood at 52 and 53 years respectively by 2011.

South Africa operates a more diversified economy that has yielded more relative success. Like several other developing economies, the country has a high level of inequality. Despite the fact that non-diamond exports have increased, calls for economic reforms have been met with a number of initiatives by the ANC government, including the New Growth Pact (NGP) which of course is not generally agreed upon by the alliance partners i.e. the Congress of the South African Trade Unions (COSATU) and the South African Communist Party (SACP).

While there is an agreement on the need to run a *mixed economy* and the need to de-racialise capital by reviewing the Black Economic Empowerment (BEE), hardly do major stakeholders agree on the kind of roles that the government must perform in creating jobs and regulating the economy. The ANC believes that the country has a 'democratic state' with a 'capitalist base' where as COSATU believes South Africa has 'a capitalist state with a democratic superstructure', insisting that the post-apartheid economic system has rather favoured a few who manipulate the system for state-capture (see Turok 2011:4-5).

It is noteworthy, however, that despite the huge economic challenges, both countries remain the two strongest economies in Africa. Even though oil remains the Nigeria's economic mainstay, (being the world's sixth largest exporter of oil), its non-oil exports earnings stood at $2.3bn, out of which 67 percent was realized from agricultural produce. South Africa has remained a world exporter of diamonds and wine. While the average income per capita in Nigeria stood at $2, 249, the average per capita income for South Africans was $3, 878.49[40]

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[40] There is however a wide disparity between the average per capita income of the whites and other racial groups such as blacks and the coloureds in particular. According to the *South Africa Survey,* published by the South African Institute of Race Relations (SAIRR), in 2008, white South Africans made considerably more than other races. The average per capita for the period was R32, 599 ($3, 878.49) while per capita for white citizens was R135, 707 ($16, 145.9). Indians had the second highest per capita income at R56 173 ($6,683.23), with coloured South Africans at R27 569 ($3,280.04) and black South Africans the lowest at R19 496 ($2,319.55). See 'White South Africans still top of the income pile' *Mail & Guardian* 24 November 2009.

The difference between the level of economic development in Nigeria and South Africa is partly due to mismanagement on the part of the military rulers in Nigeria, and over–reliance on oil by subsequent civilian regimes as well as the comparatively lower level of high-profile public corruption in South Africa particularly since the return to democracy. While both countries have experienced economic boosts at different levels since the advent of multiparty democracy, South Africa has maintained a steadier economic development than Nigeria. In both cases, however, inequalities remain.

Two main reasons explain this. One, the military leaders mismanaged the economy in Nigeria, while the apartheid regime benefitted from a relatively better economy in South Africa.[41] Two, Nigeria has a higher level of corruption, which inhibits its infrastructural development and ability to attract foreign direct investment. Nigeria heavily relies on oil incomes that are not applied to economic development. As reflected in the World Audit tables (in chapter two) Nigeria is one of the most corrupt countries in the world.

3.3 The Socio-Political Settings

The social, economic and political settings of both Nigeria and South Africa are in large part a colonial creation. However, the post-independence and post-apartheid eras have been influenced by the composition and character of their post-colonial elites. The intertwined roles of the regional/ethnic politics, military rule and religious diversity in Nigeria, and racial politics, the anti-apartheid/liberation movement and regional politics in South Africa have led to two negative consequences of violence and corruption with resultant effects for democratic consolidation in both countries.

Consequently, it is within the diversity and contradictions of violence and corruption that democratic struggles, economic activities and civil engagements have taken place in both countries since 1990s. These similarly engaging socio-political backgrounds offer

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[41] Unlike during the military times when Nigeria witnessed stagnated economic development, restricted democratic rule in South Africa witnessed a slow but steadier rate in economic development. See Charles Soludo (2005), 'The Political Economy of Sustainable Democracy in Nigeria' *Business Day,* June p.7b.For more incisive analyses of how the military mismanaged the Nigerian economy, on the one hand, and how the economic structures they bequeathed on the civilian regime have been slow in enhancing capacity for growth and development, on the other, also see Adedoyin Soyibo, in Oyediran and Agbaje (1999:163-176) and Okunade (2010:20-28).

important perspectives. One, the socio-political settings reveal the extent to which party and constitutional systems have emerged and survived in Nigeria and South Africa since re-democratisation phase of 1990s. Two, the socio-political backgrounds say a lot about the nature and dynamics of political culture of both countries. In other words, socio-political realities illuminate the background factors and forces for the variations in democratic consolidation in both countries.

In the case of Nigeria, military rule affected every facet of Nigerian system-politics, the economy, ethnicity, culture, social values, and institutions of the state like the police, immigration, and the customs in the like manner that apartheid rule did in South Africa. Both systems operated exclusionary political systems. The military not only used the 'usurped power' gotten by forcible armed seizure of the state but also incapacitated the judicial arm of government while rendering legislative parliament virtually non extent (Nwabueze 1983: 32). Ruling by decrees, the military council replaced the executive. Not only that, the Nigerian military centralised powers of the federation to the detriment of democratic development.

In short, military rule was the undoing of a coherent structure of government while the socio-economic fabric of the Nigerian state also suffered from a monumental level of corruption. There have been some African cases where military rulers have sought to combat bureaucratic corruption: in Niger Republic, a former French colony, under Col. Seyni Kountche (1974-1987), and Burkina Faso under the Marxist revolutionary and charismatic military leader, Captain Thomas Isidore Noel Sankara (1983-1987).

In the case of Nigeria, except perhaps under a short spell of the Buhari/Idiagbon Regime, from 1984-1985, there is no recorded history of anti-corruption efforts by the successive military dictatorship. The case of Nigeria rather reveals a series of military regimes that institutionalised corruption. The military oligarchs were largely unaccountable to the people.

Consequently, three special impacts of military rule in Nigeria are clear. First, the military moved well beyond their traditional role of maintaining the territorial integrity of the

Nigerian state by going full fledged into political administration. They seized powers from civilian and democratic regimes as well as from themselves. They thus became 'entrenched' in Nigerian politics. Second, because military rule accounts for about 29 years out of fifty years of post-independence politics of Nigeria, they influenced not only the structures but also the style of governance, which is significantly centralised.

Third, the military have hampered prospects for democratisation and democracy in Nigeria for a very long time. More often than not, they promised and organised inconclusive transitions. While it is not the responsibility of political scientists to 'legitimise' or 'subvert' any political regime (Oyovbaire 1987:1), and no efforts are made here to do just that, historical evidence shows that military rule held back the progress and process of constitutional democracy in Nigeria in particular, and in Africa in general.[42] From 1966, when they first struck, to 1999, when they left the political stage, the Nigerian army had earned an 'unenviable reputation' for intervening in the political process and civilian rule (Fawole 1994:12).

In South Africa, the social structure under the apartheid regime was highly polarized, segregated and soaked with tension. For instance, the Bantu Education Act of 1953 which, according to the Minister of Education, Dr Hendrik Vervoerd, was a black education system designed to 'train and teach people in accordance with their opportunities in life' (Nwabueze 2003b:242) was one of the legal means by which the apartheid regime inculcated inequality. The economic structure that gave low-paying jobs to the black youth and adults, and restrictions of movements and living were based on permits.

The Tricameral (1983) Constitution which was used in the last phase of minority rule permitted exclusionary laws that were similar to intolerable decrees made by military regimes in Nigeria. By 1992 it was clear that almost every South African was tired of racial segregation. As Christopher (1994:6) put it, '[the] overwhelming rejection of apartheid, including the concept of state partition by white voters in a referendum in March

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[42] Of course, exceptions, for instance, include Senegal (in West Africa) and Kenya (in East Africa), which have never experienced military rule but yet relatively find democracy difficult to consolidate.

1992, prompted President de Klerk to state that 'South Africa has closed the book on apartheid'.[43]

Comparatively, neither military rule in Nigeria nor minority regime in South Africa exhibited adequate representation or accountability. Both systems were exclusionary. They faced stiff opposition from people in general and civil society organisations in particular. The nature of engagement with the dictatorial regimes in both countries was similar. For instance, the National Democratic Coalition (NADECO) of anti-military era in Nigeria in the 1990s was similar both in strategy and operation to the anti-apartheid United Democratic Front (UDF) in South Africa in the 1980s. Democratic transitions in both countries were largely due to protests and civic engagement mostly by CSOs and militias.

To a large extent, the politics of post-apartheid and post-military eras have been informed by social forces and historical relations which reached the peak under the dynamics of apartheid and military rules. Consequently, conscious efforts have been made in both countries to reconcile the people of different ethnic, racial and regional differences of historical crisis and injustice. While the administration of President Mandela aimed to achieve a multiracial democratic 'rainbow nation' by setting up the Truth and Reconciliation Commission (headed by Archbishop Desmond Tutu) the administration of President Obasanjo set up the Truth and Reconciliation Commission (headed by Justice Chukwudifu Oputa, also known as Oputa Panel) to reconcile Nigerians for a post-military era.

Whereas the reconciliation was aimed to unite the South African people for a future multiracial democratic system an initial cynicism marked its birth. Some critics claimed 'that the process had been characterised by little remorse, [that] not all of the guilty came forward to admit their crimes' (Gibson 2004:10). Truth might not have given birth to a total interracial reconciliation among the African, White, Coloured and Asian communities but it [truth] indeed contributed to producing more 'reconciled South Africans' even when there remains an obvious aversion or lack of confidence in the basic institutions of democratic politics (Gibson 2004: 323).

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[43] President de Klerk, in a Television Speech, 18 March, 1992

On the other hand, the Nigerian truth and reconciliation efforts were marked by the half-hearted participation and response of some of the key actors such as former military rulers who did not honour the invitation by the panel. A genuine multi-ethnic summit or sovereign national conference has rather been proposed. Unlike in South Africa where a transition by pacts gave birth to two applauded constitutions, in successive order, the Nigerian constitution was rather imposed.

In contrast to the 1996 Constitution of Republic of South Africa which was a product of far-reaching debates and people-centred inputs by The Parliament (acting as the Constitutional Assembly) and later certified by the Constitutional Court, the 1999 Constitution of Nigeria was a product of the Justice Niki Tobi-led Constitution Debate Coordinating Committee (CDCC) which was given only two months to collate the views of some Nigerians into a document.

Fundamentally, therefore, the practice of democracy in both countries has been shaped by the nature of transition from autocratic pasts. As shown in the 'Authority Trends' graphs above , South Africa has improved more steadily since 1994 than Nigeria has done since 1999. Despite a similar system of one-party dominance, the South African polity has remained more stable since 1990s. Despite this divergence, both countries have displayed unique features of one-party dominant systems in terms of how they have experienced and handled dimensions of violence, resurgence of the civil society as well as the practice of federalism.

Violence
Violence has inhibited democratic development across the continent of Africa. As multi-ethnic and multi-religious countries, Nigeria and South Africa have faced several challenges of diversity. Political violence has deep historical roots in both countries-the manifestations of which are still very prominent. For instance, since 1999, ethnic conflicts, religious crisis, and electoral violence, fuelled by ethnic, religious or political affiliations and sentiments, have claimed thousands of lives in Nigeria. Violence has not only led to

exclusion of many voters from the democratic process, it has contributed to political instability.

With the opening of the democratic space in 1998/99 following the return of constitutional democracy, several ethno-political and socio-cultural groups rose up to make big demands on the Nigerian state. Ethnic minorities in the oil producing states, through regional associations such as the Ijaw National Congress, Niger Delta People's Volunteer Force, the Movement for the Emancipation of the Niger Delta, MEND, and the South-south Peoples' Assembly continue to make demands for bigger share of the country's revenue for the region because that is why the oil is exploited.

The struggle to gain attention of government and the multinational corporations to the developmental problems of the Niger Delta region soon turned to militancy. Militants devised various strategies, including abducting oil workers, expatriate staff of oil companies and politicians and relatives of politicians in the region. Only recently have many of them begun to participate in the federal government-initiated amnesty programme by which the 'commanders' and their 'creek soldiers' laid down their arms. The Amnesty became more successful when Dr Goodluck Jonathan, an Ijaw indigene, from the Niger Delta became the Acting President and was later elected President.

Prior to the violence caused by agitators in the Niger Delta, the country had witnessed interethnic and ethno-religious crisis. Between 1999 and 2000, hundreds of lives were lost as a result of inter-ethnic and inter-religious groups that were provoked by the introduction of Sharia (Islamic) penal code in some parts of the North. The crisis got worse in the form of counter-attacks in the South. This led to a resurgence of armed ethnic militias like the Oodua People's Congress in the South West (Yoruba) zone, the Bakassi Boys in the East, and the Arewa People's Congress in the North.

The tension that the Sharia controversy generated dragged the country backwards in democratic and developmental terms. Neither the presidency nor the National Assembly nor the Nigerian Inter-Religious Council, (NIREC), set up to maintain inter-faith understanding, was able to stop the carnage. The Sharia controversy indeed further raised

questions about secularism in Nigeria. Although the country's constitution takes a religiously neutral stance that the citizens have the rights to freely worship as they choose contradictions and diversity locked in the multiplicity of ethnicity and socio-cultural settings have rather blurred the formal separation of religion from politics.[44]

Lately too, successive high casualty terrorist bombings (HCTB) by a sect called 'Boko Haram' ('Western Education is Sin') in parts of the North have claimed several lives and property. The Boko Haram has wreaked havoc especially in the Northern states of Borno, Bauchi, Kano, Kaduna, Kogi, Plateau, Adamawa and the Federal Capital Territory Abuja. The sect attracted global attention when it claimed responsibility for the bombing of the United Nations House in Nigeria's Federal Capital Territory, Abuja on 26 August 2011. In short, the 'Boko Haram insurgency has reopened the deep fissures in the polity' exposing the deep-rooted differences between the North and the South despite almost 100 years of their 'forced union' by Britain (*Sunday Punch* 19 August 2012, p.13).

Similarly, post-presidential election violence has been recorded since the country adopted presidential system in 1979. According to the New York-based Human Rights Watch and the Nigeria-based Centre for Peace Building and Socio-Economic Resources Development, no fewer than 10, 000 people died as a result of electoral violence between 1999 and 2011(*The Punch* 30 March 2011). As a consequence of the high level of violence experienced, Nigeria has been described as 'a critically weak state'.[45] Unlike in the parliamentary system of South Africa where Presidents are not directly elected, popular election of presidents, fuelled by tensed regional struggles for presidential power, have been sources of higher level violence in Nigeria.

Essentially, the case of Nigeria shows a link between party politics, ethno-religious conflicts and electoral violence. The political culture of violence in parts of the North was aggravated following the loss of presidential elections by Retired General Buhari of the Congress for Progressive Change. While it was obvious that the CPC candidate (a Muslim Northerner) lost to the PDP candidate (a Christian Southerner), on long-held regional,

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[44] See more details in Omotola (2009) and Suberu (2009)
[45] The Punch Editorialists, concurring with the Brookings Institute in its 'Index of State Weakness in the Developing World' See *The Punch* 18 March 2008, p.14.

religious and ethnic grounds, it was the sharp struggle for the presidency that led to the wanton scale of violence in 2011. This was despite the fact that the election was seen and described by both the local and international observers as free and fair.

In South Africa, the democratic era since 1994 has witnessed a number of violent crises. Although the rate of politically motivated and race-related violence has dropped since the end of the apartheid, racial tensions and social violence including protests against the government have claimed lives and property. Unlike during the apartheid when violent actions against government personnel and institutions were rampant, post-apartheid violence has been limited to urban areas and organised crime. Aside the sporadic violent attacks against foreign citizens, mostly from neighbouring African countries, political violence has been minimal in comparison to the experience in Nigeria.

Nevertheless, South Africa has also recorded electoral violence in isolated cases. As in Nigeria, political intolerance has led to the death of many. The 2009 elections for instance led to a stiff political competition and violent clashes between the then newly formed Congress of the People (COPE), the Inkatha Freedom Party (IFP) and the dominant ANC in the Kwazulu Natal's midlands and northern parts which led to killings and intimidation of people.

There have also been allegations and counter-allegations of vote rigging and intimidation and these are usually rife between the nationally dominant ANC and ethnically inclined IFP in the Imbabazane local municipality in the Kwazulu-Natal region (*Mail & Guardian* 7 March 2009). At times the opposition IFP accuses the state security operatives like the police of complicity. Three African National Congress (ANC) members, including a Zulu royal, were shot and injured while travelling from an ANC rally in the Nongoma area of Zululand. Hostilities between the ANC and IFP was said to have claimed at least 20, 000 lives between the mid 1980s and 1990s (*Mail & Guardian* 2 Feb. 2009).

Waves of violence have thus affected socio-political stability and thus democratic growth in both countries.[46] This can be explained in two main ways. Firstly, both countries are

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[46] President Jonathan alluded to this at the 60th National Executive meeting of the PDP. Describing the

marked by a legacy of exclusionary rule in forms of militarism and apartheid regimes, which in both cases led to militarized societies with high levels of economic inequality. Up until 2004 and 2009 respectively, South Africa and Nigeria had never had an unbroken decade of multiparty democratic rule.

Being in their second decades of democratisation, both countries face the huge challenge of delivering social justice and public service to the majorities of the people. The social exclusion and poverty of the downtrodden (that is, the mass of the people) have made many citizens very vulnerable to violence and institutions of democratic politics prone to retrogression.

Secondly, the countries' problems are manifested not just in various conflicts but also in the approaches people deploy to prosecute their claims against one another, on the one hand, and against the state, on the other. The inability of the states to envisage and tackle the root causes of such violent crisis has only led to more of particular kinds of violence in both cases. Examples of such violent mass actions include rampant electoral and ethno-religious violence in Nigeria and occasional xenophobic attacks in South Africa.

Whereas more politically motivated violence in Nigeria is incentivized by the presidential nature of politics that centralizes powers and resources and make electoral contests more of inter-ethnic wars, the trend of violence in South African parliamentary political system has been less of regional power struggles but more of historically entrenched structures of inequality. In most of the cases, it is the historically entrenched rivalry between the North versus South, Muslims versus Muslims and politically fragile relations that cause violence in Nigeria while racial tensions, Whites versus Blacks, and economic inequalities; Workers versus Government/Business that have led to much of violence in South Africa.

Civil Society
The relevance of civil society in Nigerian and South African social and political life dates back to the military and apartheid eras. The civic engagement of non-state, and often anti-

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insecurity, particularly the one posed by the Boko Haram sect in the North, as the most fundamental issue confronting his administration, the president said the challenges have prevented the fulfillment of the ruling party's campaign promise to the people (*The Nation* 18 July 2012, p1)

state, organisations helped form mass democratic movements in both countries. While several of these civil groups have remained active up to the present, some of their popular leaders have gone into politics and recorded little success in winning elections in Nigeria. In contrast, several of the anti-apartheid civil rights activists have become politically relevant till date as a result of the path of evolution of the dominant ANC to which most of them belonged or identified with.

Specifically, since re-democratisation era of the 1990s, certain civil society groups have contributed to democratisation in both countries. For example, it was the civil society groups that stopped the President Obasanjo regime and the PDP-dominated National Assembly from altering the 1999 constitution to increase the tenure of the Presidency beyond two terms in 2005/6. Civil society organizations also highlighted on several occasions the inability or unwillingness of the presidency or the parliament to pass or make laws for the people's benefit. By the same token, the Pro-National Conference Organisation (PRONACO) has proposed a Sovereign National Conference (SNC) of all ethnic groups in Nigeria, in order to re-design the Nigerian state.

According to PRONACO, only with such a conference can Nigeria be at peace, and grow democratically and fulfil its 'manifest destiny' in the community of nations. PRONACO has organised a 'People's Conference' in Lagos, which later turned out a 'People's Constitution'. Although the document remains a merely idealized paperwork as neither the National Assembly nor the majority of Nigerian people were part of the process or even aware of the existence of such constitution, PRONACO remains a key civil society group having a positive impact on democracy in Nigeria.[47]

Again, even the civil society groups have followed the path dependence. For instance, the PRONACO is essentially modelled after NADECO (the most active civil group during the campaign for military disengagement from politics). NADECO recently regrouped in Lagos to call for political restructuring and a new constitution through a Sovereign

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[47] PRONACO is essentially modelled after NADECO (the most active civil group during the campaign for military disengagement from politics). NADECO recently regrouped in Lagos to call for political restructuring and a new constitution through a Sovereign National Conference. See *The Nation* 03 Feb. 2012, p.64

National Conference (*The Nation* 03 Feb. 2012, p.64). Another group, called the Save Nigeria Group (SNG) which led the protest for transfer of presidential powers to the then Vice President Jonathan, later aligned with the newly formed opposition CPC, and indeed presented the vice presidential candidate to the CPC presidential candidate in 2011.

In the case of South Africa, a number of social movements had appeared by the early 2000s. They included the Treatment Action Campaign (TAC), the Anti-Privatization Forum (APF), the Anti-Eviction Campaign, the Soweto Electricity Crisis Committee (SECC), the Landless People' s Movement, and the Social Movements Indaba. Only few of them were well-organized and except for TAC, only a few achieved any of their announced objectives. As one of the most vibrant pro-poor civil society movements, the Treatment Action Campaign (TAC) mostly engaged the Mbeki's Presidency for its sponsored denial policy on HIV/AIDS.

In essence, under President Mbeki in South Africa, civil society efforts to contest government policy and demand for openness and accountability were often met with government's questioning of the motives behind such a scrutiny (Taljaard 2009:8). In Nigeria, efforts to demonstrate peacefully against unpopular policies or electoral malpractices by civil society groups were met with military force of the state during the administration of President Obasanjo. Meanwhile, like their counterparts in Nigeria, civil society organisations in South Africa have demanded accountability from national government even when political issues are involved.

While civil groups that were independent of the ANC were denigrated by the ANC leaders for raising citizen awareness and involvement in constitutional rights advocacy (Heywood 2010), it was to the credit of some of such civil groups, particularly TAC, that civic engagement reached the peak during the Mbeki era (1999-2008). Eventually, like the SNG in Nigeria, that oscillated between the 'civil' and the 'political' spheres, the TAC tactically favoured deputy president Phumzile Mlambo Ngcuka- an Mbeki supporter, for the ANC presidency but to no avail (*Mail &Guardian* 11 Dec. 2007).

As can be seen, regime engagement with civil society and the media remains similar in both countries under dominant party governments. Dominant regimes tend to be intolerant of criticisms and checks (formal and informal) on their power. Still, the media and civil society groups have remained critically significant in areas where the opposition has failed to expose the excesses of the governing parties in Nigeria and South Africa.

Nevertheless, the civil society remains a critical pillar of democratic institutionalization. Left to parties alone, politics will remain a mere tool for power grabbing, and less emphasis will be put on accountability in Nigeria (Okei-Odumakin, Personal Interview, 19 August 2011) and in South Africa (Davis, Personal Interview, 4 August 2011). If democracy is to be consolidated, civil involvement must be consolidated. On a number of occasions, however, dominant party regimes in Nigeria and South Africa in particular and in Africa in general have encountered 'civil society' organizations as more or less alternative opposition forces.

Federalism

Federalism, like democracy, emphasizes the territorial decentralisation of powers, encourages justice, equity, freedom, and self-determination, at least in theory. Additionally, federalism, like democracy, has built-in mechanism to preventing the domination of disadvantaged groups and interests. Ideally, in a federal democracy, the minorities are given clearly defined freedom to choose their leaders, and use the at least two tiers of government for electoral representation, unlike in a unitarised and dictatorial regimes.[48]

South Africa and Nigeria reveal the paradox of federalism as a practical governing system in developing countries. On the one hand, at the practical level, federal practice has always been the most unifying factor in the Nigerian political history, and has served as the basis for the country's unity even when military rule nearly tore the country apart.[49]

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[48] See Duchacek (1986), Awa 1976, Amuwo et al (1998) Osaghae (1999), Dahl (1999), and Suberu (2004).
[49] Since it was first technically introduced in Nigeria in 1946, federalism has remained the most discussed and advocated system. A very committed and very concentrated attention Nigerians and Nigerian scholars have given to issues of federalism and federal studies are obvious in terms of the burgeoning literature, conferences, workshops, and constitutional debates on federalism which remain unparalleled in comparison with any other federation in Africa. For scholarly and perceptive perspectives on Nigerian federalism, see Suberu (1988), Osaghae (1998), Amuwo et al (2004) and Ayoade (2006).

In South Africa, initial opposition to federalism was historically informed. Successive apartheid regimes were seen as imposing divisive tendencies which federalism might further institutionalise. Federalism was seen as an idea of separate development as and thus was see as antithetical to the unitary framework that was preferred by the nation-centrist African National Congress was seen as a federal idea (Osaghae 2003:217). Up till now, the term 'federalism' is not mentioned in the South African constitution or legal documents.

In spite of the dissimilarity between contexts of their evolution as federal republics, an important common trend can be observed in terms of the 'federalizing processes' in Nigeria and South Africa. Both countries have both followed the aggregative and disaggregative methods, in which hitherto unitary political communities eventually differentiated into a number of separate and distinct political communities.

Historically, Nigeria first adopted federalism in form of regionalism in 1946, and has since then influenced the parliamentary and presidential practices in the country. Specifically, as the Nigerian federalism is often attributed to American influence, so is its presidential system. The Nigerian Constituent Assembly that reviewed and rewrote the product of an expert Constitution Drafting Committee in 1978 used the America-inspired *Federalist Papers* as the basis for the 1979 constitution (Horowitz 2002:15).

However, unlike in America where former colonies coalesced to form a union, the Nigerian federation started the other way round, first as protectorates with provinces, then as regions and subsequently quasi-states or unified states.[50] Subsequent federal constitutions especially from 1979, have reduced the federal flavour, including the extant 1999 Constitution, in particular, which is itself 'divorced from and above the society it is intended to govern' (Omotola 2006:21) just as it promotes a lopsided decentralisation of powers, responsibilities and resources in favour of the centre at the detriment of the lower levels of government.

On the other hand, South Africa became a federation with the promulgation of the 1993 transition constitution that called for a Government of National Unity. The debate over a

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[50] See Alli(2001:152-153)

'federal' South Africa dates back to the formation of the Union in 1910, and remained unabated till the beginning of post-Apartheid South Africa. Nonetheless, the plurality of the country and its unique multi-racial, multi-ethnic and multi-cultural nature indeed raised the level of debate over what kind of federal solution South Africa really needed.

In reality, however, the theory and practice of government in the country since the formation of the Union have had a strong federal flavour.[51] Despite being a federal polity, the South African state still largely displays some unitary elements such as parliamentary sovereignty and flexibility with which the constitution can be unilaterally amended by the central government. While the South African Constitution of 1996 was more federal than the previous constitutional arrangements, including the transition constitution of 1993, the Nigerian constitution of 1999 was, in contrary, less federal than the previous constitutions of early independence era.

In contrary to the Nigerian case, where the national law takes priority in case there is a collision between national and state laws, it is the provincial law that supersedes in South Africa. While South Africa practices what we may call 'cooperative federalism' in which the provinces implement nationally made policies and share powers with the centre in areas such as education, health and housing, the Nigerian model is not less similar.

In particular, federalism has reflected mixed outcomes since adoption of multiparty parliamentary and presidential system in Nigeria and South Africa respectively. Further, the dynamism of federalism has affected democratic outcomes much more since the emergence of single dominant parties in both countries in 1994 and 1999 respectively.

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[51] Some analysts have referred to the country as a 'unitary state with federal features' (See for instance, Modisha 2012). Comparatively, in Nigeria where federalism has been touted as a mechanism for negotiating co-existence and resource allocation, the military (over three decades) had ruled the country with 'a unitary approach to a federal structure' (*Nigerian Tribune* 10 Nov. 2010)

Table 3.3A: The Evolution of Nigerian Federating Units

Year	Number of Regions or States	Extent of Regional and State Autonomy	Regime Type
1914	2	Very High	Colonial
1954	3	Very High	Colonial
1963	4	High	Democratic/Parliamentary
1967	12	Low	Military
1976	19	Low	Military
1979	19	Medium	Democratic/Presidential
1991	30	Low	Military
1996	36	Very Low	Military
1999	36	Medium and rising	Democratic/Presidential

Source: Paden (2004:19), updated by the author

The singular most important aspect of federalism in both countries is fiscal management. As three-tier federal systems, which were historically unitary, Nigeria and South Africa represent two important cases in the evolution of power sharing mechanisms. However, unlike in more advanced federations such as USA and Canada, fiscal arrangements in Nigeria and South Africa encourage more centralisation of funds and powers, thereby reinforcing the dominance of the nationally dominant party regimes.

Specifically, the growing anti-pluralist and anti-democratic centralisation in Nigeria and South Africa has been a two-fold crisis of federalism, and driven by three major factors. First, centralisation handicaps the rich states and undermines the financial potentials of others. Not only has the centralised federalism led to what experts such as Sagay (2010:31) calls 'begging bowl federalism', it has further made political power (dominated by a single party) follow a centripetal pattern.

Similarly, Nigeria, like South Africa, operates a largely unitary federation as a result of the array of powers allotted to the central government at the detriment of institutional strength of the sub-national units. In Nigeria, the State governors have complained about the lopsidedness in the revenue sharing formula, which is always in favour of the PDP-

controlled central government and have thus proposed a formula more favourable to the states and the local governments.

Table 3.3B: Revenue Allocation Formula in Nigeria

REVENUE DISTRIBUTION	
CURRENT	PROPOSED (by the State Governors)
Fed. Govt. : 52%	Fed. Govt. : 35%
States : 26.72%	States : 42%
LGs : 20.60%	LGs : 23%

Source: *The Nation* (Lagos) 2 May 2011, p.1

Table 3.3C: Distribution of Revenue in South Africa[52]

REVENUE DISTRIBUTION	
2001	2012
National : 40.2%	National : 64.2%
Provincial : 56.6%	Provincial : 31.9%
Local : 3.1%	Local : 3.9%

Source: Division of Revenue Acts 2001 and 2012 (Government Gazette, 17 May 2012, p.52).

Specifically, in fiscal terms, the 1996 constitution established for the first time a decentralized system of government. By the 1997/1998 financial year, the provincial governments were able, for the first time, to draft and implement their budgets. The 1996 Constitution stipulates that the Republic of South Africa as 'one sovereign democratic state' (section 1) with 'national, provincial and local spheres of government which are distinctive, interdependent and interrelated' (section 40).

Despite legislations that were targeted to ensure fiscal responsibility at the provincial and municipal levels, including the Municipal Financial Management Act, 2003, and the Division of Revenue Act, 2011 (Act No. 6 of 2011) provincial autonomy has been curbed by the domineering National Treasury, something similar to the Nigerian case where the states lack autonomy in fiscal terms. Although, both the states and provinces can run their budgets, most of the monies to fund such budgets are centrally allocated.

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[52] The National share (for 2012 in particular) includes conditional allocations to provincial and local spheres, general fuel levy sharing with metropolitan municipalities, debt service cost and the contingency reserve. Similarly, the direct charges for the provincial equitable share are netted out.

Specifically, chapter 13 (section 214, 2d) of the 1996 Constitution of South Africa lays down the rules for an equitable division of revenue raised nationally between national, provincial and local spheres of government in order to provide basic services and exercise the functions allocated to each sphere. The division is to be performed by an Act of Parliament. In that Act the equitable shares for the 3 spheres of Government (= vertical division) have to be inscribed as well as the division of the provincial share over the 9 Provinces (= horizontal division) plus the special grants to the provinces.

As in Nigeria, the centre takes the effectual discretion in terms of the sharing of the national wealth in South Africa. A ready example was the recent controversial Sovereign Wealth Fund, which the Federal Government of Nigeria literally coerced the states to contribute parts of the Excess Crude Account monies for investment. The main implication for party politics and institutional incentives is the upper hand which the central government (under the dominant party) has in determining the mode of operation of the Sovereign Wealth Fund.

Similarly, presidents in both countries tend to arrogate supremacy over the provincial executives. For instance, during the presidency of Mbeki, the provincial premiers were summoned to a bi-monthly meeting with the president, something that was similar to the approach deployed by President Obasanjo. In several of the cases, President Obasanjo used constitutional and arrogated powers to seize local government allocations to opposition AD/AC state government in Lagos.

Essentially, therefore, aside the unequal centre-state/province relations, intergovernmental politics has raised some level of pecking order, in which the states under the PDP in Nigeria (and this is less so in South Africa, where eight out of nine provinces belong to the ANC) enjoy better relations with the president and the national parliament. While this bears no fundamental representation issues, inclusiveness has been tampered by the purely political horizontal frictions.

Comparatively, both countries exhibit elements of congruence in constitutional provisions and actual practice even though there are significant divergences between the constitutions

and the actual practices.[53] The fiscal gap is partly responsible for the continuity of north-south tension and often controversial pursuit of the central powers as in the struggle for the presidency. The political contexts of fiscal federalism are as important, if not more important than, the economic contexts of their practice.

The centralizing nature of the country's revenue formula, which gives the highest shares of the national wealth to the central government, partly explains why the dominant party remains dominant and powerful. In this case, presidentialism and federalism not only interactively affect the nature and character of constitutional democracy; they also deeply affect the practice of dominant party democracy thereby creating stresses for federalism as democracy's 'territorial twin'.

In other words, to different degrees, one-party dominance has reinforced the pro-centralizing effects of presidentialism in Nigeria while it has de-incentivized parliamentary devolution potential in South Africa. As constitutional powers were exploited by President Obasanjo to use the force of the PDP as a political machine in overriding the state governors for the most part of his eight-year rule, so were the central powers of the parliament and presidency explored by the ANC under President Mbeki to subjugate the provincial premiers.

In both cases, party powers are maximized in such manner that multi-level intergovernmental relations tilt more in favour of the centres that are controlled by the dominant party. Lopsidedness in the federal structures of both countries in which the centres remain essentially more powerful than the component units has further increased the interest for the control of the centres. Since the central governments are controlled by the dominant parties, non-dominant/opposition parties survive politically partly by their capacity to take effective control of certain parts or regions.

However, in terms of intergovernmental control of certain institutions of the state such as the police, for instance, South Africa has, without emphasizing it, practiced what we may call 'cooperative federalism'. For example, unlike in Nigeria, where the constitution

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[53] See for instance, an early study: Joachim Wehner (2000) 'Fiscal Federalism in South Africa' *Publius* 30(3) pp. 47-72

confers exclusive power to establish police and other government security services on the National Assembly,[54] the South African Constitution empowers both the national and provincial parliaments to establish police forces.[55]

As one of the Nigerian state governors puts it the 'concept of an exclusive federal police is not only antithetical to true federalism, it also negates the autonomy and separate existence of states guaranteed under the constitution' (Fashola 2008:62). This kind of call is necessitated partly as a result of the inability of the governors of the constituent states to control or give order to the federally controlled police commissioners. Yet, a call for a state police was countered by the governors of Northern states who argued that the country was not yet ripe for it.

The over-centralisation of the police force at the centre has however increased the tendency for its politicization. For instance, President Obasanjo used the police to scheme out opposition, back up dominant party's electoral malpractices, unseat unfriendly governors, and enforce politically motivated anti-corruption cases. Even in South Africa, where there is a two-tier police system, opposition leaders, including Mangosuthu Buthelezi of the Inkatha Freedom Party (IFP) once accused the ANC government of using the South African Police to attack opposition members on political reasons.

Nevertheless, as in Nigeria, the constituent units in South Africa have lacked adequate capacity to govern effectively. While the provinces are enmeshed in large-scale corruption and are often 'cumbersome, expensive tiers of government' (Davis, Personal Interview 04 August 2011), the local governments (otherwise called the municipalities) are lacking in skills and resources. The pervasiveness of corruption and dearth of robust policies and clear performance indicators have not only led to further centralisation of powers and resources in South Africa, they are also largely responsible for the dearth of good governance in Nigeria.

Thus, the dominant parties not only control the most power and patronage, they determine the agenda and the decisions at the centre and, significantly, at the regional and local

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[54] See Section 214 and Item 45 on Exclusive Legislative List of the 1999 Constitution of Nigeria
[55] See Sections 214 and 217 of the 1996 Constitution of Republic of South Africa

levels. Therefore, whether one looks at the formal distribution of powers or the extent or even the volume of such powers at the centre in relation to the level of autonomy enjoyed by the sub-national units in both countries, actual indicators of federal practices in both cases show clear elements of unitarism that is entrenched by the dominant party regime at the centre and the dynamics of parliamentary and presidential practices in both countries.

3.4 Conclusion

As demonstrated in this part of the thesis, a general, comparative and historical analysis shows the influence of the complex social contexts of institutional democracy in both countries. Specifically, while South Africa struggles to 'move beyond a difficult legacy' of transitional democracy and a 'fragile stability in the post-apartheid era' (Southall 2003:255, Besada 2007:1), Nigeria remains 'an unsettled polity' whose unity and prospects for democratic order hang in the balance (Alapiki 2005:49-50; *New African* 1 February 2003; *The Nation* Editorial: 3 October 2010, p.13).

Similarities and divergences in historical and socio-political settings can, in the background, affect the forms of government and the dynamics of the electoral and party systems. While the contexts of presidentialism and parliamentarism have shaped the practice of federalism in both countries on the one hand, the clearly dominant nature of the party system has, in turn, affected the dynamics of federalism on the other. It can also be equally affirmed that, in the case of Nigeria, 'what kills democracies is not presidentialism but rather their military legacy' (Cheibub 2007: 140).

Even though both countries operate 'three-sphere' federalism, their constitutional and political contexts have had significant implications for power-sharing mechanisms and intergovernmental relations. Whereas a one-party dominant system and a majoritarian presidency has, in subtle ways, enabled Nigeria to sustain its foundations in the face of growing internal threats and political instability, a one-party dominant system and majoritarian parliamentarism have underpinned democratic consolidation in South Africa particularly in terms of electoral accountability.

In spite of the challenging, historically disruptive, and multi-faceted socio-political settings, modest measures by the civil society groups have contributed to the deepening of democracy in both countries. This civil-political engagement is not yet as rooted as the dominant nature of political control and this has implications for the extent to which civil groups can influence the state.

Specifically, Nigerians have had to cope with the results of a combination of a fluid party system, presidential politics and regional sentiments. It is a reflection of such deep-seated regional struggle for presidential power that elites of both divides have made their views known and carry out their political activities. For instance, a sitting governor of the North-western state of Kano (who later became the presidential candidate of opposition ANPP) said: 'we will support a Northerner [for presidency] in 2007 even if he comes from the Devil's party' (*Weekly Trust,* 26 Sept. 2004, p.1). This in reality is a confirmation how the 'presidency' is seen and treated as the most significant prize by the country's political elites.

Subsequently, whereas more politically motivated violence in Nigeria is incentivized by the presidential nature of politics that centralizes powers and resources and make electoral contests more of inter-ethnic wars, the trend of violence in South African parliamentary political system has been less of regional power struggles but more of historically entrenched structures of inequality. In most of the cases, it is the historically entrenched rivalry between the North versus South, Muslims versus Christians and politically fragile relations that cause violence in Nigeria while racial tensions between Whites and Blacks, and economic inequalities; Workers versus Government/Business that lead to violence in South Africa.

In South Africa where there is little effective partisan competition for the presidency, the party in power has maintained nation-wide dominance as a result of cross-cutting control across the regions. Unlike in Nigeria, however, where smaller/ethnically inclined parties have lost to the PDP (under controversial elections) only to regain them in more clean elections, parties such as the IFP and DA have lost KwaZulu Natal and the Western Cape

respectively to the ANC under free and fair elections and regain them back (at least by DA) under similarly credible electoral climate.

The most fundamental differences in terms of the political culture (a largely mass-based and socially rooted party system in South Africa on one hand and that of grossly elitist and less socially embedded party system in Nigeria) can therefore be traced to the origin, nature and dynamics of the objectives of the dominant parties as historically and structurally shaped in both countries. Nevertheless, the interactive and cumulative effects of historically informed regional/ethnic and presidential/plurality and parliamentary/PR systems bear significant implications for the dynamics of party competition in Nigeria and South Africa.

In summary, the above analysis demonstrates the significance of social cleavages and historically entrenched structures and how such forces and factors shape democratic practice. It shows the paradoxes of social cleavages as potential building blocks as well as real obstacles to democratization: continuous centralisation despite federalism, sustained but different violent reactions as a result of poverty and power struggles (inequality in South Africa and ethno-religious crisis and presidential contests in Nigeria), robust civil society (whose activities are aimed at curbing the excesses of the dominant regimes in a way similar to tactics employed against both the apartheid and military dictatorship) as well as the rise in hegemonic politics of the ruling parties.

'For the forms of Government, let the fools contest.
What is best administered is best'-Alexander Pope

'The task of the constitutional engineer is to find the least imperfect system…'
-Andrew Reynolds (1995:97)

4.1 Overview

This chapter delves into the second aspect of effects: institutional. Sequel to the preceding chapter on what accounts for path dependent analysis of democratic consolidation, this part compares and contrasts the two regime types (presidential and parliamentary) along with different electoral systems of first-past-the-post and proportional representation within the context of one-party dominant systems.

Institutional effects on democratic regimes in one-party dominant systems are both interactive and cumulative. The impacts of presidentialism and parliamentarism become more obvious and relevant when taken into account along with the party systems. Specifically, as compared to Nigeria where presidentialism aggravates the negative impacts of the one-party dominant system, parliamentarism has reduced the negative consequences of one-party dominance in South Africa.

In essence, available evidence supports Lijphart's (1991:81) claim that the PR systems (in combination with parliamentarism) 'almost invariably post the best records, particularly with respect to representation'. This chapter defines and conceptualizes the democratic processes of contestation, inclusiveness, accountability and representation and their attendant institutional effects on legitimation and institutionalisation of democracy. The concluding part ties up the arguments of the chapter.

As a point of departure, we should distinguish the *formal* and *informal* institutions of politics in Africa. Formal institutions refer to the organised routines of political democracy, such as regular elections for top office holders and legal constraints on the political executive while informal institutions are the patterns of patron-client relations by which power is also exercised. Informal institutions such as clientelism and corruption are especially pertinent to struggles for democracy in Africa (Hyden 2006:7, 78).

However, *presidentialism* itself has very important informal aspects. The 'informal' sense of presidentialism is often used to describe regimes with dictatorial tendencies. It is in this way that Hickey (2005) refers to the 'presidentialist and populist' politics of Yoweri Museveni of Uganda. The link, for instance, between presidential dominance and official corruption is attributed to systems where 'only the executive really matters' (van de Walle 2003:310).

Meanwhile, the formal institutions of representation and accountability such as the presidency, parliament, parties, courts, electoral system, and the constitution are often thoroughly interpenetrated with the informal structures of clientelism, big-manship, tribalism, and ethnicity. Although the extent to which 'informal rule' (the use of informal institutions more than the formal institutions) may be mitigated against by institutional rules remains debatable, a careful investigation into the interactions between the formal institutions of party and constitutional systems in particular will better expose the trends and dynamics of both formal and informal institutions of politics.

While 'the actual processes of presidential form of government are realistically examined by the personality and 'style' of the President, the relationship between the executive and the legislature and the party composition of the legislature, and the diligence of the judiciary' (Dudley 1982: 146), democratic implications of constitutional types rely essentially on both the inherent effects of the institutions (regime types and electoral systems) as well as the party systems.

4.2 Legitimation and institutionalisation as the two sides of Democratic Consolidation
Since a new regime consolidates when people accept it as the only system of government that they can expect to have in the future (Diamond and Plattner 2008:56), legitimation is a significant aspect of democratic consolidation. Whether in presidential or parliamentary or mixed systems, people elect a few members of their country as their 'representatives' in the parliament, and always expect that their wishes will be carried out by the privileged few agents (Lucas 1976:175). Scholars, observers, and practitioners of democracy often agree, even though arguably, that there can be no democratic consolidation without democratic legitimation.

The very idea of legitimation includes the establishment of a democratic regime through a properly conducted election as well as the capacity of the institutions of democratic politics to drive support from the voters in general. From another perspective, Lindberg (2006:8) argues that understanding democracy requires an understanding of 'democratic qualities of elections, specifically for legislative and executive offices, as actualised or effectively enforced political rights'.

As Amundsen (2001:53) postulated, legitimation 'does not only imply that the political leadership adopts democratic values and practices, but also a widespread adoption of and support for the same'. Essentially, legitimation accelerates the consolidation of democracy while a lack of it is anathema to democratization. It was basically the lack of legitimation that led to protests and demonstrations as well as the eventual resignation and removal of leaders in Ivory Coast, Niger, Guinea-Conakry, Tunisia, Egypt and Libya in 2009 through 2011. Legitimation is hereby defined in terms of *the quality of elections and the level of people's support for the political institutions of presidency, party and parliament.*

On the other hand, institutionalisation is a branch of consolidation theory by which the advancement or 'deepening' of democracy can be explained (Schedler 1998). Consolidation, simply put, is the process by which democracy is rooted or entrenched. As a branch theory of consolidation, institutionalisation is the process by which the institutions and methods of democracy are entrenched as 'a regular and respected way of organizing political life' (Clapham 1993:424).

In effect, institutionalization means more representation and accountability of the political elite to the masses as well as the acknowledgment of the masses of such representation and accountability through a democratic mass political culture. Moreover, as critical institutions of democracy, the executive, legislature and the party system are sources of representation and accountability. Parties, for instance, aid institutionalisation of democracy both through competition and interest aggregation and articulation, while the executive and the legislature are two single most significant institutions for representation, formulation and implementation of laws and policies of the state.

Thus, institutionalisation can be defined and measured in terms of three criteria. The first criterion is the respect for formal rules as entrenched in the constitution and legal documents. While the debate rages on as to the extent of institutionalisation of formal rules amongst political institutions and occupiers of such institutions in Africa, Posner and Young (2007: 126-127) argue that formal rules of the democratic game were 'beginning to matter in ways that they previously have not' and in few cases where leaders have managed to circumvent restrictions on term limits, they have done so through institutional channels rather than extra-constitutional means. Formal limits on executive powers, where they are respected, are signs of democratic institutionalisation.

Secondly, a country is said to be institutionalising democracy when through certain institutions of democracy politicians are able to directly or indirectly account to the people. Not only should the legislature be unable to usurp the powers of neither the executive nor the executive able to usurp the powers of the legislature and the judiciary. While the formation and adaptation of the institutions of parliament and presidency are different in presidential and parliamentary systems, the democratic political institutions are expected to have particular forms of relations as sanctioned by the constitutions of both the country and the party.

The third criterion of institutionalisation is the subordination of military and people in general to civil rules and constitutional authorities. In other words, the institutionalisation of constitutional democracy can be based on the respect for formal rules by political actors, the accountability of the occupiers of democratic institutions to the people, from whom democratic power ultimately originates, and the continuous use of constitutional means to settle disputes rather than military take-over or coup d'état. In short, *institutionalisation means both the stability and sustainability of rule of law, conformity to the constitution and the isolation of the military from politics.*

4.3 Democracy as Representation and Democracy as Accountability

'The aim of every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of the society; and in the next place, to take the most effectual precautions for keeping them virtuous whilst they continue to hold their public trust.' James Madison, *Federalist No. 57;* (quoted in Przeworski et al 1999:1)

Since the influential work of the philosopher W.B. Gallie (1956), and even before, democracy has been widely described as an 'essentially contested concept'. Although, for Gallie, the fact that democracy remains "*the* appraisive political concept *par excellence*" should help throw open intellectual discourses and the recognition of the contested status as an opportunity to attribute to each concept meanings within each framework (Levitsky 1997:433).

In this study, the concept of 'Democracy' is operationalised in terms of contestation and inclusiveness. Contestation encourages accountability, and inclusiveness enhances representation. Contestation and inclusiveness are 'two persistent dimensions' of democracy (Coppedge *et al* 2008) as they remain the flipsides of democratic legitimation. Contestation refers to the 'unimpaired opportunities' of the citizens to signify, formulate and weigh their preferences equally in the conduct of the governments they elect (Dahl 1971: 2).

On the other hand, inclusiveness refers to the variation 'in the proportion of the population entitled to participate on a more or less equal plane in controlling and contesting the conduct of the government' (Dahl 1971: 4). Most democracies in the world today are anchored on the fundamental principle that the people are able to choose those who 'represent' them in government, and that those so chosen/elected are in turn accountable to the people.

It is the recognition of this democratic theory and practice that 'representative democracy' has gained widespread support. Even though, as Plotke (1997) argues, representatives are often accused of acting in grossly elitist and self-interested ways, representation can be improved upon and made more open, effective and fair. Representation and accountability are the balancing forces for legitimacy, which is central to democracy.

Accountability, in a representative democracy, is the capacity of the voters to monitor the performance of politicians. The asymmetric relationship between the voters and the rulers demands that, while the political office holders have better access to information in the running of the affairs of the state, a constitutional limit on the powers of the politicians is

maintained in order to ensure the interests of the people (Cintra and Lacombe (2007:109). The principle of accountability is seen here from the prism of the principal-agent theory, which also explains the centrality of representation to democracy (Powell 2004).

In other words, the relationship between the people and the politicians is more or less like that of the principal and the agent. The mass electorates 'hire' the political officers to wield power on their behalf. The probable limitation of the principal-agent nexus in this connection is that there are multiple principals and multiple agents, with no clearly defined contractual agreement as to how the latter would be accountable to the former. As will be demonstrated in the subsequent chapters, public accountability provides both the political representatives and the electorate the opportunity to judge both the effectiveness and efficiency of democratic governance. But what do 'representation' and 'accountability' really mean in contextual sense?

Democratic Representation

G. Bingham Powell (2004a:273-274) asserts that democratic representation takes place when the actions of public office holders are responsive to the wishes of the people. However, he adds, and as Przeworski et al (1999) also argue, representation is more than 'responsiveness'. This clarification is necessary because a 'responsive' government may not be, as it were, representative since representation suggests first and foremost the ability of the people to choose those who form the government; it means that a 'benevolent dictatorship' cannot be 'representative'.

According to Powell, the two faces of representation (the 'procedural' by which the people choose their leaders, and the 'substantive', by which the people's preferences are reflected in public policies) must be present for a truly political representation to take place. In short, a representative government is more likely to seek the justice and happiness among the people than an unelected one (Nwabueze 1983:33).

The 'notoriously contested' concept of representation elicits 'the connection between the institutions that are normally associated with representative democracy and the way in which governments act' (Manin, Przeworski and Stokes 1999: 1-26). For this thesis,

representation refers to the *institutional capacity of a democratic regime to derive its legitimacy from the people, and consequently continue to 'act in the interest of the people' who voted it into power.*

Democratic Accountability

Like representation, accountability is another key ingredient of democracy. Those who run a democratic government are expected to be held accountable to the people who put them in power. Indeed, according to Sklar (1983:11) and Lewin (2007:1), accountability is the vital force of democracy. Similarly, accountability does mean responsiveness of those elected into political offices to the electorate, but it also does entail more than that.[56] According to Dahl (1971: 89), 'a key characteristic of a democracy is the continuing responsiveness of the government to the preferences of its citizens, considered as political equals'.

This thesis seeks to identify the 'accountability potential' of different constitutional systems. Electoral accountability in this sense does not necessarily equate the extent of accountability through electoral outcomes alone. This thesis sees accountability institutionally from two angles: vertical and horizontal. This work views 'vertical (electoral) accountability' and 'horizontal (inter-branch) accountability' as mutually reinforcing. We shall stress 'electoral accountability', by which we mean the responsiveness of those elected into political offices to the electorate.

By direct or vertical accountability, we mean a process of by which those in government account to the people; while indirect or horizontal accountability is the mechanism by which those in the organs of government account to themselves through the principle of 'checks and balances'. The horizontal or inter-branch accountability is an indirect accountability, by which the executive is accountable to the parliament while the vertical accountability is direct accountability by the two organs of government to the people,

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[56]While responsiveness is one of the justifications of democratic governance, it only relates to 'when the democratic process induces the government to form and implement policies that the citizens want' (Powell 2004b:91). Accountability and responsiveness are often differentiated as accountability could be in terms of whether those in power can be electorally punished for failing to be responsive to the people, where as responsiveness is often being about whether public preferences are reflected in public policy. I thank Professor Jack Vowles for helping me to think through this conundrum.

through elections, and via the media and civil society organisations (Laver and Shepsle 1999, Amundsen 2001:50).

The latter is, in other words, called 'electoral accountability' (i.e. accountability to the electorate). Electoral accountability has a direct impact on the political actions during the election period, when the people (the principals) are expected to judge the 'performance' of their representatives (the agents). While this thesis emphasizes vertical accountability, it does not neglect horizontal accountability since both are, directly or indirectly, people-centred and interwoven. The focus on vertical accountability is premised on two important grounds.

One, institutions have in-built constraints and incentives for political actors (Tsebelis 2002, Lindberg 2009). So, it is important to investigate how the party and constitutional systems influence the 'accountability potential' of the strategic actors as they represent the people. Vertical accountability, induced by electoral games, is likely to reveal the extent to which the 'agents' account to their 'principals'. Two, both the parties and the governments they form derive legitimacy from the people. Mechanisms put in place to ensure horizontal accountability ultimately enhance vertical accountability.

In the same vein, therefore, democracy suggests that there should be a 'continuous responsiveness' of the government to the preferences of the citizens' (Dahl 1971:1). As John Dunn (1999:334) put it, 'if elections are contested and their outcomes implemented in practice, if participation is widespread, and if citizens enjoy political rights and liberties, it is reasonable to hope that governments will be responsive to citizens'. The people or the electorate are the principal, for they elect their representatives, that is their agents, into power on the normative assumption that their 'agents' would i) represent their (principals') interests and ii) be responsive to their demands once in power.

Deeply embedded in an effective democratic regime is a mechanism for accountability, a mechanism for monitoring the performances of politicians (Dominguez and Jones 2007:11). While John Dunn (1999: 334-339) warns scholars to recognise that accountability, in the strict sense, only mitigates against few 'hazards' citizens face from

their rulers, he does not deny that democratic representation is likely to increase accountability potential of constitutional regimes. Democratic representation and accountability are thus interwoven since there can be no accountability if there is no representation, just as there can be no democracy when these two ingredients are not present.

4.4 Presidential/Parliamentary Systems: Implications for Democratization

As a point of departure, we agree with Samuels and Shugart (2010) that institutional variations are critical factors that determine how parties organize and behave. According to this perspective, whereas parties look alike and share a number of characteristics across regime types, parties that operate under separated powers (presidential systems) behave largely differently from parties that operate under fused powers (parliamentary systems). While it could be true that the electoral incentives and strategic options of individuals are shaped by different institutional designs, the point must not be missed that party behaviour is not singularly influenced by the institutional factors.

Firstly, how does one establish that a system is presidential? According to Sartori (1994a: 84, 1994b:106), 'a political system is presidential if, and only if, the head of state (president) i) results from popular election, ii) during his or pre-established tenure cannot be discharged by a parliamentary vote, and iii) heads or otherwise directs the governments that he or she appoints'. For Elgie (1998), a presidential system is one in which a head of state, popularly elected for a fixed tem but with no different head of government.

Brunner (1996:91) defined presidentialism as a system of government that is characterised by 'the concentration of all total executive power in the person of the state president, who is not politically responsible to the parliament'. Yet, the common denominator of all definitions of a democratic presidential system is the presence of an individual, popularly elected for a fixed term 'who plays the or at least a, central role in the political system' (Siaroff 2003: 289).

In our view, 'presidentialism' ought to be seen from two different but related perspectives: *formal* and *informal.* This means that presidentialism is both *a system* and *a way of rule*, respectively. Even though we emphasize the 'formal' dimension of the concept of

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'presidentialism' in this study, we have chosen to also take the 'informal' perception into consideration. Moreover, it is in its informal connotation that analysts refer to authoritarian and dictatorial regimes as 'presidentialist' regimes, suggesting that formally and systematically parliamentary regimes can still be 'presidentialist' in practice.

Similarly, it is also in the informal side of presidential regime that the purported formal and institutional elements of presidentialism are protected, maximized and or ignored. Meanwhile, for analytical clarity, and in a way to guide comparisons and not deviate methodologically, we define presidentialism in its formal and institutional sense. In line with Sartori's emphasis on the direct election of national chief executives, since direct election of presidents is a common electoral feature in most presidential democracies, this thesis sees presidentialism as a *system of government with a popularly elected head of state and head of government with an array of constitutional powers to appoint and dissolve his or her cabinet without recourse to the parliament.*

On the other hand, parliamentarism refers to a system of government with unelected (or appointed) heads of states that are separated from the heads of government. According to Juan Linz (1990b), a 'pure' parliamentary system is the one in which the only democratically legitimate institution is the parliament upon which the government's authority is completely dependent.[57]

There is the heavy emphasis on the sovereignty and superiority of the parliament in Linz's thesis on parliamentarism in the sense that the system is the one 'where executive power is generated by legislative majorities and depends on such majorities for survival' (1990a:52). Linz accepts the reality of the growing personalisation of party leadership in parliamentary systems but argues that this can offset the strengths of the Presidents where the same process takes place in Presidential regimes.

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[57] 'Pure' is the operative word here: scholars including Giovanni Sartori argue and agree that a 'pure' parliamentary system should be in the mould of the British 'Westminster' model. According to Sartori (1994), the 'best' form of parliamentary system is the 'impure ones' with regulated parliaments. But as Siaroff (2003) argued, there are variations in parliamentary designs, which make it possible to have parliamentary systems with presidential dominance, parliamentary systems with a presidential corrective and parliamentary system with figureheads.

Even when a parliamentary system includes a president, the prime minister still holds the strongest cards (not applicable in 'make-shift' presidentialist coalition regimes as in Kenya and Zimbabwe). Therefore, the key defining feature of parliamentary system is executive accountability to the parliament. This is because in a parliamentary system, power does not reside in an individual but in a cabinet headed by a Prime Minister (or a 'president' as in the case of South Africa), who is elected or appointed by a parliamentary majority.

Simply put, while the presidential design has a head of state and head of government, directly elected by the people, the parliamentary system has a head of government who is elected and removable by the parliament. Hence, a parliamentary system, in this thesis, is *one in which the head of state may or may not be different from the head of government and is elected or selected by the parliament from which his or her power and continuous existence in office derives, and to which he or she is accountable.*

As the two major forms of constitutional government, presidentialism and parliamentarism provide the template- of some polar opposites- through which analysts view regime types. As Shugart and Carey (1992) critically noted, some systems may be difficult to classify in either the presidential or the parliamentary model since some that give little power to presidents are in effect parliamentary rather being presidential. However, Mainwaring and Shugart (1997: 451) argued that a 'stark' contrast between presidentialism and parliamentarism was unnecessary. It is on claim like these, and building upon Duverger (1980), that Elgie (2005) developed a theoretical basis for another kind of 'constitutional regime type' termed 'semi-presidentialism'[58].

According to Lijphart, in his *Parliamentary versus Presidential Government* (1992), three factors distinguish presidential from parliamentary systems. First, there is a fixed term for the head of government (the president) in a presidential system, who is expected to serve out his tenure unless there is the 'unusual and exceptional process of impeachment, unlike

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[58] There are, in effect, a range of regime types or hybrids that combine elements of presidentialism and parliamentarism. In Africa, a series of politically expedient power-sharing arrangements have altered presidential designs in Kenya and Zimbabwe. Yet, both countries did not become parliamentary systems. Depending on the framework of definition one adopts, the two countries are now essentially 'semi-presidential', even though semipresidential regimes are more presidential than parliamentary (Samuels and Shugart 2010)

the parliamentary head of government (usually a prime minister), whose tenure in office is dependent on the confidence of the legislature and thus can be removed (along with the whole government) by a motion of no-confidence.

Second, whereas the head of government (the president) in a presidential system is generally popularly elected or by an electoral college of people's representatives, the parliamentary of head of government (the prime minister) is 'selected' by the legislature. The third major difference between presidentialism and parliamentarianism is the presence of a one-person non-collegial executive in the former as against the collective or collegial executive in the latter.

This element of parliamentarism shows that parliamentary regimes are characterised by collective executive responsibility, whereby the 'executive as a whole emerges from the legislature' (Poguntke and Webb 2005:3). These differences, if taken into consideration, should help us understand how different constitutional designs affect and are affected by other key institutions of democracy like the party system.

Empirically, most so-named presidential systems are 'pure' presidential designs by the virtue of direct election and constitutionally guaranteed powers. The 'pure' presidential regime is different from the premier-presidential system because a president in a premier-presidential system does not possess the power to dismiss a cabinet or members thereof when they still enjoy the confidence of the parliament (Shugart 1993:30).

While the typology of the parliamentary with 'president' is self-explanatory, and the 'pure' parliamentary system can be conceived as the 'majoritarian' Westminster model, the subtype of president-parliamentary system has been heavily criticized by Giovanni Sartori, who described it as 'almost an empty class, a container in desperate want of content' (Sartori 1994a:133). Against this backdrop, Allan Siaroff (2003) argues for a need for 'more meaningful labels' such as presidential systems, parliamentary systems with presidential dominance; parliamentary systems with presidential corrective and parliamentary systems with figurehead presidents.

Like Sartori, who rejected the label of 'president-parliamentary' regime type, Siaroff also rejects the concept of 'semi-presidentialism'. For Siaroff (2003:287), the institutional dichotomy of presidentialism and parliamentarism on the one hand and semi-presidentialism on the other, does not explain much of the dynamism in various regime types. Linked together therefore, these two typologies give us a sense of why, despite the variations in their subtypes, presidentialism and parliamentarism still remain the two major kinds of constitutional designs.[59]

Meanwhile, most of the negative institutional effects ascribed to both systems of government pale in relative terms even when both regime types operate within dominant party structure. For instance, unlike in parliamentary systems, such as South Africa, presidential systems such as Nigeria, have witnessed direct and subtle interference of the executives in the internal affairs of the parliament, thereby undermining legislative assertiveness. Similarly, the presidential 'peril' of inter-branch crisis, which can be mitigated by party leadership, seems to be more effective in parliamentary/ PR party list system where there is a higher level of party discipline than in a presidential/ FPTP where such mechanism is often missing.

However, as in the unique case of South African system, certain constitutional approaches are applicable to the practice of parliamentarism. As in a number of presidential systems, the system in South Africa gives room for the use of judicial review, whereby the courts are not only empowered to minimize executive-legislative tensions but can as well upturn the decisions of the parliament and presidency that are not in tune with the constitution. As the court of last of resort, the South African Constitutional Court is the highest court in constitutional terms shaping the decisions of the parliament and presidency in like manner that the Nigerian Supreme Court does.

In both countries, however, powers of the president and the parliament are huge and only when there is a clash in the exercise of such powers that the judiciary intervenes. Even

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[59] For instance, see Table 2.3 for the classification of several African countries, according to party system and regime types, even though some (including Egypt and Senegal) are classified as 'semi-presidential', they are effectively presidential systems.

when this is the case, individual judges would have to prove very critically that they are independent of the president who, by constitutional means, appoints them.

Similarly, the Nigerian and South African cases show the differences in the dynamics of president-assembly relations. Ordinarily, the two agents of the electorate, the president and the assembly, need not confront each other since their roles are usually stipulated in the constitution and especially in countries with dominant single parties. But, unlike in South Africa, Nigeria's presidential system has occasionally displayed strained president-parliament relations.

Meanwhile, what makes presidential transition less controversial and predictably stable in South Africa remains a combination of institutional and party systems. For instance, in a one-party dominant system, as in South Africa, parliament had virtually had no option than what the ANC wanted during the Mbeki-Zuma political clash: the resignation of President Mbeki. While rigidity may serve as a subtle mechanism for stability in presidential system, it may incentivize the executive to be less accountable to the parliament and the people. However, one's position on presidentialism as good or bad in terms of democratic stability depends in part on what one thinks about the need of democratic political systems to accommodate rapid political change (Fukuyama, Dressel and Chang 2005:115).

The 'ineluctably problematic' nature of presidentialism that promotes winner-takes-all or zero-sum game electoral outcome and which in turn generates institutional conflicts (Linz 1990a:36) is systemic but not exclusive to the presidential systems alone. According to Linz, in a presidential system, a president can win elections with a smaller proportion of popular vote vis-à-vis a parliamentarian premier but Mainwaring and Shugart (1997) claimed that parliamentarism, more than presidentialism, encourages and fosters winner-takes-all tendencies. However, specific cases of one-party dominant systems in Africa affirm that institutional design alone does not explain majoritarianism in isolation of the party system.

In South Africa, as in several other parliamentary designs, the absolute majority of a disciplined governing party or a coalition gives little chances to votes of no confidence just

as the opposition generally lacks power to check the government. The African National Congress has been in power since the first truly democratic elections in 1994 in South Africa, while the Botswana Democratic Party, BDP has been the ruling party since the country's independence in 1966. Both countries have parliamentary systems, (and in spite the First-past-the-post electoral system in the latter)   the opposition has hardly had effect on the decisions of the majority and the governing party.

For the most part, the available evidence does not suggest a better democratic order under presidential system in Nigeria. The change from the parliamentary to the presidential system has largely proved to have been 'cosmetic and of no consequence in ensuring governmental stability' (Suberu 1988:26). Much more recently, calls for return to a parliamentary system have received both positive and negative reactions.

In the case of South Africa, the practice of parliamentarism has recorded considerable success even though the party system has had subtle negative impacts on the system. While the South African system is partly based on the British parliamentary model, its unique nature is substantially rooted in the presidentialist dynamics of the chief executive as well as the 'context of transformation' within which constitutional democracy is practiced in the multi-ethnic, multi-racial country (Ben Turok, Personal Interview 01 August 2011).

In essence, however, the relative success story of the South African system is due both to the cumulative and interactive effects of path dependence and constitutionalist consensus that has been encouraged by parliamentary practices. Furthermore, in spite of party dominance in Nigeria and South Africa since re-democratisation of the 1990s, it is found that, albeit not unexpectedly, executives in presidential systems with powerful presidents are less likely to consolidate institutional democracy than the president/prime minister in a parliamentary system with a legislative corrective.

This is because, as has been witnessed in the cases of strong presidencies in Nigeria and The Gambia, among many others, strong presidents tend to disrespect democratic values of tolerance of the opposition even when their actions are counter-constitutional and counter-democratic . Similarly, because of the built-in separation of powers that makes the

executive presidents more of independent of the parliament and the inherent disregard for parliamentary vetting (parliament probes ministers and not the president except in rare cases of gross misconduct), strong presidents tend to maximize their powers and perpetuate themselves in office, even if this means tinkering with the term limit provisions in the constitutions (as seen in Zimbabwe, Uganda, The Gambia and lately in Senegal).

On the other hand, parliamentary systems hardly produce national executives with un-unmitigated powers of intolerance and self-perpetuation. In the particular case of South Africa, restraints on executive power have had more to do with the countervailing powers of the Constitutional Court than the checks and balances on the part of the parliament that is regularly controlled by the dominant party. At the same time the dominant ANC has remained a check on the powers of the presidents.

In the main, the practices of the unique parliamentary system in South Africa and presidentialism in Nigeria have necessitated reforms and counter-reforms since the 1990s. Most of the efforts taken so far toward making the constitutional designs in both country more workable have taken less congnisance of the perpetually dominant nature of the party systems in both countries.

The most far-reaching recommendations in South Africa were made by an Independent Panel Assessment commissioned by the Third Parliament, which, at the end of its six-month assignment, brought to the fore certain crucial issues on the state of the South African parliamentary politics in particular and constitutional democracy in general. In the main, the Panel called for greater accountability and 'representivity' of the parliament (p.89-91).

Specifically, the Panel recommended, among other things, the establishment of a scrutiny mechanism to oversee delegated legislation, assessment of the impact of legislation (whether it reflects people's expectations), addressing outstanding legislation (as required by the constitution), reinvigorating and finalizing development of an attendance policy for the members of the parliament (to boost party representation and members' inputs), and establishment of an extensive monitoring schedule to ensure the implementation of the

Oversight Model, especially in the area of monitoring executive compliance with parliamentary recommendations.[60]

In Nigeria, proposals for amendments of the constitution and a report by the Presidential Advisory Council have suggested a total overhaul. Specifically, the Presidential Advisory Council urged President Goodluck Jonathan of Nigeria to reduce his 'large government' in order to cut down on 'high cost of governance' and make it more accountable (Vanguard 21 Jan 2011, pp.1 and 5).

While the South African at institutional reforms attempt originated from the parliament, the initiative to assess the system came from the presidency in Nigeria. While one may be tempted to think that this was a result of the dominance of the parliament in the former and that of the presidency in the latter, the core outcomes of such assessments were equally centred on the need to 'rein in the executive' and make the parliament work better, and ensure greater accountability.

Meanwhile, issues of executive and parliamentary accountability were given attention and far reaching recommendations include the need to strengthen the parliament. In both case studies, it is the dominance of single parties that shape the nature of executive powers and legislative oversights. It is the party with the parliamentary majority that determines the course of democratic processes, actions and outcomes. Even when the dominant party state decides to amend the constitution, it is the agenda-setting power and decision-making influence of that dominant party that shapes both the design and the reality of institutional reforms.

For instance, in South Africa constitutional amendment begins and ends with the national parliament, save for the final ratification by the Constitutional Court. By contrast the powers to amend the constitution in the presidential system of Nigeria can create multiple, complex situations. Even though the framers of the South African constitution had envisaged that both the National Assembly and the national Council of Provinces would be

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[60] A summary of the Independent Panel's recommendations are contained in a Memorandum from the Office of the Secretary to Parliament to the Speaker of the National Assembly and the Chairperson of the National Council of Provinces dated 18 March 2011. See Appendix VI.

representative enough to act on behalf of the people to alter the constitution, they nevertheless made provisions for referendum.[61]

This is unlike in Nigeria where no referendum is required. Notwithstanding, the provisions for altering or amending the constitution enhance efforts at ensuring greater electoral representation as well as territorial (horizontal) accountability by asking the National Assembly to pass on amendment proposals to state houses of assembly prior to the ratification of such amendments.[62]

Nevertheless, as in South Africa, where constitutional amendments favoured by the dominant ANC receive the support of the parliamentary majority despite subtle opposition in both the National Assembly and the NCOP, several of the amendments passed by the PDP-dominated National Assembly scale through with ease. In addition, because the ANC controls eight out of nine provinces, its majority in the NCOP ensures more support from the sub-national entities than all other parties combined.

This is similar to the case of Nigeria where the PDP controls most of the states from which assemblies the party regime gets automatic support for the amendments of the constitution. The referendum option in South Africa similarly has implications for the dominant party influence on constitutional amendment since majority of the electorate would vote based on party affiliation and preference.

In sum, despite the variations in institutional designs, national parliaments in both countries have only carried out constitutional reforms that reinforce the system of party dominance. Neither has attempted to change either the system of government or the structure of state powers and relationships, at least not in any fundamental way. For instance, in amendments carried out by the South African parliament, proposed fundamental systemic changes were ignored.

Similarly, in the case of Nigeria, none of the 43 sections and three schedules out of the 319 sections and 7 schedules of the affected by the constitutional amendments by the Nigerian

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[61] See Section 73 (8) of the 1996 Constitution of Republic of South Africa
[62] See Section 9 (2) of the 1999 constitution of the Federal Republic of Nigeria

parliament in 2010 touched the popular demands but the interests of the dominant party and the National Assembly that initiated the amendments (Nwabueze, *The Nation* 29 July 2010, p.48).

For instance, the national lawmakers dabbled into what normally were hitherto out of legislative jurisdiction, including issues that border on the order of elections, qualification for elections, and self-preservation clauses such as the recall of lawmakers and defection, and granting of financial autonomy for the legislature.

One fundamental difference between the politics and process of constitutional amendment in both countries is the requirement for presidential assent in the case of Nigeria and the ratification by the constitutional court in the case of South Africa. Comparatively, while the Nigerian constitution reinforces executive dominance in this regard, the South African constitution puts the court over and above the presidency and the parliament in the final aspect of constitutional amendment.

Unlike in South Africa where the President signs the draft that is ratified by the Constitutional Court, constitutional amendments end up with a presidential assent in Nigeria. In both cases, constitutional amendments are largely determined by party dominance more than the designs. In Nigeria and South Africa, the dominant parties have regular, although sometimes fluctuating, two-thirds majorities with which they can amend the constitutions. The implications for dominance on political and constitutional reforms are products of the dominant party system. In the case of Nigeria, President Jonathan noted:

> For us to have reached this level, it means both the National Assembly and the executive must have been working together. Even, with the concept of the separation of powers, you cannot separate the parliamentarians from the executive. You can separate the judiciary but the executive and legislative belong to the same political party' (*Vanguard* 11 Jan. 2011, pp1 and 15).

Similarly, as in several one-party dominant party systems, the South African system has remained less accountable, thereby reducing the potential of the checks and balances envisaged by the drafters of the constitution. In reality, what obtains in South Africa is essentially a 'presidentialist parliamentary system'. This is because, unlike the presidential

system in Nigeria, most executive powers, and by extension the direction of parliamentary politics, revolves around the president, who is both the leader of the ruling party, and that of the country. Yet, like the presidential system in Nigeria, the president of South Africa wields far-reaching powers not only in the dominant party but also in the cabinet, which he appoints. The South African system is partly based on the British parliamentary model.

Specifically, therefore, the 'reality' of the parliamentary system in South Africa is in the unique nature of South African parliamentarism: the presidentialist characteristics (formal and informal alike) of its chief executive (see chapter nine) and the 'context of transformation' (path dependence) within which the constitutional democracy is practiced in the multi-ethnic, multi-racial country (Turok, Personal Interview 01 August 2011).

Whereas the president of Nigeria is directly elected by the people, the South African president is elected by the parliament. The fact that the dominant ANC can produce the president of the country irrespective of potential opposition from the other parties indicates the big weight of the political power and influence it carries.[63]

4.5 Impacts of Electoral Systems on Democracy

Aside the institutional design, another significant system that determines the dynamics of representation and accountability is the electoral system. Whereas the electoral system is just one of the institutions for democratic representation and accountability, political scientists differ greatly on which type is more suitable to enhance inclusiveness and accountability in ethnically divided and plural states.

A majority of analysts tend to favour the proportional representation (PR) system than the first-past-the-post (or plurality) system. In his observation, W. Arthur Lewis remarked that 'the surest way to kill the idea of democracy in a plural society is to adopt the Anglo-American system of the first-past-the-post' (1965:71, 72). For Lewis, and other authors like Arend Lijphart the PR system not only gives better representation to the minority, the PR

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[63] While not rejecting the notion that the opposition remains relevant in the scheme of parliamentary politics in South Africa, the DA Parliamentary Leader, Athol Trollip, described the roles of the opposition as essentially 'cosmetic' vis-a-vis the ability of the dominant ANC to master the small parties with the use of 'power of patronage' (Personal Interview, 02 August 2011).

system, when combined with parliamentary system, 'almost invariably post the best records, particularly with respect to representation (Lijphart 1991:81).

In particular, Timothy Sisk (1993:88) argued that South Africa (still finding 'new grounds') would only ensure political accommodation of its multiple racial groups when votes are allocated according to the proportional representation formula. However, on the side of the plurality (first-past-the-post) divide of the debate are scholars who argued for electoral competition that cuts across ethnic, political and ideological grounds in single-member districts.

While Lardeyret (1991:35) asserted that the PR fails to ensure 'multi-ethnic parties', Horowitz (1991:167) argued in favour of a preferential plurality system that encourages 'vote-pooling', a mechanism that ensures 'intergroup compromise'. As Reynolds (1995) summarized the debate, most analysts conclude that the parliamentary-PR system of government is best for the fragile new democracies.[64]

According to Reynolds, since presidentialism/PR is problematic in Latin America countries (Lijphart 1991:72), and majoritarianism remains the most damaging aspect of a presidential system, parliamentarism should be considered with PR in new democracies. Parliamentary/PR systems outperform their plurality counterparts particularly in Southern Africa (Reynolds 1995: 98).

Meanwhile, an important aspect of the debate has received less attention: how do electoral systems affect democracy in combination with institutional designs in one-party dominant systems? Our argument is that there are far-reaching consequences for accountability and the level of corruption when electoral systems interact with different constitutional systems than when they are singularly assessed.

Fundamentally, one-party dominant systems differ under different constitutional and electoral systems. Democratic legitimation is likely to be lower in a candidate-centred

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[64] There was an international debate, particularly on the 'best choice' for South Africa in the early 1990s. The debate divides were spearheaded by Arend Lijphart (in favour of PR) and Donald Horowitz (in favour of plurality or FPTP). See Lijphart (1991) and Horowitz (1991) for detailed arguments from both sides.

(first-past –the-post system) such as Nigeria because individuals have incentives for corruption and electoral rigging and are harder to control – if anyone wants to. On the other hand, in a PR list system, ways of perverting democratic choice would need to be coordinated – which essentially means that potential riggers in electoral practices are unable to pervert the system even if the party wanted to.

Under FPTP, even if the party wanted a clean election, it might have difficulty controlling its candidates who might want to cheat. This therefore partly explains why elections tend to be better organised and are reflective of voters' preferences in countries such as South Africa with a PR system. In essence, unlike in Nigeria where key members and supporters of the dominant and other parties engage in mass mobilization and manipulation of electoral rules (Bratton 2008), South African parties use mass mobilization and policy-based campaigns to elicit electoral support.

Since the lists used in the parliamentary/PR system are closed in South Africa, virtually all the parties are incentivized to pick candidates that would reflect the ethnic heterogeneity of the South African society. While the 'majoritarian' partisan texture of the ANC might reduce the chances of the small parties to clinch a coalition of equivalent numerical strength, smaller parties are able to get representation in the parliament on a proportional basis.

Aside from the direct effects of interactions between parliamentarism and PR on the one hand and presidentialism and FPTP on the other, other differences are path-dependent and nothing to do with much of this – the greater social rootedness of the ANC in South Africa is a legacy of anti-apartheid nationalism, whereas in Nigeria the PDP is the result of military rule and a 'made-up' party system.

In summary, it can be argued that not only does FPTP aggravate the struggles for presidential victory; one-party dominance makes the stakes higher. In contrast to the Nigerian case, the closed-list system gives more powers to the party leaders in South Africa. While this has further entrenched one-party dominance despite proportionality (Gouws and Mitchell in Gallagher and Mitchell 2005: 353-375), a FPTP system would

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probably give more seats to the ANC and reinforce a one-party dominant system, even though the pattern of dominance might not be as predictably static as being currently experienced.

4.6 Concluding Notes

Until now, debates on the impact of institutions on democratic growth have not been sufficiently contextualized. Arguments about the institutional architecture of democracy should not be primarily concerned about the superiority of presidentialism over parliamentarism, or otherwise, but about sustainability based on practice. The debate should be more about why and how these designs have cohabited and can cohabit better in relation to other institutions of democratic politics. In the particular case of Africa, where more than one factor determines the sustainability of democracy, any superiority claims are weak for at least two reasons.

First, only Lesotho can perfectly fit the British model of parliamentary government in its purest form, even though other parliamentary systems such as South Africa have been fashioned in that mode. While countries like South Africa and Botswana can constitutionally lay claim to the parliamentary model, what drives democracy in those countries cannot be explained solely on their institutional or regime forms. The institutional explanation of democratization in these cases has to take the nature and dynamics of one-party dominance into consideration, and seek to identify both in terms of their cumulative and interactive effects.

In other words, rather than focusing solely on the interactions between mini or micro organs of democratic regimes, conscious efforts will have to be applied to the nature, character and dynamics of the macro and inter-institutional interactions that have significant implications for democratic survival. On a normative desire of political development, a presidential system that allows for popular participation and gives voice to people's preferences is better than a parliamentary system that maintains a fused and robust executive –legislature relations but fails to give recognition to popular participation and representation.

Second, whereas a parliamentary design with a PR electoral system tends to have a bigger room for greater expression of popular sovereignty than a presidential design with a plurality electoral system, accountability obligations are more of a matter of form than of substance in one-party dominant systems. Despite the fact that the powers of the president and the parliament are constitutionally separated in Nigeria, the inherent accountability potential of a presidential regime is unrealized because the same party produces the president and controls an overwhelming majority of the parliament, over four electoral cycles,

Although parliamentary/PR combination remains the 'least imperfect system', it guarantees relatively minimal accountability in the context of one-party dominance. Analysts seem to sidestep crucial aspects of the regime such as popular representation and accountability and tend to focus much more on the sustainability of the system in structural terms[65].While one-party dominance may no longer raise much concern for democratic consolidation in older models such as Japan, Sweden and India, where dominance was seen and used as a tool of unity and stability (Suttner 2006:2)[66], one-party dominance in emerging democracies such as South Africa and Nigeria produces more mixed and uncertain consequences.

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[65] There is a need to look much more into the scale and level of 'democratic contents' of governmental forms as such. One way of doing this is to examine and evaluate which kind of governmental arrangement gives room for better and greater participation, representation and accountability.
[66] Dominant parties in these countries include the right wing Guomindang in Taiwan, Liberal Democrats in Japan, Christian Democrats in Italy, and the Indian National Congress in India.

Chapter Five: Political Parties and the Party Systems

5.1 Why Parties?

Parties are vital to modern democracy (Stokes 1999; Lipset 2000; Lai and Melkonian-Hoover 2005; Robbins and Hunter 2011:12). They are the central institutions through which mass representative democracies now work. Parties function as channels of intermediation between political elites and voters (Gunther and Diamond 2003: 173; Budge & Keman 1993; Makinda 1996; Salih 2003).

Political parties exist to perform certain basic functions, which include the organisation of public opinion, the communication of people's demands to the centre of governmental power, an articulation of the concept and meaning of the broader community to its followers and involvement in political recruitment (Oyediran 1999:142).

Similarly, while political parties across all regime types may differ in their programmes and strategies, they all begin with the same general purpose of pursuing and acquiring the power of government (Milnor 1969:20). As Webb and White (2007) note, even when weakly institutionalized, parties can help facilitate a meaningful degree of popular choice and control.

Meanwhile, contrary to the common assumption within the 'parties-as-agents-of-democracy' theory that several parties contest for power with more or less equal electoral chances, empirical evidence has shown that this is not always the case. Since multiparty elections do not automatically lead to competitive multiparty systems, as witnessed in several African countries where there have been a rise in the number of electorally dominant parties since the 1990s (Bogaards 2004:173), adequate attention needs be given to the impacts of dominant parties and dominant party systems on democracy.

Moreover, political parties in Africa have emerged within the context of challenges of colonialism and the foundation of modern state systems in a post-colonial world. According to Salih (2003), African parties emerged as either liberation movements or they

were created by military rulers. Salih's binary perspective on the evolution of parties is apt in several cases across the continent.

For instances, while the ANC was a liberation movement-turned party in South Africa, the PDP was formed under military rule, with a close link to the military establishment, and partly politically linked to anti-military activists and politicians. While most of the ANC leaders have emerged from anti–apartheid leaders and activists, most of the leaders and influential members of the PDP have been retired Generals as well as their civilian allies and friends.

Furthermore, the foregoing partly explains why the first democratic president of South Africa and ANC frontline leader (Nelson Mandela) has been succeeded in turn by other party leaders and anti-apartheid activists such as Thabo Mbeki, Kgalema Motlanthe, and Jacob Zuma. Similarly, the PDP's first presidential candidate, who later became the first president of Nigeria in 1999, and then in 2003, General Olusegun Obasanjo, was the Nigerian military head of state from 1976 to 1979. President Obasanjo was succeeded by his hand-picked successor and younger brother to his former military deputy. Thus, in countries, party and presidential leadership succession has followed the path of history as well as that of institutions.

Other liberation movements-turned parties in Africa include: in Mauritius (MMM and MSM), Kenya (KANU), Zambia (UNIP), Zimbabwe (ZANU-PF), Angola (MPLA) and Uganda (NRM). There are also military-inspired parties in Ghana (NDC) and The Gambia (APRC). As it were, with the exception of the NDC in Ghana, almost all these parties were or are dominant in these countries. It is therefore interesting to note that most dominant parties across the continent today are essentially inspired by liberation movements or military rule. Several of these political parties have influenced the democratic order in more significant ways than any other institutions of democratic politics.

5.2 Identifying Parties and Party Systems

First and foremost, we can identify parties according to clearly defined and comparatively applicable criteria. According to Gunther and Diamond (2003), three criteria differentiate

parties across nations: (1) the nature of the party's organisation; i.e. whether it is thick or thin, or elite-based or mass-based, etc); (2) the programmatic orientation of the party (ideological, particularistic-clientele-oriented, etc); and (3) tolerant and pluralistic (or democratic) versus proto-hegemonic (or anti-system). While this typology lacks parsimony, it nonetheless 'captures more accurately the diversity of the parties as they exist in the contemporary democratic world and is more conducive to hypothesis-testing and theory-building than others' (Gunther and Diamond 2003:167).

This typology can be used to identify, classify and describe African parties for two main reasons. First, it clarifies the similarities and differences in ways that take in consideration the nature and dynamics of the organisation, ideology and power relations of political parties as institutions of democracy. Second, the typology naturally fits into the analysis of parties in non-western democracies, which means it covers emerging African parties. Similarly, it gives room for a deeper understanding of the ideological contents as well as the organisational contexts of parties across the continent.

In essence, therefore, parties in Africa in general and in South Africa and Nigeria in particular can be assessed according to their *formal organisation, programmatic commitments* and *behavioural strategy*. In terms of the formal organisation of the party, the dominant party in South Africa, the African National Congress, ANC, has shared-membership with affiliated institutions such as the Congress of South African Trade Unions (COSATU) and the South Africa Communist Party.

Like the ANC, the Nigeria's dominant party, the People's Democratic Party, PDP, too has a mass-membership but is not in an alliance with any publicly known ancillary institution engaged in either politically or socially motivated spheres of life. Unlike many of the small and 'organizationally thin' parties that compete with these two 'big brothers', both the ANC and PDP are 'organizationally thick'. In terms of the programmatic commitments, however, the ANC and PDP differ.

While the ANC derives its programmatic stands from nationalistic sentiments (largely driven by apartheid history and experience), and subtle political philosophies like the

'African Claims' and the 'Freedom Charter'[67], the PDP can best be described as pragmatic with no clearly defined ideological or programmatic commitment, even though it has a comprehensive constitution that stipulates the party's core values and directive principles aimed at national unity, integration and development.

Still, both parties are essentially nationalistic. Neither serves any particular ethnic, religious or socio-economic group.[68] More importantly, the third criterion of party differentiation, the strategy and behavioural norms of the party sets the dominant parties in Nigeria and South Africa apart. While both ANC and PDP are by their dominant nature 'proto-hegemonic' the ANC seems more tolerant and pluralistic in its objectives and behavioural style and tends to be more committed to the democratic rules of the game. In contrast, the PDP is at best, to use the words of Gunther and Diamond (2003:171) 'semi-loyal to democratic norms and institutions'.[69]

Nevertheless, parties do evolve. A party so described as programmatic today may lose its ideological commitments tomorrow; organizationally thin parties may strengthen later and less tolerant parties could get more democratic. Equally, one party may possess more than one criterion and some parties may even possess all qualities in varying degrees. The beauty of mass-based parties is that they are able to penetrate into a number of spheres of social life.

However, not all mass-based parties behave similarly and not all dominant parties display the theoretical attributes of mass-based parties. For instance, pluralist mass-based parties encourage the development and activation of a mass-membership base and are open to a range of social groups cutting across the trade unions, religious groups and/or fraternal organisations.

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[67]These historically formulated documents in turn influenced several of the provisions of both the Transition Constitution of 1993 and the Final Constitution of 1996 of the Republic of South Africa.

[68] It is more of a contrasting reality that parties like the NDC and NPP in Ghana, with substantial ethnic support in certain regions of Ghana have more democratically conducive strategies than the 'non-ethnic' but largely clientelistic parties like the PDP in Nigeria. Perhaps this may be further explained by the fact that parties in Ghana possess at the same time high levels of ideological commitments, which help neutralise their potentially negative ethnic contents , coupled with the fact that unlike the typical ethnic parties, they do mobilise the votes beyond their ethnic strongholds.

[69] The PDP is often accused of electoral manipulation, stifling of the opposition and 'power capture' See The Sun (Lagos) 28 January, 2010

The ANC, to a large extent, fits into this category. Although the party shares certain elements of a 'movement party', a type of partisan organisation that straddles the conceptual space between 'party' and 'movement' (Southall and Melber 2006:188), its tolerant features distinguish it from the Uganda's National Resistance Movement (NRM), for example.

Proto-hegemonic mass-based parties are anchored on discipline, constant active commitment and the loyalty of members in both electoral and intra- and extra-parliamentary affairs. They are less open, though. Both the ANC and the PDP are close to the ideal examples here. However, there is no clear-cut distinction between these two types of mass-based parties especially when they enjoy an absolute parliamentary majority and electoral dominance. Both recruit party militants, who may be then re-trained for political mobilization.

The ultranationalist parties are close to the pluralist nationalist parties in the sense that they are both proto-hegemonic in their aspirations. They advance supra-individual ideology and whip national and racial sentiments and at times use force via party militia by threatening or reining in minorities or political opponents.[70]

Meanwhile, parties behave similarly even when they do not fit into the same typology. For instance, the so-called nationalist parties, like ethnic parties, also do mobilize 'powerfully emotive symbolic issues of identity and cultural survival'. There is always a convergence of strategies and behavioural norms across different 'species' of political parties.

Comparatively, the NDC under Ghana's Rawlings as well as the ANC under South Africa's Zuma have employed typical ethnic party strategies for electoral mobilization even when they claim and retain their 'nationalist' connotation. Likewise, the 'congress party' is most likely to attain dominance and hegemony. This is because a congress party is often a coalition, alliance or federation of ethnic parties or political machines that may take the form of a single, unified party structure (Gunther and Diamond 2003: 184).

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[70] An example of these parties is the ZANU-PF in Zimbabwe. But the ANC in South Africa and PDP in Nigeria have also used similar strategy, especially when faced with potentially strong opposition in elections.

It can however be argued that a congress party with a broad multi-ethnic tent may later become a dominant party.[71] If the multi-ethnic tent is not complete, the congress party may merely become the first among equals, as with the National Party of Nigeria during the Second republic, and the ruling People's Democratic Party, PDP since 1999. A 'first-among-equal' congress party may later become a dominant party.

The reason this is often possible is because of the capacity of a congress party to reinforce itself by distributing party posts and government patronage among diverse ethnic and social groups according to some consociational or quota arrangement. This means that nationally dominant parties can be classified as some form of congress party.

On the other hand, most small parties in Africa are electoralist parties. They literally disappear after each election, as they are organizationally thin and ideologically weak. If this is the case, and if the impact of parties on democratic responsiveness hinges on their objectives and organisation (Stokes 1999:243), then identifying parties and party system as well as their impacts on institutional democracy should be done particularly in dominant party states. By the virtue of their overwhelming influence and effective control of the government and the state, dominant parties deserve adequate attention.

From the above, it may be deduced that the two main parties under focus are mass-based but while the ANC is more pluralist and mass-based the PDP is more proto-hegemonic and mass-based But, as one investigates the impact of party dominance more deeply, more concrete similarities and differences on the dynamics in the countries under study become more obvious.

Of course the nature and level of dominance are not the only criteria for describing a party system. Mainwaring and Scully (1995:6-28) categorize party systems into three types: institutionalised, inchoate and hegemonic types. Institutionalised party systems display stable competition, strong organisation, and serve as deeply rooted and accepted institutions for determining who governs. Consequently, countries with institutionalised

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[71] Examples include Kenya National African Union under Jomo Kenyatta and the Barisan Nasional (National Front Coalition) of Malaysia.

party systems tend to have effective governance, mechanisms to curb corruption, high level of legitimacy and accountability of public office holders.

In most cases an institutionalised party system is competitive in contrast to hegemonic and less competitive party systems where dominant parties have strong organisation but little capacity to gain acceptance by a majority of the people. In countries with dominant and hegemonic parties, effective governance may not be totally lacking but representation may be weak and accountability may be low. Several of the one-party dominant systems in Africa are neither institutionalised nor totally hegemonic in terms of democratic outcomes of weak representation, but they mostly display what has been described as the 'inchoate party system' type.

In countries with inchoate party system, democratisation is problematic. Competition is unstable, parties are less deeply rooted and are to a large extent personalistic, even if they have strong organisation; they display erratic politics, weak representation of people's interests, a low level of legitimacy, a low level of accountability and tend to be more corrupt and govern ineffectively Could less institutionalised, less competitive and weak party systems be responsible for the 'meagre impacts of democratization' (Amundsen 2001: 43) in Africa?

5.3 One-Party Dominant Systems (OPDS): Some Conceptual Clarifications

According to Maurice Duverger (1954: 308-09), a dominant party 'is that which public opinion believes to be dominant'. For Giovani Sartori (1976: 193), a party 'is dominant in that it is significantly stronger than the others'. Whereas Greene (2007) sees these two definitions as 'circular and unclear' they nonetheless identify a general perception of dominant parties.

It is argued here that even if a party must win up to five or six consecutive elections in order to qualify as a 'dominant party', irrespective of the legitimacy of such dominance, a party with unbroken access to national executive power and a legislative majority in four elections, such as ANC and PDP, can be said to have crossed the threshold. Meanwhile, following White (1973:400, 401) one must also take into consideration the length of

dominance, the margin of electoral dominance and the repetition of electoral dominance irrespective of the margins with which the dominant party's candidates win.

This thesis adopts a definition of dominant parties as parties that, in multiparty systems, are more dominant than the others in terms of electoral support and unbroken access to power over at least four consecutive general elections. It conceives party dominance in absolute majority terms, whereby the 'dominant party' has the majority of legislative seats and controls the national executive). In this study, emphasis will be placed on the 'dominant party' in each case since we are dealing with single parties.

Meanwhile, for the purpose of clarity, it is important not to confuse a one-party dominant system with a one-party system. The basic difference is that the former, unlike the latter, operates within a multiparty political system and restricts no opposition. Comparatively speaking, there is a wider political space in the one-party dominant system, the focus of this thesis, than in the one-party system, which is not the concern here. Depending on the degree of tolerance by dominant parties, dominant single parties are often aware of the likelihood, no matter how remote, of an opposition, or a coalition of opposition parties, to get control of power.[72]

Notwithstanding this, there are certain similarities between one-party and one-party dominant states. For instance, Cheeseman (2006:362) found that in Kenya and Zambia, under a one-party system, 'the strength of the legislature tended to be inversely related to the strength of the ruling party'. In other words, when an issue was first debated by the dominant ruling party, the legislators were likely to follow the 'party line'. On the other hand, when a decision for legislation first came up and discussed and dealt within the parliament, the party's influence was reduced and there were better prospects for a legislative check on the executive.

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[72] Dominance ends. Examples include The Social Democrats in Sweden which were in power uninterrupted from 1936 to 1976, the Christian Democrats in Italy from 1945 to 1993, and the Liberal Democrats in Japan from 1955 to 1993. Even in its often abrasive posturing, Nigeria's ruling PDP once acknowledged the possibility of losing power to an opposition in sixty years time. See *Daily Trust* 14 November, 2009: 'Why PDP will rule for 60 years-Ogbulafor'. But for President Jacob Zuma, the ANC would rule 'until Jesus comes back', while an ANC national executive member Fikile Mbalula, described the governing party as 'unbreakable and indestructible'. See *Africanews.com* 11 March 2009 and *Mail & Guardian* 10 November, 2008.

This has particularly been the case in the Nigerian and South African political systems. As in the one-party era in Kenya under the Kenya African National Union (KANU), the one-party dominant Nigeria has operated a presidential system with a parliament that is heavily dominated by the PDP. In several of the issues that emanated from the ruling party, the Nigerian parliament has followed partisan considerations. In South Africa, even when not popular, ANC-inspired policies get easy approval by the majority of Members of the Parliament.

Broadly speaking, a one-party dominant system is one 'in which despite the multi-party situation, only one party is so dominant that it directs the political system and is firmly in control of state power over a fairly long duration of time that even opposition parties make little if any dent on the political hegemony of a dominant ruling party' (Matlosa and Karume 2004:10). A one-party dominant system is therefore conceived in this thesis as *a political system in which a ruling party is electorally stronger- in terms of votes and seats- than all other opposition parties combined, has a continuous access to the office of the national executive , and simultaneously constitutes a legislative majority for at least four consecutive turnovers.*

5.4 One-Party Dominant Systems (OPDS) and Democracy

According to Samuel Huntington (1991), contemporary definitions of democracy can be classified into three main strands – those based on the 'sources of authority for government', 'the purposes served by government', or 'the procedures for constituting the government'. These are basic elements of constitutional democracy that nevertheless need not ignore the party system which in essence determines the purposes served by the government and the procedures for constituting democratic regimes.

The sources of governmental powers, the procedures for constituting government as well as the purposes served by one-party dominant regimes are shaped, for the most part, by the interaction between one-party dominant system and the institutional designs. Similarly, the potential merits and demerits of institutional and party systems are locked together in the

dynamics of the merits and demerits of one-party dominant system in much of post-transition Africa.

Various aspects of the democratic potentials of dominant parties have been identified by scholars across both divides of support and scepticism. The main potential democratic benefit of dominant parties is that there is a relationship between party dominance and political stability. The logic here is that while a dominant party may promote hegemony, it has an organisational structure and geographic spread to carry people of diverse interests and background along.

This claim, even if debatable, shows that the inclusive capacity of the dominant party can help diffuse the potential 'perils of presidentialism'. On the other hand, a dominant party system can maximise the 'virtues of parliamentarism'. This supports the case made by Gerring and Thacker (2008) that 'strong parties' are necessary conditions for democratic growth. But in emerging democracies strong and dominant parties may also be recommended with cautious optimism. As Mainwaring and Shugart (1997) assert, a strong majority party, but not necessarily a one-party dominant party system may be a good structure for presidential stability:

> The number of parties affects the likelihood of at least general compatibility between the assembly and the president. With a highly fragmented multiparty system, no party controls close to a majority. This situation can be problematic because the president typically has difficulties building reliable governing coalitions. The logical opposite situation, in which the president's party consistently as a majority is not necessary or even desirable, but presidentialism usually works better if the president's party is a major party with a sizeable legislative contingent (Mainwaring and Shugart 1997: 394)

Such technical arguments in favour of majority party control by the president's party neglect the potential danger for reduced representation and accountability. The most widely recognised disadvantage of a one-party dominant system is the near absence of countervailing forces to check the ruling party transgressions and the descent of such one-party dominant regime into an absolute or authoritarian government.

As a consequence, one-party dominant system often blurs the boundary between the ruling party and the state, thus providing negative incentives for political competition and the airing

of dissenting voices from the opposition parties and the civil society groups. Not only does one-party dominance breeds a culture of corruption, nepotism and patronage, there is also a correlation between dominant parties, 'forceful executives' and weak opposition (Egan 2009:12; Landsberg 2004:4).

These sceptical views of democratic credentials of dominant party systems have been earlier expressed by Samuel Huntington (1991), Przeworski and Limongi (1997) and Giliomee and Simkins (1999). For Giliomee and Simkins, in a dominant party system, 'the vital elements of democracy, namely genuine competition and uncertainty in electoral outcomes, are removed in a process that is self-sustaining' (1999:340). However, Karume (2004) suggests that party dominance might be obtained by coercion and electoral manipulation, just as it might be possible to achieve dominance democratically. It is therefore important to closely examine the two major dominant parties in our case studies to evaluate the veracity of the theoretical claims and counterclaims pointed above.

5.5 The ANC and PDP: A Comparison

The extent to which parties contribute to democratic consolidation depends on three factors: the stabilisation of electoral behaviour, the emergence of recurring patterns of party competition, and the stabilisation of leadership (Morlino 2009:209). In particular, the evolution, leadership and strategy of the PDP and the ANC have been shaped by the institutional designs in which they operate. But they have also been shaped by the dominant nature of the party systems.

The ANC was established in 1912 as a liberation movement and transformed itself into a full-fledged political party in 1994. The PDP, on the other hand, was founded in 1998, by a number of pro-democracy groups and anti-military individuals. In contrast to the African National Congress (ANC) that evolved from a movement against the apartheid, the PDP was formed by an amalgamation of different political groups whose central idea was less ideological as it was to end military rule.

Figure 5.5A 'The Tripartite Alliance': How ANC gets its support
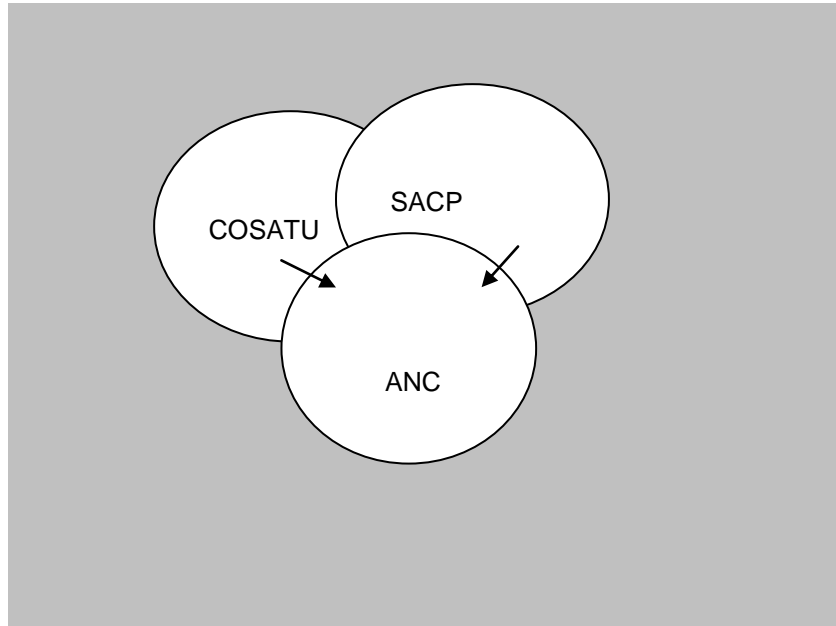
Source: Author's

Figure 5.5B: 'The Tripartite Network': How PDP gets its Support
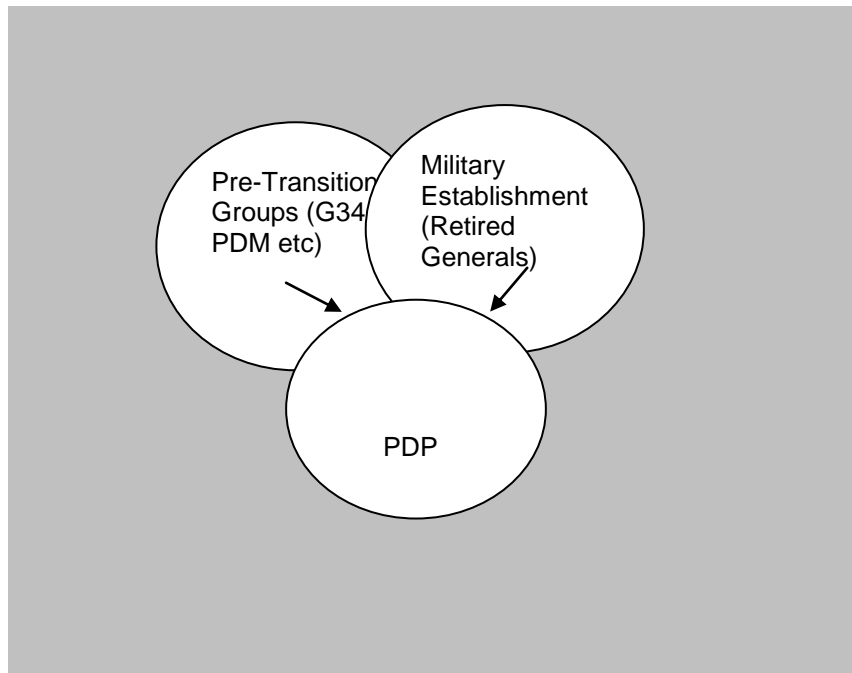
Source: Author's

Specifically, the social rootedness of the ANC is enhanced by the 'tripartite alliance' it has enjoyed since 1994. The Coalition of the South African Trade Unions, COSATU, and the South Africa Communist Party, SACP, remain key support bases and sources of social rootedness for ANC (see Figure 5.5A). Although the alliance has shaken more than once

but the ANC, COSATU and SACP have maintained time and time that they would not split. It is often said that the alliance partners 'need one another to survive and deliver democracy dividends to the people' (*Mail & Guardian* 6 November, 2010).

It can thus be argued that while the ANC relies on a the PDP is a product of an equally important 'tripartite network', of G34 (a group of eminent pro-democracy activists and politicians), the Peoples Democratic Movement (PDM) which was a political structure formed and led by a former military General, Sheu Musa Yar'Adua (whose biological brother, Umar Musa Yar'Adua later became the President), and of course the Military Establishment.[73]

Memberships and Organisational Structures

The membership and organisational structures of the dominant ANC and PDP have implications for both the nature of internal democracy as well as the level of social rootedness of the parties. The ANC has what one may call a 'down-top' membership drive and organisational structure in which the grassroots mobilization takes priority. In contrast, the PDP uses what one may describe as the 'top-down' approach. While both parties claim to be the strongest in terms of membership and democratic in terms of organisational structure, actual use of partisan powers has varied in origin and strategic use.

In the same version, the Branch Annual General Meeting elects the Branch Executive Committee of the ruling/dominant party in South Africa. As stated in Rule 7 (2) of the ANC Constitution (as amended and adopted at the 51st National Conference in 2002), the branches may be grouped together in zones and may be subdivided into smaller units such as Street Committees, and zones may be grouped into sub-regions. The Branches contribute at least 90% of the voting delegates at the National Conference, which is the 'supreme ruling and controlling body' of the ANC as in Rule 10(1).

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[73] The Military Establishment can be broadly defined as the military oligarchy, i.e. the hitherto ruling military elite, and the retired military professionals. To substantiate this claim, we observe that the PDP not only has the highest number of retired Generals, it also has fielded retired military men to fill the topmost political offices, including the office of the President from 1999 to 2007, the Senate President, from 2007 to 2011, and several retired soldiers have served as civilian governors, senators, diplomats and ministers since 1999.

Similarly, the National Executive Committee is the 'highest organ' of the ANC between Conferences with the authority to lead the organisation, subject to the provisions of the party's Constitution (Rule 12, 1). The most significant power of the NEC is its ability to appoint a National List Committee of not fewer than five and not more than nine persons for the selection and adoption of candidates for the national Parliament. Similarly, provincial structures for the adoption of candidates shall report to the National List Committee. The President of the party is the 'head and chief directing officer of the ANC and the leader of the house at a National Conference' (Rule 16, 1).

Contrary to the dynamics of party membership and structure in South Africa, elected officials especially the President, Governors and Chairmen of local governments determine to a large extent the membership of the congress delegates within their areas of influence in Nigeria. As automatic delegates to the National Convention of the party (Article 12 of the PDP Constitution), the Governors of the states controlled by the PDP constitute a power bloc which agenda-setting power and influence affect the party's policy directions as well as critical political issues such as presidential nominations.

Moreover, whereas their names are similar, the national chairperson of the ANC has lesser formal powers in comparison with the national chairman of the PDP. Although he is assigned lesser partisan powers in formal terms, the President of Nigeria is in reality more powerful than the party chair. While most of the President's powers are arrogated as a result of executive influence and incumbency factor, it is in the inherent nature of the presidential system that the Nigerian president seems to be more powerful, in partisan terms, than his South African counterpart who ordinarily should command higher party powers.

For instance, the NEC of the ANC forced President Mbeki to resign despite the fact that he was both the incumbent president of the country and of the party. This is unlike what the NEC of the PDP can do in a presidential system such as Nigeria. Specifically, for instance, the NEC of the PDP can rarely moot the idea of removing a sitting president unless it is in a pact with the national legislature. Experience since 1999 does not however point to such

possibility in Nigeria where the party hierarchy has been generally seen as an extension of the presidency, especially during the time of President Obasanjo (1999-2007).

The reason why the NEC of the PDP, unlike the NEC of the ANC, is unable to serve as a check on the President is largely due to two issues. One, the president of Nigeria is popularly elected with a wide range of powers of appointment and patronage. This means wielding informal partisan powers including appointing members of NEC into public offices. Two, unlike in the parliamentary system in South Africa, the presidential nature of politics in Nigeria gives little incentives for party discipline.

Compared to South Africa where the executive not only emerges from the parliament but also can be removed by the same institution with a majority party decision, the Nigerian president has less to fear in the face of a hostile party NEC. As is common with presidential systems, the role of individual presidents is more pronounced when decisions on key issues are made, party and policy decisions inclusive.

In South Africa, the President not only enjoys greater powers than the party chair since the latter not only presides over the national Conference, but also ensures implementation of party policy by all organs of the ANC and carries out such additional tasks as the conference or NEC may instruct. Even in the absence or incapacity of the national chairperson, the president will assume his or her functions which may further translate to more powers for the president of the party.

In Nigeria, an incumbent president has greater influence not only in determining incoming presidential candidates but also the choice of national chair of the ruling party. President Obasanjo not only handpicked his successor Umar Yar'Adua and 'sold' the candidacy to the party NEC and members, he actually was largely responsible for the amendment of the party's constitution which prescribed the retaining the chairmanship of the Board of Trustees of the PDP only to a former Presidents elected on the platform of the party. As at then, and up till the time of writing up this thesis (early 2012), only ex-President Obasanjo is the qualified individual for the BOT chairmanship of the ruling party in Nigeria.

5.6 Contestation and Inclusiveness

The challenge presented by a one-party dominant system is the extent to which the dominant party can be inclusive of different cleavages that make up society. The problem of contestation and inclusiveness remains crucial whether the system is presidential or parliamentary. Inclusiveness is, in particular, a counter-balancing force for contestation, but has remained problematic to achieve especially in countries where contestation is lacking or the outcomes of electoral contestation are problematic or reach a deadlock. The twin-challenge of contestation and inclusiveness applies to all democratic regimes irrespective of the party system, including those with single dominant parties. Two of the most important ways by which contestation and inclusiveness can be analyzed are the nature and dynamics of politics of opposition and power-sharing.

Competing with other parties, both the ANC and PDP have maintained majorities in four consecutive electoral contests. Until recently, there has been hardly any significant difference in terms of the fragmentation and weakness of opposition parties in Nigeria and South Africa. Opposition parties have remained fragmented and weak, although there are subtle signs of change as a result of the 2011 general elections in Nigeria and the 2011 local government elections in South Africa.

To use Cheeseman's (2006) formulation, party dominance in Nigeria has led to a form of 'civil authoritarianism', where the central and state governments formed by the dominant party have remained dominant by semi-legitimate means. This is not to deny the strength of a handful of opposition parties in Nigeria such the ACN and ANPP that control a number of states and others like APGA, LP and CPC that have considerable regional and grassroots following.

Similarly, in South Africa, the DA, which was formed as the fusion of the DP and the NNP in June 2000 has a very slim chance of becoming an alternative government at the national level). But it controls the Western Cape Province and has remained the 'official opposition' in the Parliament of South Africa. The common trend in both countries thus remains the regional control of specific regions by certain opposition parties. While the AD/AC/ACN remains strong in the South West and the ANPP and CPC controls

appreciable following in the North while APGA and PPA have only won seats in the South East.[74]

But cooperation amongst opposition parties against the 'big party' goes beyond electoral strength. It includes the ability to rally round for a common purpose, particularly in holding the ruling party accountable. Rather than constituting a critical mass in the National Assembly, and holding the dominant PDP to accounts, in Nigeria several of the lawmakers elected on the platforms of small parties have defected to the ruling party. Since 1999, 'elites of several opposition parties have rushed to the dominant party in search of power and purely pecuniary reasons' (Anifowose, Personal Communication, 16 July 2010).

Another significant issue in one-party dominant systems is party switching. Both at the levels of party switching by parliamentarians and party members alike, the dominant parties have been the major beneficiaries. Comparatively, party switching has favoured the dominant parties than it has favoured the small opposition parties. Nevertheless, both dominant parties have experienced factionalism which has taken different dimensions. Unlike in South Africa where local branches remain very powerful level of the ANC machinery (Turok, Personal Interview 01 Aug. 2011), local congresses in majority of the states controlled by the PDP are remotely controlled by the centre and largely factionalised (*Nigerian Tribune* 4 July 2008, p.42). Factions within the PDP are tiny and not organised.

Equally, party switching by the members of the parliament has had significant implications for both internal democracy among parties as well as the accountability of the MPs to the parties and the electorates. Controversies around floor-crossing legislation in South Africa for instance confirmed the far-reaching influence of the big parties, particularly the dominant ANC on party switching by elected officers.

For instance, from 1999, when the floor-crossing law was first proposed by the NNP, following the breakdown of the DP-NNP alliance, to January 2009 when the 'controversial and unpopular' legislation (Booysen 2006) was abolished via the Constitution Fourteenth

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[74] See more on regional/state control by parties in chapter two and Appendix IV.

Amendment Act of 2008 and the Constitution Fifteenth Amendment Act of 2008, the role of the ANC became dominant in two important ways.

One, the ANC expressed initial support for the floor-crossing bill out of the political calculation to further entrench dominance by making political capital (an alliance with NNP) following the collapse of the DP-NNP deal and dwindling political fortunes. Two, the final abolishing of the law was made possible by the majority role of the ANC which later saw the need to prevent a possible major drift from ANC by the MPs loyal to COPE or the cause of Mbeki supporters following the ANC's 2007 Polokwane conference.

Like their South African counterparts, the majority party members of parliament in Nigeria have equally used their sheer number to encourage party switching when the PDP is most favoured. In amending the 1999 constitution for the first time for instance, not only did they delete section 66 (1) which disqualifies persons with a history of crime and bankruptcy and others from contesting elections, the national legislators also amended section 68 (1) by removing the sanction applicable to a person who being elected on the platform of one party, abandons it to join another party.

Instead of losing his seat as hitherto provided for in section 68 (1), the defector is left untouched in the amended version of the constitution. As Sagay (2010:28) asserted, such alteration or removal was more or less of no effect since the constitutional sanction for defection had never been enforced. Is it because there are many parties that big parties maintain dominance and remain perpetually in power in Nigeria and South Africa? This is not necessarily the case. While the multiplicity of parties may make several of them institutionally weak (Okunade, Personal Interview, May 2011), the quest for elusive national recognition and corresponding poor performance at general elections has reduced the ability of several small parties from getting socially rooted and institutionally strong.

Comparatively, however, unlike in South Africa where several small parties devote energy and resources to regional or provincial areas, most small parties in Nigeria field presidential candidates even when they are not electorally strong enough to win a local government. In other words, while several of the electorally small parties in South Africa have a regional

and local presence across the country, many of the small opposition parties in Nigeria only had an appreciable local and regional presence at the 1999 general elections.

While weak and of insignificant electoral value, Nigerian small parties still put up candidates for presidential elections. Many of such candidates are usually neither politically strong nor electorally appealing. After the second elections of 2003, and the third elections of 2007, several of the small parties have remained essentially 'virtual parties', whose policies and partisans are known only in media reports.

In South Africa, repealing several of the pre-1994 laws and making enacting of new ones by the lawmakers has reinforced the memory of apartheid politics. This hugely path dependent role of the majority party has equally projected the cohesion and significance of the dominant party as the initiator of transformation. In such cases, the roles of the smaller opposition parties are virtually not appreciated.

In spite of the racial control of some of the parties, including the DA which is seen and treated by the ANC as fundamentally a 'white party' and others such as IFP, APC, COPE, PAC, generally seen as more-of-the-same 'ethnic' and 'black' parties, opposition parties rarely control general appeal as the ANC. Moreover, parties such as the PAC, IFP and APC rarely disagree with the positions and preferences of the ANC (see more on these parties below). Not only do the so-called 'ethnic parties' largely act in tune with the ANC basically on racial grounds but they also maintain ideological solidarity with it.

This has made South African parliamentary politics display elements of two forms of opposition - political and ideological, which in reality are however intertwined, and shaped by racial affinity as the same time. At the level of ideology, the left comprises the ANC, APC and PAC, among others, while the right wing includes the DA, IFP, COPE and ID.[75] It is often the case that parties such as the IFP and APC would rather toe the lines of the ANC rather than that of the DA. One of the main opposition leaders puts it this way:

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[75] Indeed, the Independent Democrats (ID) was slowly merging with the DA and contested local government elections under the DA banner in 2011.

> For us in the APC, we don't really believe in opposition for opposition sake. We do not in actual fact believe in opposition as a monolithic entity. Our agreement with the ANC is largely ideological. We both believe in Africanist and socialist ideas of politics (Godi, Personal Interview 04 August 2011).

Opposition is more often than not fluid and influenced partly by ideological and political differences in South Africa. The situation in Nigeria is somewhat different. In both countries, the effects of presidentialism and parliamentarism on opposition politics are more felt in the parliament. The contrast is sharper in terms of how parties team up in the parliament of Nigeria when compared to the almost predictable case of South Africa.

For instance, the PDP rarely seeks the support of other parties as majority party leaders only need to lobby opposition parliamentarians directly and not necessarily through their parties. This does not mean an absence of ideological and political differences between the dominant party and other parties. By the very nature of the electoral system (first-past-the-post) and coupled with the fact that individuals owe their seats not directly to the parties but to their constituents, who may vote for or against them at the next election, parliamentary politics in Nigeria is 'individual'. Again, this does not mean that parties are powerless.

Party leaders and national executives do monitor their representatives but they can always persuade and not always able to sanction an already elected lawmaker. Opposition parties are as less powerful than their counterparts in the parliament of South Africa. In fact, not until 2011were the Opposition parties able to get a substantial number of representatives and senators. Unlike between 1999 and 2003, the PDP had an absolute majority between 2003-2011, making it difficult for the scanty number of opposition lawmakers to form any formidable opposition, political or ideological.

In essence, parties in Nigeria are not fundamentally different from one another in terms of ideology even though they all reflect huge political differences. The AD/AC/ACN and CPC metamorphosis is incredible as they displayed leftist ideas but neither the APP (now ANPP) nor APGA and PPA) differ essentially from the right-of-the-centre ideology of the PDP. Other opposition parties of leftist leaning such as the LP and NCP rarely make it to

the national level until 2011 when the LP got a handful senators and representatives, all from a particular state.

For the most part, whether in Nigeria or South Africa, the dominant nature of the party system plays a significant role in determining the dynamics of not only presidential but also parliamentary politics. Opposition parties in both states rarely make the dominant party and presidency drop unpopular moves and laws. The difference however exists between the extent to which the opposition is tolerated or regarded in both systems.

In South Africa, the primacy of parliamentary politics suggests the need for the voices of the opposition not only to be heard but also have impact, even though the dynamics of opposition politics and relations are partly critical of and partly co-operative with the dominant party politics. Notwithstanding, balancing and legitimizing an inevitable democratic majority and ensuring the inclusion of the minorities remains problematic. For instance, major opposition party leaders believe that an ANC government should be checked if only to avoid some subtle return to its recent (exclusionary) past: 'it will be undemocratic for us to replace minority domination (of apartheid) with that of a majority domination (by the ANC) ' (Trollip, Personal Interview, 02 August 2011).

Opposition politics has remained similar in Nigeria and South Africa in two significant ways. In the pre-election period, Opposition parties rally round for an 'alliance' or 'consensus' against the dominant party, and after the election, they engage with the possibility of a government of National Unity, GNU, with the dominant and ruling party. Success in coalition talks has been minimal in both countries. In cases where an alliance is formed, it is not able to dislodge the big party, and in cases where an alliance fails, the big party retains the overwhelming majority.

For instance, in Nigeria the AD/APP alliance in the presidential elections of 1999 was not strong enough to win the presidency which the PDP won with a wide margin. There were no alliance talks in 2003 and 2007. In 2011, the ACN and CPC failed to reach an alliance as a result of a lack of compromise over which party was the senior partner, and later over

the refusal of the CPC to cede the Vice Presidential slot to the ACN in a controversial deal between the party leaders just a few days before the presidential elections.

Unlike Nigeria, South Africa has recorded some success in terms of forming a Government of National Unity (GNU) (which was of course initially backed by the Interim Constitution of 1993 and later amended away). The first GNU in 1994 saw President Mandela having two deputy presidents, each from the National Party and the ANC. The alliance talks between the major opposition DA and the breakaway COPE was unsuccessful in 2009.[76] The inability of the opposition parties to reach formidable alliances and coalitions has only translated to more political capital for the dominant parties.

This has further led to two negative effects on democratic growth. First, the lack of credible and strong opposition has reduced the capacity of the opposition parties to serve as credible checks on the executive on the one hand, and the legislative majority, on the other. Second, a fragmented opposition is unable to position itself as a government-in-waiting, neither in a presidential system where votes must be solicited from across the country nor in a parliamentary system where only the majority party or a majority coalition can form the government.

In South Africa, as in Nigeria, weak opposition has been institutionalised in three basic formats: robust, co-optive and cooperative. The defunct DP took on the ANC on every policy in South Africa, as did the extant ACN which has engaged in robust opposition to the PDP since 2007 (when it (ACN) was first formed as AC). The DP has since been succeeded by the DA as the most robust Opposition party in South Africa. Like the IFP, and the defunct NP, to a lesser extent, which went into consensus government with the Mandela-led ANC in RSA, both the ANPP (formerly known as APP) and the AD (mostly now dissolved into ACN) engaged in cooperative opposition (being friendly) with the PDP.

In Nigeria, as in South Africa, a number of parties have strategically engaged in cooperative opposition in the sense that they criticize less often and are more than always ready to give more tolerant attention to the policy and political options of the ruling party.

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[76] Alliances have been mostly successful at the local levels and remained largely unsuccessful at the national level.

While the PAC, APC, and IFP are more likely to 'cooperate' with the ANC in South Africa, the PPA, APGA and the LP would readily kowtow the line of the PDP on political and electoral matters. But whenever the opposition parties attempt to criticize the PDP, the party gets back with a hegemonic stance. In the words of President Jonathan,

> The opposition parties want to drown the PDP. We believe that if we do not have a party as robust as the PDP, probably the republic would have collapsed….It is the PDP's handling of affairs of the country that is stabilizing democracy in the country (*The Nation* 18 July 2012, p.4).

Furthermore, beyond the rule of engagement with the dominant parties in both countries, the opposition parties have, by their size and weakness, contributed to the significance of the ANC and the PDP in South Africa and Nigeria respectively. At the same time, the significance of the dominant parties as political organisations is deeply attached to their 'historical status': the ANC as a liberation movement and the PDP as a strategic 'put-together' party with a national integration (mainstream) agenda. The ANC, like the PDP, is an all-comer party as it embraces all South Africans, even though majority are blacks, for the fact that majority of South Africans (over 80%) are black people.

One can identify at least three reasons why the ANC is a legitimately dominant party in South Africa and why such democratic dominance has improved representation but inhibited accountability. One, organization and support for the ANC is the most evenly spread, nationally and geographically, of all parties in the country. Two, the ANC is in an alliance with two of the most active political groups in South Africa, the SACP and COSATU. Most workers in South Africa see the ANC as their political platform.

Three, the closed party-list proportional representation electoral system is also a factor that not only strengthens the ANC, but also simultaneously weakens the Parliament as an institution of democratic politics. The members of the Parliament owe their seats to the party and not the electorate, even though the parties get the votes from the electorate.

On the other hand, in Nigeria, the PDP has remained essentially dominant after four consecutive elections for three reasons. One, the formation and evolution of the dominant party has a wider and national spread than other parties. As shown above, the PDP was a

result of a cross-cutting alignment of anti-military and retired military groups. Two, the dominant party in Nigeria faces a generally feeble opposition. By strengthening its electoral dominance, the PDP has maintained a majority in the parliament and unbroken control of the national executive.

Three, the dominance of the PDP is enhanced by the constitutional system that gives more powers to the president, and by implication, to the centre. A powerful presidency is able to ensure a powerful party at the centre. In a federal system with a powerful and resource-rich centre, the governing party has more incentives to remain powerful and dominant. The extent to which these majoritarian governments could be inclusive of the members of other parties in representative and accountable manners is equally important.

At the level of power sharing, as a mechanism for inclusiveness, one-party dominant regimes in Nigeria and South Africa have adopted various power strategies in a way to boost their legitimation. Power-sharing or some of decentralization has been taunted as a 'sustainable strategy' for managing Africa's ethnic diversity, increasing grassroots participation in the political process as well as creating conditions for democratic ideals and institutions to grow and guarantee civil liberties to all citizens (El-Khawas 2001:97).

While assumptions about power-sharing might be helpful and of empirical soundness in the African states of Kenya and Zimbabwe, approaches and strategies for power-sharing differ greatly and not all its outcomes are predictable. The cases of Kenya and Zimbabwe are, at best, 'deviant cases' of power-sharing politics under presidential regimes. As Prime Minister Raila Odinga of Kenya observed,

> Some people have argued that the power-sharing we have established in Kenya provides a route map for Zimbabwe. But the situation in Zimbabwe is not the same as in Kenya. Our election itself was well-conducted – even if the count was not (Chatham House 2008).

Distinct from what obtains in competitive presidential systems of Kenya and Zimbabwe where no clear winner of presidential elections emerged, power-sharing in the dominant party regimes in Nigeria and South Africa has taken the format of a senior-junior partnership in which the dominant party literally swallows the smaller party. However,

neither in dominant party systems nor in competitive, two-party dominant systems is power-sharing institutionalized.[77]

In Nigeria and South Africa, power-sharing has emerged in the form of what is generally called the Government of National Unity. While all these are aimed at inclusiveness, as it is in competitive systems, dominant party systems adopt consensus government in order to increase legitimation and enhance integration. The idea of the Government of National Unity (GNU) often touted in Nigeria and to a less extent in South Africa remains one way by which inclusiveness is sought by dominant party regimes.

The GNU was adopted for Mandela presidency (1994-99) and was partially successful in South Africa for two main reasons. One, it was a tacit elite pact by the outgoing ruling National Party and the presumably in-coming African National Congress leaders to rally South Africans for a post-apartheid era where all citizens would feel a 'sense of belonging'.

Two, the GNU was a temporary constitutionally stipulated 'consensus' method used to prepare ground for post-constitution multi-racial democracy. Irrespective of their electoral appeal, which was essentially determined by social cleavages of ethnicity, race and region, the three parties that formed the GNU, namely the ANC, the NP and the Inkatha Freedom Party (IFP) shared the executive power as stipulated in the interim constitution of 1994.

Inclusiveness in that wise was aimed to produce winners and no losers. It was indeed used as a foundation for pre-legitimising the post-apartheid constitutional order. However, the GNU under Mandela leadership suffered a setback when on June 30 1996 the deputy President de Klerk and his party (NP) withdrew from 'an unnatural coalition of ex-enemies with different agendas and no agreed common policy framework' (Sparks 2003: 10).[78] This, in actual fact, lends credence to Anderson et al (2005) that as transitional democracies enter a competitive stage of representative democracy, a crisis of expectations

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[77] The constitutions of both Kenya and Zimbabwe were hurriedly amended to allow for the ad-hoc power-sharing deals.

[78] The system was going to change anyway; since the Final Constitution of 1996 (taking effect from 1997) would not stipulate a similar coalition method as did the Transition Constitution of 1993.

and the problem of 'loser's consent' begins to degrade the legitimacy claims of the ruling regimes .

Similarly, the GNU has remained contentious in Nigeria both whether under parliamentary and presidential systems. Both the Coalition and GNU formed by the Northern People's Congress (NPC) and the National Council of Nigerian Citizens (NCNC) to form a majority government in the first (parliamentary) republic and the National Party of Nigeria (NPN)/Nigerian People's Party (NPP) in the second (presidential) republic collapsed with no identifiable democratic gains.

Nonetheless, in his move to neutralize the opposition in 1999 and 2003, President Obasanjo renewed the 'GNU strategy' by appointing cabinet ministers from opposition parties. Like President Shagari (1979-1983), President Obasanjo (1999-2007) nominated office holders from opposition parties who rarely had a say in the policy direction of the senior/dominant party agenda, and eventual defection to the president's party was common.[79] President Yar'Adua also used the idea of the GNU to build consensus government after the 2007 elections which he himself admitted was flawed. In 2011, President Jonathan, having won a fair election also proposed the GNU which most parties rejected. Opposition and the civil society often argue that the idea of the GNU was a mere 'bait' to turn to the country into a one-party state.

This sort of fear replicated itself under President Yar'Adua's GNU proposal. One of the participating parties in the proposed GNU cabinet by Yar'Adua claimed that 'the participation of the PPA in the Government of National Unity is clear evidence of our resolve to sustain our country's democratic expectation' by lending 'a hand of fellowship to the ruling government'. (*The Guardian* 10 Oct. 2008, p.9). This assertion is in contrast to the reality of power game and politics of patronage that the presidential system fosters by giving appointment and contracts to the 'soft' and 'cooperative' leaders and funders of opposition parties.

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[79] An exception of where GNU or coalition politics works is Mauritius, which of course is a competitive multiparty system. Governments are formed on the basis of consensus politics and alliance formation among the multiple parties, especially since the country became a republic in 1992.

Aside getting a minister in the Yar'Adua cabinet, the PPA was not known for any coherent policy articulation throughout Yar'Adua time. In fact, as it turned out, unlike the more articulate party of distinct identity like the IFP that participated in the Mandela government, the PPA was fluid in identity and was grossly compromised. Even though the PPA, like the South African IFP, is largely ethnic in outlook as it is restricted in influence to the Igbo-speaking people of Abia and a handful of other states in the South Eastern Nigeria, its leader, Orji Uzor Kalu, who happened to be a former governor on the PDP platform, rarely can match Buthelezi in political influence and parliamentary power.

Comparatively, unlike the IFP that has members of the parliament who can be disciplined by the IFP as a party, a few MPs elected on the platform of the PPA have defected to the ruling PDP and those that remain are essentially factionalised along personal and not ideological or policy lines. The PPA leader himself later defected back to the PDP during the latter's presidential primaries; only to leave again after being schemed out by the party hierarchy and the incumbent president's men.

More broadly, the problem of inclusiveness can be observed in other single party dominant systems. For instance, despite the fact that Botswana boasts of the world's most sustained and strongest economic growth records over the last four decades, and remains a stable one-party dominant parliamentary democracy since independence in 1964 (Annan 2011), its level of democratic competition and accommodation is still challenged by scholars and opposition actors as not inclusive.

Resource disparities, unequal access to the media and unequal access to the legal system are three of the ways by which perpetually incumbent and dominant parties can skew the nature and dynamics of the political playing field (Good 2006; Levitsky and Way 2010: 58). The Botswana Democratic Party, which has been in power since independence, gives little tolerance to the opposition parties, even though elections are seen to be free and fair.

Likewise, while the ANC in South Africa draws legitimacy from the majority of the people in support of its leadership and ideology, the party, like the ruling parties in Tanzania, Malawi, and Mozambique, has not employed means of electoral fraud to delegitimize the opposition. However, the extent to which the governing party has created

and maintained a 'level playing field' for democratic competition in the country remains debatable. Like the PDP in Nigeria, which uses state institutions and resources for partisan ends to sustain its dominance over a decade of civilian rule, the ANC in South Africa has institutionalised a systematically favourable structure for its dominance.

Similarly, lopsidedness in the federal structures of both countries in which the centres remain essentially more powerful than the component units have further increased the interest in the control of the centres. Since the central governments are controlled by the dominant parties, non-dominant/opposition parties survive politically partly by their capacity to take effective control of certain regions. In subtle attempts to legitimise themselves, dominant regimes see themselves as products of 'big parties' which find it difficult to imagine losing powers to a 'small party' or a coalition of 'small parties'.

This has led to what is called the 'sit tight syndrome', in common parlance. National chief executives of dominant regimes make use of legislative majorities to maximise their executive powers to achieve tacit marginalization of their opponents. In so doing, dominant regimes raise sensitive stakes for contestation. They either win or the opposition remains perpetually 'government-in-waiting'.

The strategy for ensuring perpetuation in power by strong parties and personalities has been similar in some ways and different in some others. In several cases, one-party dominant regimes in Nigeria, South Africa, Botswana, Gambia, among others have used state security institutions to whittle down the influence of the small opposition parties for effective and perpetual dominance.

For instance, the use of the state security forces such as the army and the police has always been to the advantage of the party in power at the centre. The speaker of the sixth Nigerian House of Representatives, Dimeji Bankole, said at a campaign rally that the PDP-controlled federal government would always use 'soldiers' during elections to ensure its victory. This was widely seen and interpreted as a confirmation of the allegations by the opposition parties that the state security agencies were often used to scare away opposition voters and perpetrate electoral fraud (*The Punch* 6 April 2009).

Accordingly, the multiparty political system, envisaged by the constitutions of Nigeria and South Africa, is only entirely true in principle and much less so in practice. Even though recent political upsets in both countries (2009 in RSA and 2011 in Nigeria) showed that dominance was fading, as neither the PDP nor the ANC could claim absolute majority as they used to, party dominance is nevertheless being institutionalized by the actual effects of institutional interactions.

While such institutional interactions, particularly the ones that lead to conflicts, are being increasingly resolved by the courts, appointments into the hierarchy of the judiciary is in turn done by the dominant party executives, maintaining trends for executive dominance and possible control. Thus, it is claimed here that that one-party dominance, with all its potentials, do more harm than good to constitutional democracy. It has inhibited the growth of African democracy from mere 'electoral' regimes into truly 'constitutional' systems.

Yet, more of the implications of party dominance are consequences of interactions between party system and institutional designs. First, in itself, one-party dominance does not foreclose formal accountability or diminish legal restrictions on political powers. However, as a system that promotes rent-seeking, by concentrating powers and resources in a single party, and encourages personal and cult politics party dominance, especially of single hegemonic parties, tends to allot, accrue and maintain overbearing central governments with little tolerance for whistle blowing.

The anti-pluralist tendencies of a dominant party system become more obvious in presidential regimes such as in Nigeria where central government uses dominant power to stifle opposition and undermine electoral competition. Second, while formal attempts are made to diffuse power among multiple independent bodies and 'veto players' such as government, civil society and the courts in one-party dominant multiparty systems in both case studies, relatively strong centres under the control of strong parties have enhanced the centripetal elements of politics through dominant and presidentialist politics.

Consequently, the notion of democratic pluralism as a feature of multiparty politics is flawed by the growing centralisation of dominant party politics. Third, the democratic roles of the opposition as check on the political and policy excesses of the dominant parties are curtailed. In the case of Nigeria,

> The entire party system has since 1999 not lived up to the wishes of the people for good governance and rapid development. Only a handful of opposition elements are struggling to keep the democratic hopes of the people alive, having regard to the battles that were fought to rescue the country from the military (Williams 2010:19)

In South Africa, smaller and opposition parties equally face the dilemma of struggling for power with a hitherto liberation movement. As one of the respondents put it, 'If you criticize the ANC government, it is perceived that you criticize a liberation organization' (Trollip, Personal Interview 02 August 2011). Based on its historically significant position, the kind of 'default' support that the ANC gets from the majority of South Africans is therefore hard for other parties. Nevertheless, the political capital of the main opposition party DA has grown too:

> We have grown systemically and organically too. We have by mergers and acquisition increased our capacity to make progress into the indigenous African voter market (Trollip, Personal Interview 02 August 2011)

Despite modest impacts of the opposition on electoral basis, dominance may not fade in time and what analysts will have to contend with will be the explanation and understanding of the democratic contents of one-party dominant systems. This will no doubt make observations on internal dynamics more imperative than before. As a matter of fact, the issue of internal party democracy remains significantly problematic especially in countries where single parties dominate.

Whereas dominant parties come across as pluralistic organizations, claims of internal democracy by them are often controversial. The ANC for instance is seen as a rather 'strong and centralised' organization, it is, instead, rather weak and permissive.[80] In several cases, the ANC gives indirect and slow sanctions (Turok Personal Interview 01 August 2011).[81] At the level of organization and leadership, the party has given substantial

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[80] The ANC was particularly seen as highly centralized during the presidency of Thabo Mbeki whose style of leadership had a huge impact on democratic institutions like the Parliament some of which formal functions were incredibly undermined.

[81] The long-awaited sanction (which later came in form of a five-year suspension) of the President of the

attention to democratic ethos. Long before the democratic transition of the 1990s, the ANC had devolve power and decision-making processes to local branches which have played crucial role in policy debates and the election and emergence of the party leadership up to the national level.

In other words, the branch-regional-provincial-national scheme of party congress remains an avenue to promote grass root mobilization and social rootedness strategy of the ANC.[82] Even though its alliance partners can and do disagree publicly with its decisions and policy measures, the 'historical' albeit 'uncomfortable alliance' has remained strong politically and electorally. One crucial issue that will need further investigation is the extent to which the dominant parties would tolerate opposition when such opposition is strong and credible enough to get power. As one of our respondents said:

> One will never know how the ANC will react when faced with the reality of losing elections as some of its members nearly turned violent when some members broke away to form COPE (Independent Researcher, Personal Interview 03 August 2011).

5.7 Conclusion

While there are variations in the nature, dynamics and character of 'presidential' and dominant party politics in Nigeria and South Africa, an essentially similar party system has influenced the dynamics of democratic consolidation in both countries. The uniqueness of the post-transition party dominance in both countries lies mostly in the way that legitimacy has been shaped by the dynamics of party support. Furthermore, the evolution of dominant party systems can be traced though the paths of evolution of the dominant parties in both countries.

While the alliance partners of the in ANC (including SACP and COSATU) have different, historically shaped identities, organisations, structures and ideologies (which are

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ANC Youth League, Julius Malema, was, for instance, seen by the critical segments of the South African civil society and opposition parties as belated.

[82] Another way by which partisan and non-partisan South Africans are mobilized and carried along with the ANC politics, policy and programmes is what is described as the *Izimbizo* (mass meetings) during which political office holders, particularly the members of the parliament, are seated face to face with traditional rulers and the people, even in the remotest parts of the country (Sibande, Personal Interview 04 August 2011).

interwoven), the PDP is a centrist party that was put in place to obtain democratic power from the discredited institution of the military.

The essence of constitutional and party systems lies in the *nature of society* served by the constitutions and the parties rather than in their formal organisation alone (Livingston 1952, 1956). Within the contexts of colonial and apartheid rules described above, it is clear that historical circumstances inform the nature, character and dynamics of party and constitutional systems. In the particular case of South Africa, the context shows to us why ANC dominates the National Parliament, and why and how this dominance has been more legitimately entrenched. It is also clear why the dominance of the PDP on the other hand has been less legitimate.

In contrast, many Nigerians still see the PDP as a military-inspired political association whose ideas and ideals they are yet to identify with albeit in social and ideological terms. Yet, the institutions of the presidency and the parliament have had self-reinforcing impacts on the one-party dominant systems in both countries in the like manner the latter have interactively shaped the outcomes of democratic legitimation and institutionalisation in both cases.

Chapter Six: Presidentialisation, Parliamentarisation and Partification

6.1 Overview

This chapter proposes a three-in-one strand argument: presidents maximise their powers irrespective of institutional designs; while parliaments influence parties more in presidential regimes, parties influence parliaments more in parliamentary regimes. Further, in one-party dominant systems, parliaments are subservient to the presidents and the parties particularly when electoral rules favour the parties as the major decisive structures in compiling and determining the occupiers of the parliaments (i.e. party-list PR system as in South Africa) unlike in systems with candidate-centred electoral rule (such as the first-past-the-post in Nigeria).

Moreover, as compared to the parliamentary system where the legislators may be influenced by party leadership to undermine presidential power (Carey 2007), parties are less able to discipline the executives in standard presidential systems. This chapter thus offers comparative insights into why and how the interactive and cumulative effects of presidentialisation, parliamentarisation as well as partification have impacted on one-party dominant presidential and parliamentary democracies. Presidentialisation here means the entrenchment and infiltration of presidential powers and influence into parties and parliaments; parliamentarisation refers to the overriding powers of the parliament while partification is defined as the overall influence of parties over presidents and parliaments.

The chapter is divided into three parts. The first phase interrogates the 'presidency' as an institution and measures presidential powers across the two key cases: the presidentialist parliamentary system (South Africa) and the standard presidential system (Nigeria). Various observations illustrate the dynamics of presidentialisation thesis within the context of president-parliament-party relations. The second part goes on to provide analysis of the separation of powers and of accountability in presidential and parliamentary regimes with emphasis on the flow of accountability obligations as shaped by the interactions between the institutions of the president, legislature and the party. Thirdly, the chapter provides a comparative analysis of executive-legislative-party relations in order to bring out the dynamics and impacts of these relations on democratic consolidation.

6.2 The Presidency as an Institution: Dynamics of Presidential Powers[83]

The centrality of the national chief executives (otherwise called presidents) cannot be overemphasized either in a presidential system with a separately elected executive or in a parliamentary system with an indirectly elected president. While there might be divergence in dynamics of powers that presidents in Nigeria and South Africa exercise (due to different institutional designs), there is a convergence in the levels, nature, and character of their constitutional powers. Thus, a comparative understanding of the contexts of presidential powers is relevant to our understanding of the principles and practices of representation and accountability.

According to Richard Neustadt (1960), there are two ways to study 'presidential power'. One way is to focus on the 'tactics' presidents employ to get their will done. Since these involve processes of governing; getting bills passed by the parliament, settling disputes with labour unions and other critical constituencies like the opposition parties, then we call this the 'process approach'. The second approach, according to Neustadt, is to look beyond the 'givens' of how presidents resolve crisis and get things done but rather on the more strategic terms which include the nature and sources of presidential power and how these dynamics are also mastered and maximized. Since this approach focuses on how institutions of power are maintained to the presidential advantage, we call it the 'institutional' approach.

Juxtaposed together, therefore, the 'process approach' tells us about what the presidents do while the 'institutional approach' tells us more about what they can do. Of course, as Neustadt noted, the 'form' of presidential influence/power tells us less about the 'fact' of their leadership, our argument is that both need be focused on. We opine that to understand the process of presidential actions one must first understand the institutional basis of such actions. In other words, understanding the nitty-gritty of presidential politics requires an understanding of the 'informal powers' of the presidents which can only be delineated by firstly knowing their 'formal' (institutional) powers.

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[83] The 'National Chief Executive' goes by the title of 'President' in both countries.

The scheme of measurement developed by Allan Siaroff (2003) is useful for measuring presidential powers in two different institutional designs with similar party systems. In essence, if Shugart and Carey (1992:155-156) limited themselves to the legal constitution, because of their emphasis on the measuring the legislative powers of the presidents, Siaroff's scheme gives a wider picture of the nature, structure and dynamics of presidential powers, by being more encompassing and considering both the 'formal' and 'non- formal' aspects of presidential power which may prove useful in understanding the interactive and cumulative effects of presidentialisation on democratisation in Africa.

Despite the few potential weaknesses of the Siaroff's scheme in contextualising and measuring presidential power, it still remains a largely useful model for understanding presidential designs as well as parliamentary systems with substantially powerful presidents. It helps to confirm the intuitive knowledge that high presidential power breeds corruption and abuse of power (Cranenburgh 2008) but it also raises the fundamental question of 'context' as a foundation of understanding presidential power.

Specifically, Siaroff's scheme is more parsimonious, simple, and transparent, unlike the 27 indicators used by Hellman (1996), and Frye (1997), 14 by Duverger (1978), and 28 by Lucky (1993). Equally, unlike Shugart and Carey's (1992) scaling measurement, revised by Metcalf 2000, Siaroff (2003) captures both the constitutional and non-constitutional aspects of presidential/executive powers.

According to Siaroff (2003), there are nine indicators for measuring presidential powers within different contexts. As a scheme with 'relative simplicity and transparency' (van Cranenburgh 2008: 957) the Siaroff typology is the best for comparing presidential powers particularly in the standard presidential system in Nigeria and the presidentialist parliamentary system in South Africa. These contexts and powers of the presidents are as follows.

First, popular election (PE) is central to the legitimacy and affective power of the president. This may be called the 'the legitimising power' of the president. PE=1 or 0. PE is 1 in Nigeria and 0 in South Africa, where the legislature elects the national chief executive. In other words, where as the ANC produces the president of the country through

the parliament that is dominated by it, the Nigerian majority party PDP only nominates a presidential candidate who must get votes from the majority of the voting population.

Unlike in South Africa, where the party manifesto mostly informs executive politics and policy, the Nigerian president may formulate policies that do not flow from the party constitution. Despite this divergence, the election of the presidents in both countries is almost always decided by the dominance of the president's party over the last elections. However, what the indirectly elected president in a parliamentary system lacks in terms of PE power, he often makes up for in terms of his influence on the ruling party of which he is also the president.

While there may be an improvement in the accountability of the executive if the president is popularly elected there seems to be a little correlation between direct election of the national chief executives and their accountability to the parliament and or the people. Dominant parties produce dominant party parliaments which makes horizontal accountability difficult in the first instance.

Essentially, the presidential model in Nigeria presents a case of lack of accountability not just due to the dominant nature of the political space by the PDP but also because of the influence of the president on the legislators who are elected on the platform of the ruling party. The wider legitimacy base of the president in a presidential system may derive from his direct election but the dynamics of his 'real' powers derive from the constitution and the influence that he wields in the ruling party.

In contrast, the South African President is indirectly elected but similarly derives powers from the constitution. The indirect election of the president in this case does not however foreclose the potentials for maximizing the presidential powers in the case of South Africa. Since the president of the party is the president of the country, accountability of the executive to the parliament is invariably limited. Even though the powers of the indirectly elected presidents are not easily maximized as in the case of the directly elected ones, a party-centric presidency remains powerful in relation to the parliament.

Similarly, the lawmakers in the parliamentary model of South Africa are constrained in terms of direct or vertical accountability largely because they are elected into the parliament on the basis of party electoral appeal and identification. Hypothetically, it may be worth speculating about what would happen if the President of South Africa was elected by and accountable to the people. There would probably be a more vertical accountability of presidential performance, duties and decisions as well as a bigger space to make choices that are not necessarily party-bound. Such an arrangement would save South Africa the embarrassment associated with Mbeki's recall by his party as the President of the country. Some people were upset by that decision but could not do anything about it.

Second, concurrent election (CE) of the president and the parliament is conditional for a synchronized term. The CE =1 or 0. In other words, once the president and the parliamentarians are entitled to four-year-term at a go, elections into both offices can only take place concurrently to have synchronized terms of office. The CE is 1 for both countries since the elections of the president and the parliament are concurrently held in Nigeria and the election of the legislature technically leads to the election of the president, who is elected by the parliament, in South Africa.

Although election of the parliament and the president have held the same day or a week apart in Nigeria, they are both sworn on the same day and are as well constitutionally required to spend only four years that end the same the day in office. The caveat here is however that unlike the president who may only seek two terms in office; there is no limit on the number of terms that a Nigerian parliamentarian may contest to remain in office.

This is similar to the South African case, where president is only allowed to seek election for two terms of five years. In principle, one would expect legislators to have more advantage of incumbency over the president in both cases, and some really have, but the dominant parties in both cases determine the number of MPs that may seek re-election.

Third is the 'appointment power' (AP) which refers to the discretionary power of the president to appoint a prime minister, cabinet ministers, high court judges, senior military figures and/or central bankers AP=1or 0. In constitutional and legal terms, both the Nigerian and South African Presidents are empowered to appoint all the afore-mentioned

officials. Of course, in both cases, such appointments will need to be ratified by the parliaments.

The appointment powers of the presidents in both cases are huge and are sources of incentives for presidents to maintain strong influence on the parties, the parliaments and the polity as a whole. Fourth, CM: the ability of the president to chair cabinet meetings and thus engage in agenda setting; CM=1 or 0. The Presidents chair the cabinets in both countries and dominate agenda-setting even when the dynamics of party politics, over which presidents have huge influence in both cases, shape the agenda-setting of the presidency.

This also means that the president can delegate parts of his or her powers including the agenda setting powers as prominently seen with the wide range of powers presidents give to finance ministers and other key members of their cabinet. Two related cases are worth-mentioning as to how the use of presidential discretion raises the idea of 'government within the government'. For instance, President Mbeki gave pre-eminent roles and powers to Trevor Manuel, the Minister in charge of the National Treasury. Minister Manuel was not only powerful within the presidency, he was at the same time a respected member of the National Executive Committee member of the ANC, whose influence over economic and budgetary policy inputs far outweigh those of other cabinet ministers.

Similarly, in Nigeria, upon appointing Dr Ngozi Okonjo-Iweala, a former managing director of the World Bank as the 'Honourable Minister of Finance and the Coordinating Minister of the Economy', President Jonathan told all other ministers to act in accordance with the financial and policy directives of the Dr Okonjo-Iweala, whom many began to see as the de facto 'Prime Minister' of Nigeria. What the foregoing shows is that while presidents exercise appointment and agenda-setting powers, they may at the same time have such powers shared by key cabinet ministers appointed by them.

Fifth, VT: power of the president to veto legislation i.e. the right of the president to return legislation for further consideration. VT=1or 0. This power can be invariably overridden by the legislature but the threshold for such an override varies from countries to countries and systems to systems. This veto power could be subject to relative majority or two-third majority of the parliament.

However, emphasizing the 'suspensive veto' which in reality is not absolute cannot ultimately stop the parliament from passing the bill into law (Cranenburgh 2008) .Nevertheless, it is hard to imagine sufficient votes to override a presidential veto in a parliament dominated by the president's party, especially when the system is one-party dominant like Nigeria, Uganda, and The Gambia. In Nigeria, as in South Africa, the use of veto power by the presidents is often mediated between the presidents and the parliaments by the dominant parties.

The sixth is the emergency or decree power for national disorder and/or economic matters which are effectively valid for an unlimited time (EDP=1 or 0). This power borders on the question of how long it takes the president to have recourse to the parliament after the emergency declaration. Can the president declare the emergency without consulting the parliament in the first instance?

Unlike in presidential system of Nigeria, where the presidents (including Obasanjo and Jonathan) could declare a state of emergency before requesting parliamentary approval, presidents in South Africa would be expected to seek the approval of the National Assembly before such a declaration. Yet, for both countries, the EDP is 1 since the constitution allows a presidential declaration of war and peace.

The seventh is the power or the influence of the president in foreign policy (FP). This variable examines whether or not the president plays a central or *the* central role in foreign policy, including presiding over a security or defence council and/or having a say in the choice of foreign and defence ministers, attending and speaking for the country at international political meetings and summits, and generally 'making foreign policy in at least key areas. FP= 1or 0.

Both in Nigeria and South Africa, the central roles of the presidents have surpassed the mere roles as heads of states. They both effectively have the formal powers to determine foreign policies. Aside this, Presidents in both countries use 'shuttle diplomacy' which requires personal involvement and as well appoint the diplomats and high commissioners who represent the presidents abroad.

The eighth criterion of presidential power is designated GF: Government formation; does the president play the central role in forming the government? This in essence refers to the ability of the president 'to select, remove and /or keep from office a given individual as prime minister, and/or a given party a part of the cabinet' (Siaroff 2003:304).

In other words, this indicator of presidential power bothers on the appointive as well as dissolution powers of the president. If the president can appoint members of his or her cabinet, then GF is 1, if not GF is 0. The GF is 1 for both countries since the presidents in both countries play the most central role in government formation. While the ruling parties nominate potential members of the cabinets, it is the presidents that essentially determine the formation of the governments.

Ninth, DL: Dissolution of the Legislature .This variable seeks to know whether or not the president can dissolve the parliament at will, even if this is subject to temporal restrictions. DL can either be 1 or 0. As Siaroff (2003:305) notes, polities with a strict separation of powers and fixed terms of the president and the parliament would not allow a president the power to dissolve the legislature. It is hard to see real world examples of presidential systems where presidents are granted such a dissolution power. Meanwhile, in the some parliamentary systems such as South Africa, presidents, in rare occasions, and in acting capacity, can dissolve the parliament. This power, however, has not been exercised since 1994.

Two reasons can be adduced for the divergence in the DL power in both countries. One, a separation of powers indicates that the organs of government are independent of each other and therefore are more or less equal partners in government. So, the existence of one is not dependent on the discretion of the other. Two, a fixed term for both the executive (the presidency) and the legislature (the parliament) suggests that both arms are constitutionally expected to enjoy their tenure without any midterm or emergency disruption. This is the case in most African presidential states.

Similarly, popularly elected presidents are powerful to the extent that they tend to claim legitimacy of the people even when they exercise other kinds of powers, such as appointment, dissolution and emergency declaration. After all, popular elections of the president play a critical role in establishing the legitimacy of the presidents and therefore

can help enhance representation and accountability at the presidential level (Shugart and Carey 1992, Siaroff 2003: 308).

Table 6.2A: Legislative and non-Legislative Powers of popularly elected Presidents
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| Legislative Powers | Non-Legislative Powers |

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Legislative Powers	Non-Legislative Powers
Package veto/override	Cabinet formation (exclusive or controlled)
Partial veto/override	Autonomy from legislative censure
Decree laws	Cabinet dismissal
Exclusive introduction of legislation	Dissolution of Assembly
Proposal of referenda	
Budgetary powers	

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Source: Shugart& Carey (1992:150)

Table 6.2B: Comparisons of Presidential Powers in Nigeria and South Africa (based on Siaroff's Scheme)

INDICATORS	NIGERIA	SOUTH AFRICA
Popular Election: P.E	1	0
Concurrent Election: C.E	1	1
Appointment Power: A.P.	1	1
Cabinet Meeting: CM	1	1
Veto Legislation: V.T	1	1
Emergency and Decree Power: E.D.P	1	1
Foreign Policy: F.P	1	1
Government Formation: G.F	1	1
Dissolution of the Legislature :D.L	0	1
TOTAL	8	8

Source: Author's configuration

As shown above, irrespective of the designs in practice, the powers of the national chief executives in the countries under focus are vast. From the scheme, the presidents of Nigeria

and South Africa are equally powerful, scoring 8 each based on the contexts and powers of presidents tabulated above.[84] Especially in presidential systems where the constitution allots huge powers and functions to the executive arm, it is cumbersome task for the legislature to regulate or fail to support presidential decisions.

In several presidential designs, the executive not only proposes the laws in forms of bills, it ratifies the law after legislative approval, and in the end, executes the law. Irrespective of the institutional designs, the executive has huge access to state resources and in most cases allocates resources to the legislature. The executive awards contracts, allocates funds to ministries, departments and agencies, appoints the judges, the chairman and members of the electoral bodies, the governor and board of the central bank, ratifies the appointment of and promotion of heads of parastatals, boards of directors of agencies among others.

Even when the powers of the executive and the legislature are separated, they hardly can be equal. In Nigeria, the constitution grants the president an array of powers. The case is similar in South Africa, where despite being a parliamentary democracy, the president is allotted a list of constitutional powers (section 84 of 1996 Constitution of RSA).

While the Nigerian president is the Head of state, the Chief Executive of the Federation and Commander-in-Chief of the Armed Forces of the Federation (section 130(2) of the 1999 Constitution), the South African goes with similar titles of the 'Head of State and Head of the National Executive' as in section 83 (1) of the 1996 Constitution. Like his Nigerian counterpart, the South African President is the Commander-in-Chief of the South African National Defence Force.

Whether in presidential or parliamentary regimes, three significant powers of the national chief executive powers have far-reaching direct implications for representation and accountability. They include the power of appointment, power of budget, and power of emergency declaration.

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[84] This is no doubt based on the assumption that all the eight factors are of equal weight in influencing presidential powers, which in certain circumstances may not be the case.

Appointment and Composition of Cabinet

The cases of Nigeria and South Africa lend credence to an important claim: presidents in presidential democracies such as Nigeria are more institutionally able to maximise constitutionally granted appointive powers than their counterparts in effectively parliamentary systems such as South Africa. In order to probe into this aspect of executive power, it is important to ask and answer crucial questions.

For examples, who appoints the cabinet? Who and what institutions are involved in the ratification of cabinet appointment? To whom is the cabinet accountable? How can the cabinet members be removed? Of what comparative advantage do the Nigerian presidents have in appointing and dismissing cabinet ministers, and what roles are expected by the parliaments in both cases? Why and how was it possible for President Yar'Adua to sack twenty ministers in a fell swoop and why were there no major changes to the Cabinet during the presidencies of Mandela, Mbeki and Zuma in South Africa?

In Nigeria, as in South Africa, the president nominates candidates for the cabinet posts and the list is constitutionally required to be approved by the parliament. In Nigeria, Section 147 of the 1999 Constitution (as amended) empowers the President to constitute his cabinet, members of which shall be confirmed by the Senate. The President is empowered to appoint at least one minister from each state, who is expected to be an indigene of such state. Similarly, in South Africa, the President is empowered to appoint the members of the cabinet which comprises the President (as its Head), the Deputy President and Ministers from the National Assembly.

Unlike in Nigeria where the President may only appoint cabinet members from the parliament if he so likes, only two ministers may be appointed from outside the National Assembly in South Africa. In both cases, the President assigns powers and functions to the ministers and may dismiss them. For instance, while the South African President appoints his ministers in terms of Section 91 of the 1996 Constitution, discretion of the President to compose his cabinet is largely determined by the party structure.

These two factors combined have shaped the trends of presidential appointment in most democracies especially in regimes that are dominated by single parties. For instance, President Mbeki appointed African National Congress (ANC) Deputy President Kgalema Motlanthe into his Cabinet in 2008 basically as a result of the pressure by the ANC executive which believed that having Motlanthe in government would rather bridge the widening gap between Mbeki's government and the Zuma-controlled ANC and at the same time facilitate leadership transition in 2009 when Mbeki was expected to serve out his second term of five years.

Similarly, appointments into the cabinets of Presidents Obasanjo and Yar'Adua in 1999 and 2007 were largely determined by the nature of the party system and institutional structures but the frequency with which both leaders sacked cabinet ministers and reshuffled cabinets marked a difference with practice in South Africa. This notwithstanding, the overriding nature of presidential powers by President Yar'Adua to sack twenty cabinet ministers all at once was similar to that of the one exercised by President Zuma who (albeit belatedly) relieved two cabinet ministers and national police commissioner of their appointments on the same day in a bid to get them prosecuted for corruption (*The Telegraph* 24 Oct. 2011).

Two reasons explain this divergence. One, in a presidential system, the president is able to act more freely outside the dictates of the party hierarchy as compared to a parliamentary system where the party leadership, part of which the president prominently belongs, mostly determines the key decisions of presidential politics, including the use of appointive powers. Two, unlike in the parliamentary system, the president in a presidential system is not obliged to appoint ministers from the parliament. This gives him the power and independence to appoint those that are likely to be loyal and directly accountable to him.

Notwithstanding, in dominant party systems, presidents mostly shape the dynamics of the party structure in exercising their appointive powers. In Nigeria, in rare cases where non-party members are appointed into the cabinet, the strategy is often to target inclusiveness or at times to diffuse the influence of the already fragmented opposition parties. The case is

similar in South Africa where the President picks most if not all members of the cabinet from the ANC.

The divergence becomes most apparent when one looks at the origin of the ministers. Unlike in South Africa where ministers are picked from the parliament, and remain official members of the parliament while they simultaneously belong to the executive, the cabinet ministers in the case of Nigeria can be appointed from outside the parliament. In any case that a member of the National Assembly is appointed into the cabinet by the president, he or she would be expected to resign from the parliament and get replaced by a new member who would be elected from the same constituency.

The major implications of the institutional divergence point out to the both the origin and dynamics of appointment of the cabinet ministers. In Nigeria, the president is at liberty to appoint the ministers even if in consultation, and not necessarily under the obligation of the parliament or the party. In contrast, the president in South Africa, even though constitutionally empowered to appoint the cabinet ministers, is likely to be under partisan influence of the ANC in choosing the MPs for the cabinet positions. In short, while issues of electoral representation are undoubtedly settled it is difficult to maintain horizontal accountability in both cases as a result of party dominance.

Second, whereas cabinet accountability is a function of the constitutional powers which makes ministers directly accountable to the president in Nigeria and to the parliament in South Africa the dynamics of cabinet accountability has been jointly influenced by the nature of party politics and institutional structures. For instance, in Nigeria, efforts by the National Assembly to call ministers to account were rebuffed during the Obasanjo era when ministers claimed that honouring such invitations must be approved by the president who appointed them.

This is different under the parliamentary system of South Africa where cabinet ministers are directly accountable to the Parliament through both the plenary and standing committees. This does not however exclude the expectation of loyalty and cooperation of the cabinet minister by the president, who doubles as the president of the ruling party.

Unlike in Nigeria, the South African president is not expected to dishonour an invitation for parliamentary questioning.

Furthermore, unlike in a presidential regime, there is a principle of collective responsibility in the parliamentary system whereby cabinet ministers are expected to be jointly responsible for the success and failure of the government. The basic reason for this divergence is simple: cabinet members are members of the parliament in RSA unlike in Nigeria. However, the dominant nature of party system equally provides incentives for the dimensions of cabinet accountability.

For instance, in both cases, the cabinet ministers are appointed from the ruling party which in turn controls the parliamentary majority. This means whether under presidential or parliamentary systems, the executive and the legislature rarely can disagree on issues of accountability of appointed officials. This in reality has the tendency to compromise the accountability of president's men and women even when the public opinion mounts against them.

While certain provisions are specifically targeted at ensuring financial accountability of the executive to the legislature, they are at the same time aimed at ensuring smooth running of budgetary provisions. There is however a dissimilar trend in terms of extra-parliamentary mechanisms for maintaining financial accountability in both countries. Taken together with the constitutional stipulation that all funds must be appropriated by the National Assembly, the oversight functions of the parliament should ordinarily enhance representation and accountability. Yet, this is not always the case, particularly at the accountability level, as a result of the cumulative effects of one-party dominance.

Appropriation Bill and Budgetary Matters
One other key area of institutional politics with huge impacts for democratic governance is in the area of budgeting. As in Nigeria, the executive in South Africa initiates and prepares the bill containing the proposed revenues and expenditure and lay same before the parliament for approval. While the power to formulate an appropriation bill and execute a budget resides with the president the approval (and at times amendment) of the budget by

the parliament is constitutionally mandatory (Sections 80-84, 1999 Constitution and Section 77, 1996 Constitution). The origin of the budget proposal, dynamics of budget approval, and the use and regulation of the power of veto in budgetary matters all rely on presidential power and discretion.

As in most democracies, the executives of both countries initiate the budget proposal and forward it to the parliament for approval. As in Nigeria, where the president reads budgetary proposals to the joint sitting of the Senate and the House of Representatives, the South African President too addresses the joint sitting of the National Assembly and the National Council of Provinces during budget presentation. The use of veto power however counterbalances the powers of the president and the parliament in both countries. In other words, the significance of the presidential assent on all bills and especially on an Appropriation Bill or Money Bill is counterbalanced by the powers of the parliament to veto such bills if the president fails or refuses to sign the bill into law in both countries.

6.3 Executive-Legislative-Party Relations

The incentives for the President and Cabinet to influence legislative support tend to follow similar pattern despite the fact that one-party dominant systems, with different designs, pursue their strategic moves based on different approaches. Compared to the parliamentary system of South Africa where the president appoints the Speaker of the National Assembly and the Chairperson of the National Council of the Provinces, the presidential system in Nigeria assumes a more independent legislature that is expected to elect its own principal officers.

Despite the several attempts by President Mbeki to use presidential powers to subjugate parliamentary preferences, relative parliamentary stability was witnessed up to the time he handed over to President Motlanthe. In contrast, there were two Speakers and three Senate Presidents within the first four years of Obasanjo presidency. There was also a series of intra-parliamentary crisis that were purportedly instigated by the presidency which mostly attempted to impose leaders in the parliament.

Interestingly, despite originating from the same political party, both the national executive and legislature have had disagreements due to allegations of imposition against the presidency. Two instances suffice. Firstly, following the forced resignation of Foluke Etteh as the party and presidency-imposed Speaker of the House of Representatives in 2007 (as a result of corruption allegations), another party-preferred candidate George Jolaoye lost overwhelmingly to the speakership candidate by a legislative caucus called the Integrity Group.

Whereas the party's official candidate polled 20 votes, the House majority-preferred Dimeji Bankole (although from the same party) got 304 votes in the speakership election transparently held in the House. Despite controlling about three-quarters of the House, the PDP was unable to direct its members for its preference. Similarly, in 2011, majority of the PDP members in the House of Representatives voted for en masse for Aminu Tambuwal as speaker instead of the party-favoured Mulikat Adeola-Akande (*This Day* 6 June 2011, p.1).

One of the ways through which the independence of the parliament is undermined is the political and partisan interference in the leadership of the two chambers. In South Africa, as in Nigeria, the dominant party determines who leads the parliamentary Houses, as appointed by the Presidents. However, unlike in the parliamentary system of South Africa where the President is expressly empowered to appoint the Speakers and the Chairpersons of the Parliament, the presidential system in Nigeria allows for the lawmakers to elect principal officers by themselves. In reality, however, Presidents maximise their powers and influence the choice of parliamentary leaders.

In Nigeria, President Obasanjo practically imposed Evans Enwerem as the Senate President instead of the more popular candidate, Dr Chuba Okadigbo. Whereas Enwerem eventually left office in controversial circumstances, Dr Okadigbo's tenure as Senate President, after succeeding Enwerem, was full of tension and crisis (*Vanguard* 22 May 2000). Personality conflicts between President Obasanjo and Senate President Okadigbo practically sowed the seed of discord between the Executive and Legislature despite the fact that both leaders came from the same majority party.

Throughout the eight years of Obasanjo presidency, there were three senate presidents, three speakers and a host of parliamentary upsets that had negative consequences for executive-legislative relations. There is however a paradox here. Whereas most of the intra-parliamentary (Senate-Representatives) crisis have been due to overt and covert interference from the executive, several of such crises have also been resolved, after doing damages to institutional democratic practices, by the inherent broad-range, consensual politics promoted by one-party dominance.

Up till 2007 when he handed over to President Umar Musa Yar'Adua, of the same People's Democratic Party, PDP, President Obasanjo maximized his constitutional powers. The parliament, largely dominated by the president ruling party often complained. The executive hardly considered parliamentary private members bills; and little or no attention was even paid to formal Resolutions of the National Assembly, except of course when such Resolution had to do with impeachment notice.

Even under the Yar'Adua presidency, power of the president to hire and fire ministers hampered democratic governance. For instance, the vehicle of governance was nearly brought to a halt when President Yar'Adua sacked twenty cabinet ministers in one fell swoop, and the president even failed to replace them on time (*Nigerian Compass* 31 Oct. 2008). The parliament was of course helpless, as the Constitution grants the president the power to appoint and dissolve the cabinet at will.

The effects of presidential power for state capture and partisan abuse has been rampant since 1999, and so has presidentialism served as toxic more than a tonic for democracy in the last decade. From appointment of the cabinet ministers, who are of course confirmed, but are rarely, if ever rejected, by the parliament, to the formulation of the national budget, which in essence determines how state budgets do, the presidency holds the ace.

It is thus obvious, in the case of South Africa, how the countervailing measure against potential arrogation of party powers by the President of the party, virtually in all post-1994 cases (as in the case of Mbeki), largely enhanced and made possible as a result of the

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parliamentary system in place. The NEC of the ANC can rein in the president through the parliament, unlike the NEC of the PDP which hardly can serve as a check on the President.

Similarly, despite the higher status of the party chair in formal party hierarchy (*The Nation* 9 June 2011), the party executive rarely carries out policies that are unfavourable to the President. President Jonathan practically handpicked a party chair, Bamanga Tukur, the 'anointed candidate', for whom all other 11 aspirants were asked to withdraw at the party's 2012 national congress in Abuja (*The Nation* 25 March, 2012, pp.1 and 2).

Meanwhile, in South Africa, where party leaders determine formal powers and tend to moderate and maximise executive powers through rule change, dominant party tends to have subtle control over the executive. Similarly, there tends to be the influence of the activist strata of the party and alliance partners including COSATU and SACP). In contrast, the Nigerian executive bypasses the party leadership and rather reinforces its firm grip on the party hierarchy.[85]

It is therefore as a result of the presidential manipulation of executive-legislative-party relations that national chief executives in presidential system are better positioned than their counterparts in parliamentary designs. Unlike in South Africa where the dominant ANC and other political parties maintain a higher standard of internal democracy and enhance democratic deepening through mechanisms of party cohesion, discipline and devolution of powers and functions to local branches, most parties (see below) including the dominant PDP in Nigeria lack necessary cohesion and sufficient internal democracy, allowing few political godfathers to run the parties like individual properties.

Yet, one of the main key issues analysts have identified as important to the sustainability of party-based democracy is what has come to be referred to as 'internal' or 'intra-party' democracy. As Mersel (2006) argues, political parties must be democratic not only externally, in their goals, but also democratic internally, in their organizational practices. Specifically, the PDP, unlike the ANC, has less viable ideological and political structures to hold its elected officers to accounts.

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[85]A similar view has been expressed by Poguntke and Webb (2005) in their *Presidentialisation of Politics* Oxford University Press

While President Yar'Adua was seen as less authoritarian particularly in using executive powers for partisan abuse, both Presidents Obasanjo and Jonathan were, to different degrees, seen to be using anti-democratic power politics to realize certain desired ends. For instance, President Obasanjo maintained personal and institutional dominance of the presidency, including the use of party machinery to reduce the influence of the opposition. President Obasanjo, more than President Jonathan, was largely seen and referred to by admirers as 'Baba' (a Yoruba word that incidentally translates to mean 'father' or the 'Big Man').

While President Jonathan cut the image of an 'intellectual' and less ambitious politician with respect for rule of law, he was found to be subtle in using partisan power to his political advantage. For instance, he influenced the national executive committee of the PDP to disqualify a sitting governor in his home state of Bayelsa in the governorship primaries in 2011. President Obasanjo not only attempted to use a 'strong arm' political style to capture the centre of power in the PDP, he also subjugated the parliament while using local political notables also known as the 'godfathers' to remove unfriendly state governors in Oyo, South West (later reinstated by Supreme Court), and Anambra (South East).

Aside from the inter-branch or executive-legislative crisis, arising from executive interference in the choice of choice of legislative leaders, the National Assembly in Nigeria has equally experienced intra-parliamentary 'seniority crisis'. Furthermore, one of the main challenges of bicameralism, a feature of both South Africa and Nigeria, is a tendency toward intra-parliamentary crisis. For instance, disagreements between the two Houses of the Parliament in Nigeria have been more serious than the reported cases of similar problems in the Parliament of South Africa. The major consequence is disruption in parliamentary oversight of the executive by the legislature.

In one-party dominant systems, one might expect smooth and rancour-free and united Parliaments in which Bills would get passed and resolutions moved without conflict. Meanwhile unlike the parliament of South Africa where parties are elected under

proportional representation and are united along ideological as well as political lines, several of the parties in the Nigerian parliament have fluid relations that are less regulated by party affiliations.

While intra-parliamentary disagreements might serve the desirable purpose of intra-parliamentary checks and balances and accountability, such occasional institutional shocks do diminish the ability of the parliament to keep the executive horizontally and institutionally accountable. At times intra-parliamentary divisions might simply slow down the process and procedure of constitutional democracy.

It may be that the intra-parliamentary disagreements are more common in presidential systems, but there are more institutional infractions due to supremacy claims that cannot be fully explained by presidential politics. However, except in rare unicameral presidential designs such as Ghana, the national chambers of the legislature in presidential systems not only witness crisis of supremacy, state or provincial houses of the assembly have also collided with state executives on a number of occasions in Nigeria.

The intra-parliamentary supremacy struggle, which is often legal and constitutional in outlook never bothered on representation and accountability to the people. Despite the well-spelt out functions and powers of the Senate and House of Representatives in the 1999 Constitution (as amended), both House have interacted like cat and mouse, at least on a number of occasions, unlike the more mutually peaceful and generally stable and institutionalised relationship between the National Assembly and the NCOP in South Africa.

One particular instance that is noteworthy was the constitutional crisis that resulted from the setting up of the Joint Committee on Constitution Review (JCCR) in 2009. Parliamentarians selected for the joint committee work sharply disagreed on how to chair the committee. The Representatives were infuriated when the Senators on the committee assumed the senior if not superior position. The review exercise nearly came to an abrupt end as the Representatives argued that the deputy speaker should be 'co-chairman' rather than 'deputy chairman' along with the deputy senate president who was equally on the

committee. The Representatives eventually went to court even though the case was later abandoned.

Such strained intra-parliamentary relations, which are rarely apparent in South Africa, have undermined the independence and coordination in the Nigerian parliament. It is ironic that a parliament with a dominant party majority would have fundamental differences and despite the fact that the crisis of seniority among the two houses was unnecessary.

According to Section 4 of the 1999 Constitution, both legislative chambers are created with more or less equal and coordinate status and functions in respect of their responsibilities. There is however some constitutional silence in Sections 53(2) and 54(2) of the Constitution which do not expressly state whether a joint committee set up by the mutual agreement of both houses for the purpose of constitution review (JCCR) can be regarded as equivalent to a joint sitting of the National Assembly over which the Senate President must preside.

Paradoxically, however, despite the identified formal lacunas in the constitution, and occasional disagreements between two legislative chambers dominated by the same party, more issues of representation and accountability have been overlooked in the name of the party being 'one big family' that can settle its political problems internally. The tendency for covering up issues of accountability is not however limited to presidential systems alone. In South Africa, many corruption cases and policy inconsistencies as well as the passage of unpopular laws (such as the controversial Protection of Information Bill) have all been possible as a result of the dominance of the ANC.

Another distinct feature of executive-legislative-party relations especially in one-party dominant presidential systems is in the area of party organisation, behaviour and leadership as related to reforms. Whereas the NEC of the ANC as well as its regional and branch coordinates influence reforms and policies in an organisational and politically accountable way, the manner and form of decision-making in the PDP, especially in the formulation and implementation of reforms has been less predictable. This is partly due to the institutional design in practice and partly as a result of the nature of the party system.

Operating within a parliamentary system, the NEC of the ANC has direct influence on the presidency as well as the parliament. This suggests that even when the presidency and the party disagree on policy or political issues it is within a party-focused growth that issues are resolved since the leadership of the party, parliament and party are interwoven. It is thus not likely for party reforms to be altered by the presidency at the national level or by the provincial premiers at the regional levels.

The contrast is sharper in Nigeria where the presidential influence could be overbearing on the ruling party and the state governors could determine, individually the courses of party actions within their states and jointly the direction of party politics and reforms. An example of presidential pressure on the party machinery was when President Obasanjo initiated the idea that only a former president elected on the platform of the party should be eligible for the post of the chair of the party's Board of Trustees (BOT), which he eventually was sole candidate upon serving his tenure in 2007. Whereas the party BOT is statutorily advisory, it can influence the policy direction of the governing party in significant ways.

Similarly, the PDP governors, albeit collectively, blocked a number of reforms proposed to the national executive committee by the national chairman of the party Nwodo, who attempted to introduce the electronic registration of party members and amend the party constitution to disqualify unelected officials from becoming automatic delegates to the party convention (as stipulated in the Electoral Act of 2006).[86]

In contrast, executive-legislative relations in South Africa have remained relatively smooth and stable. Strong party unity, which is a critical feature of parliamentary system under PR, is enhanced further by the dominant nature of one party. This is unlike in presidential system, where there is presidentialisation of parties, in the sense that the president penetrates the party by the virtue of the wide range of powers available to him or her.

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[86]The Governors allegedly opposed these generally applauded ideas because such might drastically reduce their powers and influence within the party (See *This Day* 12 August 2010).

Ideally, a presidential system allows for less party discipline and legislators are expected be a check on the presidency, but in a one-party dominant system, the reverse is usually the case. The party loyalty or unity puts a number of systemic strains and stresses on their representatives, and where the parliamentarians are expected to vet and check the executive, party loyalty takes the centre stage.

Of course, party-influenced legislative loyalty is a two-way thing as the party in opposition to the president can use the legislature to check or threaten one of its 'competing principals' (Carey 2007:92) namely an 'erring executive', on one hand, and be a cog in the wheel of accountability on the other (Lindberg 2009). Compounding the partyfication of the parliament narrated above, the South African Constitution gives little incentive for legislative oversight functions and powers over the executive. This is because of lack of separation of powers between the two arms of the legislature and executive. More often than not, MPs are allocated constituencies during their term in office and parliament allocates time for MPs to spend in their constituencies. Parliament also provides political parties with money that should be given to MPs to allow them to run their offices and to carry out their constituency duties. Political parties have to account to parliament on how they have spent their money. There is, of course, no uniformity in how parties perform these duties as each party has its own programme. There have been concerns in the past that MPs do not really spend time in these offices and parties do not have systems in place to ensure that MPs fulfil their duties.

The main effect of the party list system is the accountability deficit on the part of MPs. They are more accountable to their party bosses than the electorates. Parties own the seats in Parliament, party discipline is high and having an independent mind does not pay when the party can remove one from Parliament. So MPs do as the party says and they vote according to the position of their respective parties. Those who might want to show an independent mind on certain issues could risk losing their seats in subsequent elections since the parties determine who get on to the party lists for subsequent elections. .

Furthermore, there are two related reasons that explain the differences in the dynamics of appointment or election of leaders of the parliaments in Nigeria and South Africa. Firstly,

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the majority of the House of Representatives were able to deviate from the party's choices of their leaderships as in the cases cited above largely because of the presidential system. This is due to the fact that there are more tendencies for separated powers and mutual independence in presidential systems than in than in parliamentary regimes.

Secondly, the Representatives were also able to elect an alternative who nevertheless came from the same party as the rejected one mainly because of the dominant majority their party had. Fundamentally, therefore, what this tells us is that it took the cumulative effects of separated powers under presidentialism to assert parliamentary independence in Nigeria. Similarly, it took the interactive effects of party dominance and presidentialism for the same party to retain the speakership even when the parliamentary majority refused to carry out the preference of the dominant PDP. Therefore, contrary to the South African parliamentary system where the dominant party easily rallies the ANC members behind party-preferred parliamentary leadership, individual lawmakers in Nigeria are incentivized by the candidate-centred electoral system to resist the position of the PDP hierarchy in Nigeria.

Similarly, aside the increasing influence of the executives on key party decisions and policies in Nigerian presidential regime, attempts were also made by the parliament to increase their party power when the National Assembly proposed a law that would make them automatic delegates to the party conventions. This power move infuriated the party leadership which described the parliament as not being democratic. As chairman Nwodo said: 'The national executive of the party that I lead is sensitive to what the people of Nigeria want. We are not interested in what a few people in the National Assembly may want' (*Vanguard* 21 Nov., p.10)[87].

Yet, the attempted parliamentarisation of the dominant party by the House of Representatives can be located within three reasons. One, the National Executive Committee (NEC) being the most powerful organ of a party, membership of NEC would

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[87] Curiously, the controversial bill was being simultaneously mooted along with the so-called 'right of first refusal' clause which would give the serving legislators the right to seek to retain their seats before such seats might be declared open at party primaries. The implication of this, as an analyst puts it, would be that the lawmakers 'will have more powers than the party executive, the party leaders, the party caucus, the party rank and file [in such a way that] they would become lawmakers for life' (Omatseye 2010).

give the members of the Parliament a higher leverage within the power hierarchy. Two, it was thought to be a mechanism to check and prevent the 'dictatorial and tyrannical' management of parties.[88]

Thirdly such an inclusion of the lawmakers in the NEC would enhance the ability of the lawmakers to articulate the policies of their parties in a more coherent way since they would be part of the party policy formulation from the onset. Cases such as these may not be necessary in South Africa where the parliament is a direct of the party and where, as pointed earlier, there is fusion of personalities in both political institutions.

In short, party supremacy is higher in parliamentary system than in presidential systems. Unlike in South Africa where the party determines, to a large extent, the leadership of the parliament, it is the presidency, and in a few cases, the lawmakers themselves that influence the choice of legislative principal officers. Unlike in a parliamentary system, competing power blocs determine party directions in a presidential system.

From the foregoing, therefore, the main reason one may advance for the divergence in executive-legislative-party relations in both countries can be simultaneously located within the interaction effects of the institutional and party systems. Unlike in the presidential system of Nigeria where powers are constitutionally separated and the ministers are accountable to the president, the parliamentary system of South Africa fuses cabinet with the legislature and the ministers are accountable to the parliament, which is essentially driven by government-party policy. At the same time, it is the dominant nature of the parties in power that have shaped the institutional relations between the executive, legislature and the parties.

6.4 Concluding Notes

There are at least four cumulative and interactive effects of the institutional designs and party/electoral systems from the foregoing analysis. First, given the additive roles, influence and powers of the presidents in both countries, the presidency tends to shape the

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[88] Item 56 on the Exclusive Legislative List as well as Section 228 of the 1999 Constitution tacitly give the National Assembly the powers to formulate guidelines and rules to ensure internal democracy within parties.

process of democratic practice in more fundamental ways than the parliaments and the parties. This is particularly the case in the pure presidential regime of Nigeria where the president is directly elected and the president's party controls the parliament.

Still, the overriding powers of the ruling party in the parliamentary system of South Africa have enhanced the capacity of the party to rein in the president who himself is elected by the parliament. This is unlike in Nigeria where the president is separately elected by the people thereby giving the executive the incentive to act independent of the parliament.

Second, as expected, the parliamentary system gives more powers to the parliament over the president, who must account to the parliament. Yet, a dominant party regime (operating under a parliamentary/party-list PR system) bears significant similarity with the dominant party regime under a presidential/FPTP in terms of presidentialisation. Nonetheless, in contrast to the growing presidentialisation in Nigeria, there is somewhat increasing level of partification in South Africa.

Like in Nigeria where the president controls the party, albeit through strategic use of cabinet and bureaucratic appointment and dispensing of patronage, the South African president is able to get his policies through the parliament as a result of similar powers. In South Africa, the party is hardly separated from the presidency, since both have a joint head. As in Nigeria's PDP, the South African ruling ANC is presidentialised since, in both regimes, 'pursuit of the presidency also tends to become parties' overriding organizational and behavioural imperative (Samuels and Shugart 2010:16).

Third, while the cross-cutting presidentialisation of democratic powers reverses the causal effects of institutional incentives (such as separation of powers), both cumulative and interactive effects best explain the inherent partification of the South African system. One-party dominance and party-list electoral system jointly diffuse any potential parliamentarisation. Yet, unlike in Nigeria, where a single party dominates but individuals seek votes, rather than through party-list, the South African president cannot afford to go against the party policy direction. Unlike in South African parliamentary system where

intraparty accountability remains viable and cohesive, the president in Nigeria is not obliged to toe the party line, at least not immediately after election.

Finally, cumulative and interactive effects of president-parliament-party relations become more obvious and effectively shape the nature of separation (or fusion) of powers between the president and the parliament. This is further affected by the relationship between the legislative chambers. Unlike in the parliamentary system of South Africa where there is hardly a battle of supremacy between the two chambers of the Parliament, the case in the presidential system of Nigeria is hardly predictable.

This is particularly the case because unlike in South Africa, where the majority members of the parliament owe their seats to the parties, members of the parliament in Nigeria are both incentivized by the regional interests and fluid party affiliation. In short, while the parliamentarians are formally empowered to hold the presidents accountable in both countries, the realities of dominant parties, which are remotely controlled by the presidents, remain a challenge to potential parliamentarisation of accountability obligations of the executives and the corresponding increase in the presidentialisation of political power in both cases.

Chapter Seven: Separation of Powers and Constitutional Checks

This chapter gives both a graphic dimension of separation of powers and accountability in presidential and parliamentary regimes with emphasis on the flow of accountability obligations as shaped by the interactions between the institutions of president (executive), legislature and the party. Secondly, the chapter provides comparative insights on the incentives and potentials for misuse of powers as well as the factors that shape the countervailing constitutional checks on erring presidents. It is argued that while conditions and outcomes of separation (or fusion) of powers in presidential and parliamentary systems might differ in some cases, the cumulative and interactive effects of one-party dominance along with institutional structures make both systems similar.

7.1 Separation of Powers and Accountability

One of the most defining and striking elements of constitutional democracy is the age-long principle of separation of power. The separation of powers serves to limit the executive's capacity and scope for arbitrary and oppressive action against the people, by reason of the fact that most executive acts violating or interfering with private rights or interests require to be authorised by law by the legislature (Nwabueze 2007:108).

As a general rule, elements of the theory of separated powers of institutions of government, namely those of the legislature, the executive and judiciary are not specific to any form of government, either presidential or parliamentary. Likewise, there is evidence that supports the view that constitutional systems with separation of powers can resemble fused systems 'in terms of governance style and substance, or they can differ substantially' (Samuels 2007:705).

In the normative sense, the delineation of functions and powers of the executive and the legislature can help promote healthy checks and balances just as it can, in the extreme sense, lead to disharmonious relations between the two organs of government. In dominant

party systems, the legislature is expected to hold the executive accountable but diffusion of interests and the similar structural base can be used to argue for a solid cooperation.

For instance, it was in the spirit of 'party unity' that President Obasanjo admonished the National Assembly to work closely with the executive especially given the fact that both are dominated by the same party: 'I believe that if the National Assembly is an arm of government, it should not be an opposition to the executive. It should work together, particularly when the majority of members come from the same party' (*The Punch* 13 May 2007).

While the institutions of the executive, legislature and the judiciary are separate in functions and powers, across regime types, it is important to observe the dynamics of the institutional location of powers and the generalized power of government as a body of separate institutions. While the power to make law is vested in the legislature, such power is indeed shared with the executive who assents or vetoes the bill (Mesnma 1969:68).

The converse is also true, nevertheless, that while constitutional power to implement the laws resides in the executive, the legislature shares this power by making inputs for instance in the case of budgetary powers. The Judiciary makes law by setting precedents and also ensures the implementation or rejection of laws that are not constitutional. These functions and powers, interwoven as they are, still have set boundaries that distinguish these three organs or institutions of government.

This is because where as the primary power to make law lies with the legislature, the primary power to execute or complement law lies with the executive and the Judiciary hardly shares its power to interpret the law with the two other organs of government. As a parliamentary system of government, the South African government is constitutionally expected to have a cabinet that is responsible to the parliament. In reality, however, one of the main criticisms of the South African democracy has been what observers have seen as the reduction of parliament into a rubber stamping institution with no real teeth to keep the executive in check.

This sort of argument says despite the seemingly laudable careful separation of powers between the judiciary, executive and legislature (and even the three spheres of government i.e. national, provincial and local government), the legislature is unable to hold the executive to account and the judiciary, whilst has been seen to be slightly effective, it is also not immune from political interference is at most. In the words of Jeremy Seekings (2009), many of the checks and balances have proved ineffective in the face of a generally centralised governing party with overwhelming electoral support in South Africa.

On the other hand, separation of powers has made little impact beyond formal recognition of such a principle. This seems a paradox because while the parliamentary system of South Africa can be pardoned for allowing less separation of powers and functions since the executive emerges as whole from the legislature prompting the principle of 'collective responsibility', the failure of the legislature to assert itself more independently can mostly be explained by the dominant nature of the party system. This is the same reason why party dominance must have contributed to the dearth of separation of powers in South Africa even though more cooperation is needed in the latter where the executive sees itself as part of the legislature.

The case is not entirely different in the presidential system in Nigeria where the constitutionally envisaged accountability of the executive to the legislature is undermined in practice. As available evidence indicates, the inability of the parliament to prevent the executive from usurping statutorily legislative powers often arise from the interaction effects of the party dominance that empowers the executive and the warped institutional incentives in favour of the executives.

Unlike in conventional Westminster model, where alternation between parties in government is expected to enhance vertical accountability, the South African case has been less so, with one party in power, and dominantly so since the advent of multiparty democracy in 1994. Similarly, one-party dominance and presidential politics have inhibited the kind of horizontal accountability that is formally expected in the presidential system in Nigeria.

Figure 7.1A: Dimension of Accountability in a Presidential Model
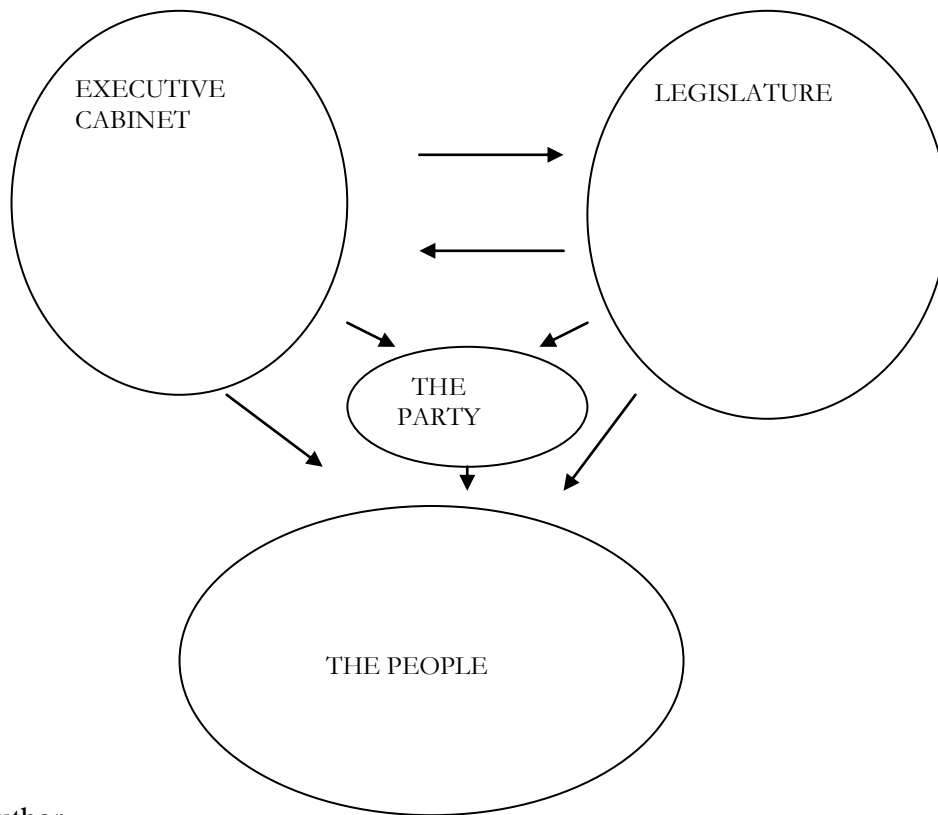
Source: Author

Accountability not only reinforces the legitimacy of a democratic regime, it also serves as an avenue for the governors for justifying their politics and policies to the people (Dudley 1975). The executive and the legislature are the 'two agents of the electorate' (Shugart and Carey 1992). The electorate (i.e. the mass of the people) are represented at these two levels, and the occupiers of the two organs of government (the president, with his or her appointed cabinet members on the one hand, and the representatives, on the other) are expected to be accountable to each other by the way of checks and balances (i.e. horizontal or inter-branch accountability) and to the people (vertical or electoral accountability). Meanwhile, in between the people and the government is the party, which solicits for people's votes on behalf of the occupiers of both branches of the government.

Figure 7.1B: Dimension of Accountability in a Parliamentary Model
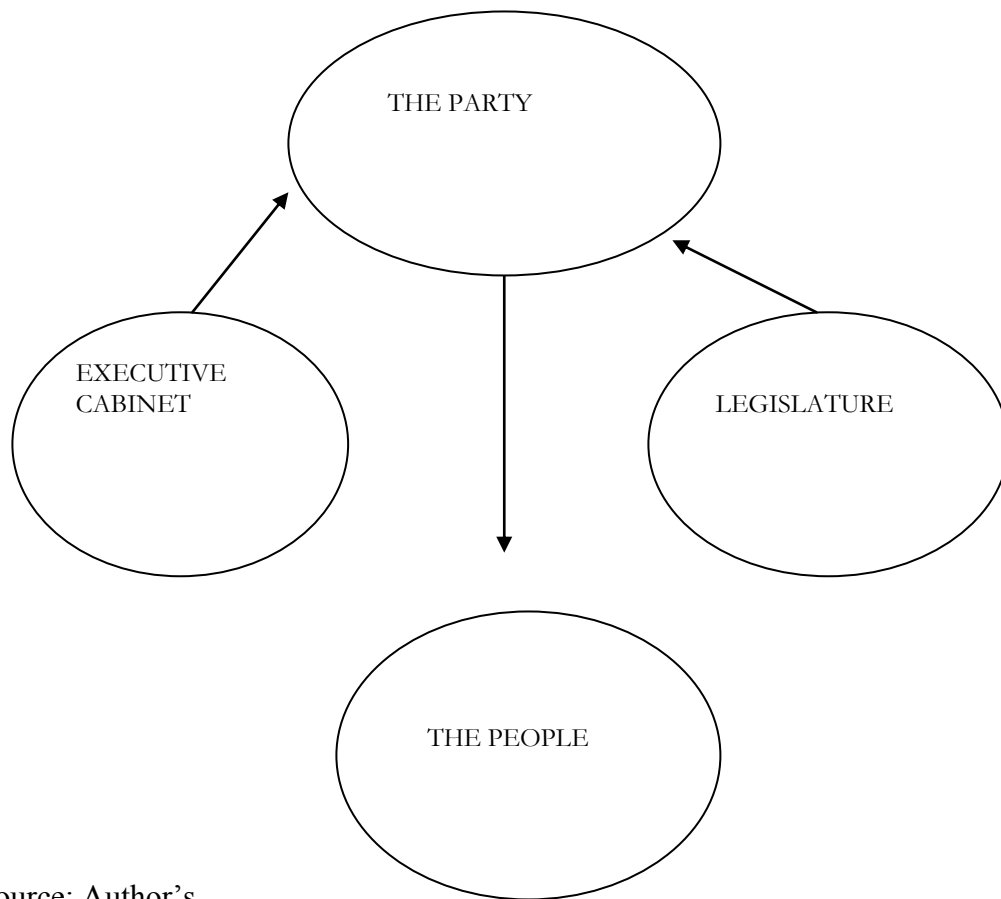
Source: Author's

In contrast to the presidential model, the flow of accountability is party-centred. The executive and the legislature are singularly elected by the people. Because the national chief executive and members of the cabinet are appointed or elected by the legislature, they are first and foremost responsible to the legislature and then concurrently to the party, who in turn accounts to the people. This is especially the case in systems with party-list electoral system such as South Africa where there is likely to be a higher level of horizontal accountability but a lower level of vertical accountability due to parliamentary superiority and party discipline. This is especially the case in one-party dominant majoritarian parliamentary systems.

7.2 Misuse of Powers and Constitutional Checks

Aside from the separation of powers which is aimed at ensuring accountability among the three main branches of government, namely the executive, legislature and the judiciary, there are other constitutional checks and balances. Although several of other formal institutions established to maintain accountability are under the control of the executive, some others are institutionally expected to be non-political and neutral in discharging their functions.

In both countries, however, the constitutions give the president the power to appoint ministers and several aides as well as the heads of key agencies that are put in place to check economic and political excesses. For example, in Nigeria, the president is empowered by the constitution to appoint the Auditor-General, whose appointment is nevertheless confirmed by the Senate.[89] The power of appointment granted to the president, coupled with the immunity from prosecution (Section 308, 1999 constitution) thus make him not only more powerful but also susceptible to misuse such powers and privileges.

In the case of South Africa, the President is similarly empowered to appoint the Auditor-General which means that the President is technically in charge of the accountability mechanism put in place to check executive excesses. While there is an inherent comparative incentive for the national chief executives in presidential systems to hire and fire cabinet ministers-since he only needs parliamentary ratification for their appointment and needs not seek the legislative consent to remove or replace them-the case is not entirely different in parliamentary systems.

Essentially, what follows from the above is that the executives tend to be arbitrary in systems with a weaker parliament and or a subservient judiciary. More often than not, there are more incentives for presidents to frequently reinforce their personal powers rather than accepting checks and balances, participation, transparency and accountability (Amundsen 2001: 47). Specifically, Presidents in Nigeria have abused institutional procedures and attempted to bypass the parliament and alter the constitution for selfish reasons than their South African counterparts.

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[89] Governors of states can also appoint state auditors-general, who are confirmed by the state assembly.

In the particular case of South Africa, special attention is paid to those generally referred to as the 'Chapter 9 institutions' including the Office of the Public Protector, who acts as ombudsman and may investigate anything improper in public affairs, the Office of the Auditor-General, the Human Rights Commission, the Commission for Gender Equality, the Electoral Commission, the Independent Broadcasting Commission and the Commission for the Provision and Protection of the Rights of Cultural, Religious and Linguistic Communities.

At different times in South Africa and Nigeria, however, a number of contradictions as results of dynamics use of presidential and parliamentary power have been settled by the means of constitutionally guaranteed checks and balances which are adjudicated on by the Courts of Law, especially the Constitutional Court. For instance, the commonly held view of supremacy of the parliament in parliamentary systems is more limited in the case of South Africa whereby the Constitutional Court has the power to declare parliamentary as well as presidential acts and actions as invalid and inchoate.

For example, one of the landmark decisions of the Constitutional Court was the declaration as unconstitutional the extension of the term of office of the Chief Justice Sandile Ngcobo. The Court squashed President Zuma's reliance on Section 8(a) of the Judges' Remuneration and Conditions of Employment Act of 2001 as unlawful. The Act, in essence, contravenes Section 176 (1) of the 1996 Constitution which stipulates that a Judge shall hold office for a non-renewable term of twelve years or until he or she reaches the age of 70-whichever comes first-except where an Act of Parliament extends the term of office of a Constitutional Court judge.

The implication of this constitutional proviso is that the law relied upon by President Zuma allowed him to 'usurp' the power of the Parliament, which alone had the constitutional power to extend the term of office of a judge of the Constitutional Court. President Zuma immediately complied with the judicial pronouncement. Yet, it is interesting to note that the parliament was itself silent while the case was taken to court as a way of intervention by the Council for the Advancement of the South African Constitution, Freedom Under

Law, the Justice Alliance of South Africa and the Centre for Applied Legal Studies (Cals) at the University of the Witwatersrand (*Mail & Guardian* 29 July 2011). Only one reason explains the parliamentary aloofness on the glaring usurpation of its power by the President: the President is the national leader of the majority party that in turn controls the parliament.

In contrast, in Nigeria compliance with judicial review of presidential actions has been almost non-existent, and when it happened, was largely selective during the period of President Obasanjo. For instance, the PDP government did not obey the ruling of the Supreme Court that pronounced the withholding of the local government funds due to Lagos state (under the opposition AD/AC) as illegal. At times, Nigerian presidents, unlike their South African counterparts, act independently of the Judiciary, which along with the legislature has the constitutional duty to check and balance the powers of the executive.

For instance, President Jonathan rushed to implement the suspension recommendation of a panel constituted to investigate a crisis in the judicial system, involving allegations and counter-allegations of corruption and undue influence between the Chief Justice of Nigeria (CJN) Aloysius Katsina -Alu and the President of the Court of Appeal (PCA) Justice Ayo Isa Salami. Both the CJN and the PCA are statutorily appointed by the President following a recommendation by the National Judicial Commission (NJC). As it turned out, the National Judicial Commission (NJC) which recommended the suspension of the PCA was actually headed by the CJN, an interested party, who enjoyed closer ties with the President.

Legally, the suspension of the PCA ought not to have been 'approved' until after a court of competent jurisdiction might have pronounced on the matter but President Jonathan did otherwise. Politically, however, the President could have acted in self-preservation since the 'not-so-close' President of the Court of Appeal was then heading the Presidential Election Tribunal which was hearing the petition on 2011 presidential elections filed by the opposition CPC.

Although such a case, upon appeal, might still go to the Supreme Court which is headed again by the CJN, who is appointed by the President; a swift appointment of an Acting

President by President Jonathan was also seen as a move by the ruling PDP to prevent an unfavourable ruling. As if to confirm that the removal of the PCA was unnecessary and politically motivated, the successor CJN Dahiru Musdapher recommended the reinstatement of Justice Ayo Salami to President Jonathan after another Panel found that the PAC was unjustifiably suspended from office. But President Jonathan did not heed the advice.

Furthermore, incentives for constitutional checks and balances differ from one institutional design to another as one could infer from the judicial appointment powers exercised by Presidents Zuma and Jonathan in different but not unrelated contexts. In South Africa, President Zuma attempted to legalize and legitimise his judicial re-appointment of Justice Ngcobo, an action that was nullified by the Constitutional Court. In Nigeria, pre-emptive presidential treatment of judicial posts reveals the differences. Two points are clear from these cases of constitutional checks and balances.

First, one can note that the ease with which Justice Ayo Salami was removed by CJN technically through NJC and replaced by the President was essentially due to the presidential nature of the system which empowers the President to appoint PCA and CJN on the advice of the NJC which in turn is headed by the CJN. This is different in South Africa where parliamentary approval would be needed before such big changes of appointment in the judiciary, as partly proven by the Constitutional Court in the case cited above.

Second, the dominant nature of the PDP and the ANC tends to have implications that are not always apparent on the nature and dynamics of the checks and balances as enshrined in the constitutions of both countries. As events unfolded, neither in the Nigerian Senate nor in the South African National Assembly was a motion moved on obvious controversial cases of presidential usurpation, and sometimes, arrogation of powers that ordinarily should be checked by the parliaments; the most obvious reason being that both parliaments are controlled by the same parties to which the Presidents belong.

Aside from judicial reviews of executive actions, the constitutions of both countries stipulate ultimate parliamentary sanctions on grossly erring member of the Executive. In the case of Nigeria, a President can be impeached for 'gross misconduct' while in South Africa, a vote of no-confidence can be passed on a sitting president to quit government. From 1999 up to the present no President has been impeached even though attempts were initiated to remove Presidents Obasanjo and Yar'Adua from office. Similarly no South African President has been removed from office as a result of the invocation of a no-confidence vote.

According to Section 89 of 1996 constitution on power of the parliament to pass a no confidence vote, the President (Head of State and of Government) may only be removed from office by a vote of no confidence for non-political reasons. If the majority of Members of the National Assembly passes a motion of no confidence in the Cabinet then the President must establish a new one. If the majority of the National Assembly Members passes a motion of no confidence in the President, not only the President but his Cabinet and the Deputy Ministers must also resign.

The first and only time that the instrument of vote of no-confidence was deployed was when the opposition Congress of the People (Cope) was supported by the Democratic Alliance (DA) after the open admission by President Zuma that he had fathered a child out of wedlock. As the majority and dominant party, with a huge parliamentary majority, the ANC defeated the no-confidence vote with 241 votes to 84 with 8 abstentions (*Business Day* 18 March 2010).

Essentially therefore, unlike Nigeria, where vice presidents and the presidents are removable by the process of impeachment, the president and the deputy presidents in South Africa are liable to lose their positions if and only if the parliament passes a vote of no confidence on them. Additionally, however, unlike the one-way constitutional exit option for the Nigerian president and the vice president, the South African president (in an acting capacity) can dissolve the legislature if the parliament fails to elect a new president within the stipulated thirty days as stipulated in the constitution.

However, there is likely to be a greater and direct institutional parliamentary oversight on the executive in the parliamentary system of South Africa than in the case of Nigeria. This is because the most distinguishing difference between opposition politics in Nigeria and South African systems is the absence in the former and the presence in the latter the existence of an Official Opposition.

Nonetheless, unlike in Nigeria's presidential system, there is, in the case of South Africa, an Official Opposition Shadow Cabinet that consists of members of the National Assembly who scrutinize the policies of the corresponding ministers in the cabinet of the ruling ANC. The Shadow cabinet is led by the DA Parliamentary Leader, who represents the DA Party Leader, as well as the official opposition federal executive chairperson and other shadow ministers, including key members of the Scopa that are chosen from the main opposition party. Ordinarily, the Shadow Cabinet tends to contribute to greater accountability on the part of the party in power in the South African parliamentary democracy.

Yet, parliamentary threats of no confidence vote or impeachment process have been more formal than real in almost cases in Africa in general and South Africa in particular. While this does not however mean that the president is or cannot be sanctioned by the parliament, the use of such cumbersome instrument with the support of at least two-majorities in one-party dominant systems will always almost be impossible.

Compounding the party dominance of the parliament described above, the South African Constitution gives little incentive for legislative oversight functions and powers over the executive. This is because of a lack of separation of powers between the two arms of the legislature and executive. Even when there is a 'vote of no confidence' clause (section 102 of the 1996 Constitution) with which the legislature can check executive excesses, 'any rigorous parliamentary oversight by majority-party MPs places them in the difficult position of criticizing senior party leaders, who could expel them from the party and hence from Parliament' (Mattes 2002).

The implication of this reality is that the members of the parliament, representatives of the people as they are, are first and foremost accountable to the party and party leaders before

they are accountable to the people. This leads us to conclude that where as the South African electoral, constitutional and party systems have offered historically unique opportunities for South Africans in democratic terms (Sisk 1994), the democratic 'social contract' among the various racial and social segments of South Africa had remained elusive for too long.[90]

It is in the combination of effects of the institutional designs and party dominance that we can locate the important implications of dynamics of separation as well as fusion of powers and accountability obligations in both countries. It is important to also consider the circumstances under which a sitting President can be recalled or removed from office through a parliamentary vote.

For example, if the vote is motivated by party politics and other questionable motives and abused by certain powerful people within the party or Parliament, removing the President would not be justifiable and the decision might or might not have the support of the population. But if the president was involved in some corruption or sex scandal thus exposing South Africa to international ridicule and embarrassment, it would be wise for him to be removed through a parliamentary vote.

However, a parliamentary vote may have negative effects if it is used to please certain factions within the party. The decision has to be made based on what is in the best interest of the country. Of course, a situation where the government loses its majority in a motion to remove the President and Cabinet in the form of no-confidence could be quite acceptable- as this happens in parliamentary systems- but a dominant, disciplined party is not likely to allow such a situation.

It is also important to note that the president-parliament crisis (often mediated by the party) is not always limited to accountability issues. The call by the NEC of ANC for the resignation of President Mbeki in 2008, for instance, revealed the big power of the ruling party over the national chief executive in a one-party dominant parliamentary system. This can hardly happen in a presidential system such as Nigeria where despite the fact that the

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[90] As Sisk (1994) asserted, there is a correlation between strategic moves by both sides of negotiations in South Africa in the early 1990s and the likely emergent institutions after the first popular elections in 1994. Yet, the hope of a balanced majority rule and minority representation, issues of equal economic opportunity and social justice remain debatable and unclear.

president is not the head of the party, he is strategically and constitutionally powerful enough to manipulate the partisan power and influence of the central NEC.

Parliamentary Oversights

The use of legislative powers in curbing the excesses of the executive is one of the mechanisms for maintaining democratic accountability. As John Stuart Mill wrote, it is the duty of the legislature to watch and control the government [executive]; to throw the light of publicity in its acts and to compel a full exposition and justification of questionable acts of government.

As Nwabueze puts it, 'Laws validly made by the National Assembly within the limits of power under the constitution are the predominant source of executive power, since there is hardly any law that does not call for one kind of executive action or the other' (2003a:215-216). However, the powers of the national parliament to make laws and regulate government affairs are often limited by the constitution and the Court.

For instance, the Nigerian National Assembly's power to make laws for the 'peace, order and good government' of the country (as contained in Section 4(2) of 1999 constitution) are limited to matters in the Exclusive Legislative List. On the balance, however, not only can the Nigerian president refer a Bill or an Act of the National Assembly to the Supreme Court for judicial review, he is constitutionally empowered to withhold his assent to a bill he deems not validly made. Similarly, the national parliament of South Africa regulates itself, but the President can refer a bill to the Constitutional Court for a decision on the Bill's constitutionality (section 84(3) of 1996 Constitution).

In South Africa, as noted in chapter one, the Constitution stipulates that the Parliament can make laws for the whole of the country while the provincial legislatures can make laws for the provinces. Specifically, section...empowers the national parliament to regulate the activities, including both the fiscal and legislative powers of the presidency. As in the case of Nigeria, the bicameral structure of the Parliament ensures a wide range of legislative and oversight functions for the two chambers of the National Assembly and the National Council of Provinces.

Specifically, the 1999 Constitution of Nigeria makes provisions for Legislature's Oversight Powers and Functions in Sections 82-89 with regard to the National Assembly and 120-128 with regard to the State Houses of Assembly. In spite being a federation not much differences are expected in the nature and dynamics in how both the national and state legislative arms perform their oversight functions over the executives.

Of particular interest are the oversight provisions stipulated in Section 88 (1 and 2) that mandate the parliament to make law and regulate the conduct of 'any person, authority, ministry or government department' including exposing corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.

So, as a bicameral legislature with extensive powers of legislation, representation and oversights, the National Assembly makes laws for exclusive and concurrent matters. Some of the sixty-eight exclusive powers of the federation assembly include auditing of federal accounts, control of arms and ammunitions, aviation, banking, foreign relations, census, creating of states, currency, defence and implementation of treaties.[91]

Essentially, 'since the oversight of the executive is weaker when the same party controls the legislature' (Lederman, Loayza and Soares 2005:13), it is of little difference whether a system is parliamentary or presidential as far as parliamentary oversight is concerned. One-party dominant system is thus a key variable in understanding why despite different institutional structures; both Nigeria and South Africa have experienced lower levels of parliamentary oversight over the excesses of the executives.

The Use of Committees

By exercising their investigative and oversight functions, the legislative arms are expected to boost accountability in democratic states. The extent to which is the case in one-party dominant states is debatable, though. While there is little (historical) evidence to establish a strong correlation between party dominance and legislative indolence, available reports

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[91] See Schedule II, Part I of 1999 Constitution of the Federal republic of Nigeria.

suggest that one-party dominance may lead to a dearth of robust debate and opposition input which in turn reduces legislative capacity to ensure inter-branch accountability.

Yet, the most important legislative tools for ensuring executive accountability are the legislative investigative, portfolio, standing, ad-hoc and public accounts committees. The effective and efficient use of these committees in ensuring executive probity varies, not only along institutional lines, but also in terms of the party system. As it is in Nigeria, the Parliament of RSA makes use of four broad types of committees including the ad hoc and standing committees of each house, and joint ad hoc and joint standing committees of both Houses.

In both countries, parliamentary standing committees wield enormous powers of oversight, public enquiries, hearing of evidence as well as the power to consider bills prior to becoming laws. Meanwhile, unlike what obtains in the Nigerian National Assembly, the South African parliament gives the opposition parties more recognition as well as substantial power of oversight.

While the dominant ANC belongs to all parliamentary committees, the chairmanship of the Parliamentary Committee on Public Accountability, otherwise called Scopa, is reserved to the opposition parties. This not only allows for greater scrutiny as stated in the Public Finance Management Act, it further enhances the independence and efficiency of the committee. The committee therefore is more effective to trace the passing around of financial records and reports from the Auditor-General to the Minister who the forwards same to the Parliament and eventually the Scopa for scrutiny.[92]

The extent to which the Scopa under opposition leadership performs its statutory functions is debatable, though. As the dominant party, the ANC 'hardly shifts grounds' but 'we try and reach consensus with them, and this has been the tradition so far' (Godi, Personal

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[92] The Chairman of the Standing Committee on Public Accounts (Scopa) in the Parliament of South Africa, Themba Godi, MP, told the author that the model in which an Opposition MP heads the Scopa was borrowed from the Westminster Parliament, and that this has further been domesticated and embellished with similar ideas from the Tanzanian Public Accounts Committee which includes on-site scrutiny of project reports in a bid to inspect the veracity of allocated funds. He added 'this would help us institutionalize our work' (Personal Interview 04 August 2011).

interview 04 August 2011). In Nigeria, calls for reduction of Standing Committees was rejected by the House of Representatives which argued that such action would reduce the effectiveness and optimum results of the committee works. Indeed, it was claimed that over seventy percent of parliamentary works were being dome at the committee levels (*Nigerian Tribune* 7 Feb. 2003, p.12).

Fundamentally, there is a similar trend in the use of committees as a tool for constitutional checks and representation functions. As in the RSA where the standing and portfolio committees in both the National Assembly and NCOP serve as instruments for evaluating the activities of the ministries, departments and agencies (which of course are under the control of the executive), standing committees in the Nigerian parliament perform the same function but to a more limited extent. The reason for this might be due to the institutional design.

In other words, whereas the ministers under parliamentary system in South Africa are being politically led by cabinet members who also belong to the parliament (making them more accessible and responsible) the case of standing committees investigating ministers appointed by presidents in Nigeria is more tasking, if not cumbersome, as ministers more often than not wait for directive from the president before they appear in the parliament.

Second, and much more importantly, despite the fact that both countries operate bicameral legislative chambers, the use of the committee system seems to have more impact in the parliamentary system where more focus on representation and oversight functions and powers accrue more than in the presidential system where the executive is distinct from the parliament and is expected to share accounting obligations to the people more directly instead of passing through the parliamentary committee.

Similarly, irrespective of the nature of the party system and the constitution in practice, efforts are made in most constitutional democracies to ensure the input of the public into bills before they become laws. As a matter of general practice, it is the standing committees that vet and refine bills before and or after they are presented at the plenary or at the 'committee of whole'. Taking diverse interests into consideration in the process of

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institutionalization however does not preclude the preferences of the dominant parties in the scheme and agenda of law-making.

In a parliamentary constitutional democracy such as South Africa, the ANC would always be in every committee since the party controls the majority of the parliament. The dominant natures of the party system in both countries notwithstanding, both parliaments have attempted to render what can be described as 'multiple accountability'. While members of the parliament in South Africa have little autonomy in relation to the parties they represent, by the virtue of the party-list system, certain intra-parliamentary rules suggest that they will be internally accountable as well.

In essence, multiple accountabilities of the parliamentarians to the parliamentary committees in particular and the parliament in general, as well as to the parties, the electorate, the civil society and the media, enhance institutional capacity of dominant party regimes. In both countries, being 'transformational states', laws are largely determined by the dominant (hegemonic) parties.

Nevertheless, there is a missing link between formal expectations and actual performance of parliamentary committees as institutional checks on executive powers and functions in both cases. This gap is largely sustained by the dominant nature of the party system in both countries. For instance, while it is generally expected that the standing committees would oversee the ministries, departments and agencies which are under direct control of the executive, the cases in Nigeria and South Africa have been less encouraging in terms of how committees work.

There have been two threats to the committee systems in one-party dominant system, and both challenges have bore negative implications for representation and accountability. One, the committees are mostly formed and made up of the members of the parliament from the governing party. Two, the trend in the use of the committee system as a mechanism for horizontal accountability is also likely to be undermined in a presidential system with a national chief executive with far more patronage power than in a parliamentary system with a less powerful head of government.

The Use of Investigatory Power

The use of investigation as an accountability mechanism has proved a less viable tool in the parliaments of one-party dominant systems than is the case under more competitive conditions. Restrictions over committee tasks and findings are however greater in presidential than in parliamentary designs. For instance, many of such investigations by the Nigerian National Assembly have yielded no systemic influence of presidentialism and party dominance. For example, the Sixth National Assembly (2003-2007) did not bring any logical conclusion of the probe it launched into the alleged illegal withdrawals by the Federal Government totalling $29 billion.

This was despite the fact that the allegation was substantially corroborated by the Revenue Mobilization Allocation and Fiscal Commission and the Federal Ministry of Finance. Despite the much publicity given to a House of Representatives inquiry into the power sector where President Yar'Adua disclosed that $10 billion was purportedly invested by the President Obasanjo administration, nothing concrete came out of it. The Senate Petroleum Resources (Downstream) Committee also discovered the non-remittance of over $209 million by the Department of Petroleum Resources, but no one was actually found culpable.

Even in cases where the House of Representatives Committee on Finance discovered that certain revenue collection agencies of the Federal Government had fraudulently diverted N2.1 trillion, no particular agency or director was prosecuted[93]. Only in a few investigations embarked upon by the National Assembly were the allegations found to be baseless. And these tended to be those where the leadership of either of the Houses was involved.[94] Several of the revelations from probes by the legislature in presidential systems have been ritualistic rather than actual attempts to prevent or detect corruption (*Sunday Punch* 6 July 2008).

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[93] See The Punch Editorial 'National Assembly's fruitless probes' 09 Sept. 2009, p. 14
[94] An example of a no-case verdict was given by the senate committee over the allegation by a fellow senator that the Senate President, David Mark, had approved a N400 million contract for the renovation of his official residence and that the Senate leadership smuggled N2.5billion into the 2007 supplementary appropriation bill. See John Alechenu 'National Assembly in 2007' *Sunday Punch* 30 Dec. 2007, p.16

Meanwhile, it is not only in presidential systems that legislative discretion is used to determine the nature and dynamics of committee investigations. In South Africa, the Parliament has been seen as not forthcoming enough when inquiries are launched into disreputable activities of the ANC leaders and their allies. For instance, the major issues that were raised during the investigation of celebrated case of the Arms Deal scandal the by the Parliament in the celebrated case, involving the then Deputy President Zuma were eventually sidelined.

As the public demanded further inquiry into the arms deal the Parliament's portfolio committee on trade and industry seemed to overlook calls by the opposition DA to investigate the role of the Department of Trade and Industry in the scandal. For years still, the ANC-dominated Parliament has yet to provide the details of an alleged scam that involved some top government officials and German arms companies.

Aside that, selective probing activities of the ANC-dominated National Assembly were obvious as in the case of Arms Deal scandal in which the deputy president Jacob Zuma was implicated. As the cases in both countries have shown, the use of the power of inquiry as a legislative tool for parliamentary oversight can be easily undermined in regimes where single parties dominate and in some cases when the individuals and institutions involved are directly linked with the presidency or the ruling party.

Moreover, the use of investigatory panels has equally been explored by the executive arm of government. Both Presidents Obasanjo of Nigeria and Thabo Mbeki of Nigeria attempted to use executive power to set up administrative panels that indicted their deputies for corruption cases. Meanwhile, unlike in South Africa where the party directly claims the allegiance of the MPs and eventually overturned the charges against deputy president Mbeki, in 2007 Vice President Abubakar was further indicted by a Senate Committee that investigated the mismanagement of the Petroleum Technology Development Fund (PTDF).

As a matter of comparison, there are two implications are clear. First, in both cases, reports of investigations are undermined since both the executive and the parliament belong to the

same party. More often than not, the PDP leaders and elected officers treat scandals and crises as 'family affairs'. Second, as compared to a presidential system where power is formally separated, there is a fusion of powers and responsibilities in the parliamentary system of South Africa. Those who are investigated can be technically part of the panel. There is bound to be a conflict of interest.

Parliamentary Accountability

Parliamentary accountability is a critical element of institutionalisation of democratic order. Fundamentally, differences are bound to exist between Nigeria, which is presidential in all systemic senses, and South Africa that is effectively parliamentary. The extent to which the parliamentary accountability is maintained however bears much more on the nature of the party system than on the institutional diversity in both countries. This is technically linked with the strength and roles of the executive in a presidential system and in a parliamentary system with a president.

As shown in 6.2, presidents in both countries are more or less equally powerful in constitutional terms even though variations exist when partisan and non-legislative powers are considered. In comparative terms, the parliaments are weak in relation to the executive but the powers of the executive are of course constitutionally-checked by Parliament and the courts of law. This raises question as to why the executive is so strong in relation to the legislature in South Africa.

The country does have a parliamentary democracy with a weak legislature which is essentially due in part to the electoral system which ensures the accountability of the members of parliament to the parties rather than directly as in the case of a presidential system like Nigeria. This party-centred approach thus makes the MPs more accountable to the party leadership than to the parliament as an institution of democratic politics. This is mixed with a high level of party discipline in a parliamentary/PR as opposed to less party-centred system that is promoted by a presidential/FPTP system.

In spite of the higher level of party discipline in South Africa, majority of MPs rarely disagree and barely hold the party leaders and senior MPs (many of whom are cabinet

ministers) and parliamentary leaders to account. The junior MPs in particular are aware that the senior MPs are party leaders, some of who have influence on who gets to the party lists. Chances of the junior MPs of getting re-elected into the parliament therefore might be jeopardized if they do not toe the party line and maintain undiluted loyalty to senior cabinet ministers (Chanza, Personal Interview, 4 August, 2011). This challenge of cabinet and parliamentary accountability is also replicated in the presidential system but with a little divergence.

Unlike in South Africa where there is a fusion of leadership of the party and parliament and by extension the executive cabinet, many of the cabinet ministers in Nigeria are not necessarily ranking members of the ruling party. However, as a result of the dominance of the PDP, the trend in the nature of party hegemony, albeit not necessarily party unity, in a presidential system means that the executive president may have a wide range of influence on the leadership of the legislative chambers, who are equally selected or elected from the same party as the president, just as in the case of the South African ANC, where NEC members are appointed as cabinet ministers and principal officers in the parliament.

Again, whether in presidential or parliamentary system with a president, most of the bureaucratic expertise and financial resources is more accessible to the executive than to the Parliament. More often than not, and even in cases where they want to investigate the executive, Parliaments have had to rely on information from the executive and use the same to hold the executive accountable. This same challenge is common most Commonwealth countries, even though there are variations in the levels of accountability in regimes with different regime types and party systems.

While the better resourced executives are not always having their ways without parliamentary probing, the extent to which the parliament can hold the executive accountable has mostly been a function of the regime structure and party system. Especially in presidential systems, executives far outweigh the parliament in resources and political power. For example, in Nigeria, one of the first steps to be taken by President Yar'Adua upon assuming power was to stop the controversial constituency allowances that were hitherto being given to the national lawmakers (*Saturday Tribune* 6 Sept. 2008, p22).

Similarly, unlike in a parliamentary regime, the president is less accountable to the parliament. The dominance of the ANC has however eroded part of parliamentary superiority that might be expected in the case of South Africa.

7.3 Concluding Notes

As shown above, the extent to which constitutional democracy consolidates depends on the inherent capacity of the institutions to counterbalance the excesses of the operators of the institutions. If the institutions of democratic politics is able to give the people some real decision-making power and above the formal consent of electoral choice, through, among other things, a *powerful legislature*, decentralisation of power to local democratic formations, and considerable emphasis on the *development of institutions for the aggregation and articulation of interests (*Ake 1996:132-140 emphasis added) then it will be an inclusive democracy whose legislative actions and executive policies would enhance representation and accountability.

Both in Nigeria and South Africa, cumulative and interactive effects of the institutional designs, electoral rules and party systems have shaped democratic outcomes. First, in Nigeria, as in South Africa, the dominance of a single party affects the effectiveness of institutional measures to check abuses. As it is in Nigeria, where the president is rarely sanctioned by the parliament, so it is in South Africa where Parliament shows little evidence of between election accountability. Even when the parliamentary system stipulates that an opposition member be the head of the Standing Committee on Public Accountability (Scopa), the dominant ANC used its majority in the parliament to frustrate full inquiry into the controversial arms deal.

Second, in Nigeria, as in South Africa, presidentialism or parliamentarism alone does not explain real and potential misuse of powers by the executive. As some of the examples given above indicate, it takes both the institutional design and the party system to shape the incentives for abuse of power. Separation of powers might make important difference in terms of how the executive and the legislature serve as check on each other in Nigeria, but the dominance of the PDP blurs the real checks and balances that one may expect. Whereas the formal fusion of powers and the flow of accountability of the office holders to the party

characterize the South African system, the overwhelming influence of the ANC stabilizes the executive-legislative relations.

Chapter Eight: Legitimacy

'At the core of democracy is the principle of popular sovereignty or consent which holds that government can be legitimated by the will of those whom it governs' (Bayo Okunade 2008:16)

8.1 Overview

As one of the 'complex demands of democracy' (Sen 1999:9) legitimacy of the government is both institutionally and structurally shaped. Legitimacy stems from free and fair election to include the nature of political and partisan support that people give to the government. In other words, as a measure of the people's confidence in their government, legitimacy represents both the ability of the people to choose those in power and an expression of the people of their satisfaction with the government in power.

As David Beetham (1991) argued in *The Legitimation of Power,* both the prescriptive and descriptive aspects of legitimacy reveal the core of a legitimated government, including in particular the level of legitimacy of a government as it relates to power relations between the governors and the governed on the one hand and the assessment of why the people give or withdraw support from the system and those who govern them on the other hand.

These two approaches are deployed in the analysis of comparative empirical data largely drawn from the Afrobarometer on Nigeria and South Africa in this chapter. This section sees the trend of 'diffuse support' for democracy, as system of government, and the one-party dominant regime from a multidimensional perspective (Easton 1975:435, Norris 1997). It is argued that whereas the South Africans seem to express more 'systemic' support for the ANC regime, than the Nigerians have for the PDP regime, legitimacy levels in both countries are results of both historical legacies and the perceived performance of the constitutional order to enhance inclusiveness and contestation.

It is argued that legitimacy of one-party dominant regimes is a product of both the interactive and cumulative effects of the institutions regime types and the party systems. We also argue that such effects not only account for the higher level of legitimacy in South Africa, and lower level of legitimation in Nigeria but that such effects are equally shaped by social forces that have been historically entrenched.

In short, there is a link between the key criteria or indices of popular control of a democratic government such as free and fair elections, political support and openness and accountability. This, in essence, supports our view that legitimation (or entrenchment of legitimacy) includes free elections as a source of a potentially representative government and that people's demand for governmental responsibilities (in form of vertical accountability) is closely tied to their supply of support (electoral, political, civil and partisan).

8.2 Electoral Legitimacy

The very idea of legitimation includes the establishment of a democratic regime through a properly conducted election as well as the capacity of the institutions of democratic politics to drive support from the voters in general. In addition, legitimation includes the level of people's support for the party in power, since most, if not all, constitutional democracies are party based. From another perspective, understanding democracy requires an understanding of 'democratic qualities of elections, specifically for legislative and executive offices, as actualised or effectively enforced political rights' (Lindberg 2006:8).

Whereas elections are one of the key factors to measure democratic legitimation in democratic states, both in advanced and developing countries, elections in several African countries have remained a less reliable yardstick for measuring people's support for those in power. This is because elections in several cases, especially those recently conducted in Nigeria, Zimbabwe, Ivory Coast, Kenya, among others have remained less free, less efficient and less fair. Notwithstanding this, there are therefore at least two reasons why elections remain critical elements of democratic legitimation.

Nevertheless, democratic legitimacy is first and foremost possible through elections in two significant ways. First, elections translate people's votes into seats in parliaments and empower the executive as the representative of the people. Without elections, political institutions such as presidency, parliaments and parties will have little credibility at least in terms of democratic norms.

Second, elections give direction to the game of democratic politics. They ensure that power is ultimately derived from the people. Every politician seeks to play the political game in such a manner to win people's votes and gain seats. Equally, popular legitimacy, which stems from free and fair elections, is entrenched by the perception of regime performance. Trends in Nigeria and South Africa show clear differences in prospects for consolidation of democracy in countries with different levels of legitimation.

Furthermore, the perception of the electorate on how well elections have enabled them to put politicians in offices and enable in-between electoral accountability follows from their perception of how free and fair elections are. For Nigerians, only the 1999 elections were free and fair with minor problems or completely free and fair (76 percent) while 16 percent held the view that the same election was not free and fair or free and fair with major problems (2000 survey). From 2000, 2005, 2007 and 2008 surveys, percentages of freeness and fairness have dropped to very low levels (32%, 36% and 32% respectively).

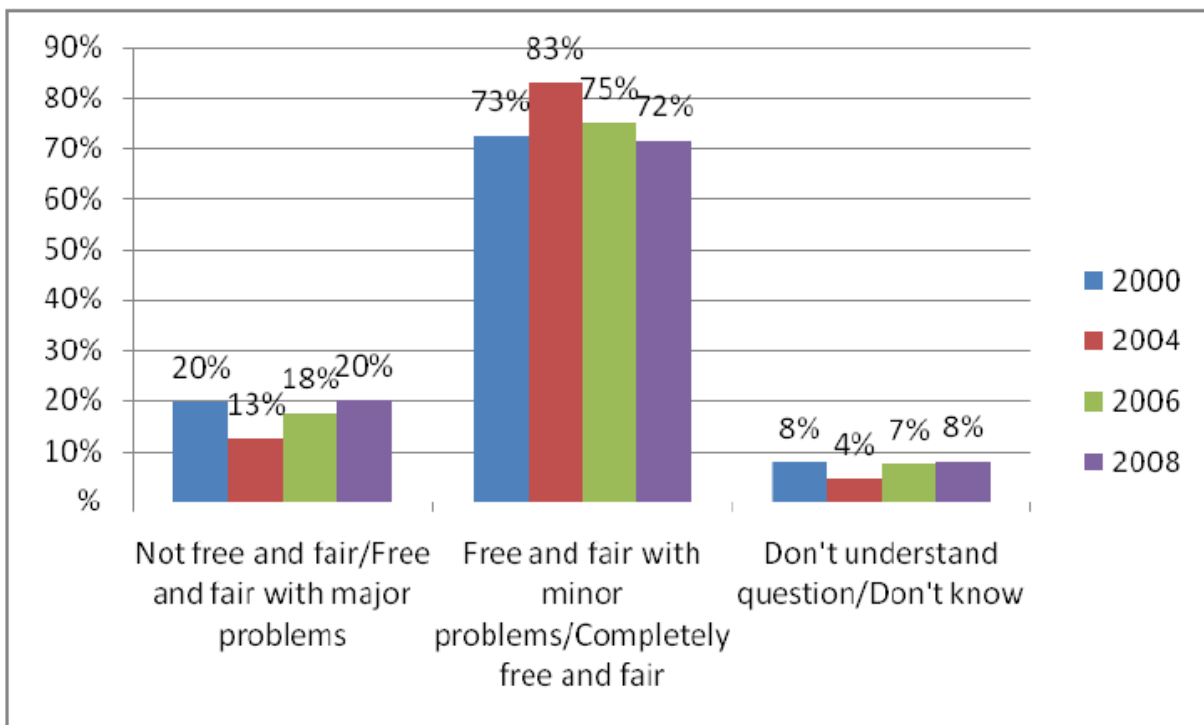Figure 8.2A: Perception of Freeness and Fairness of Elections in Nigeria
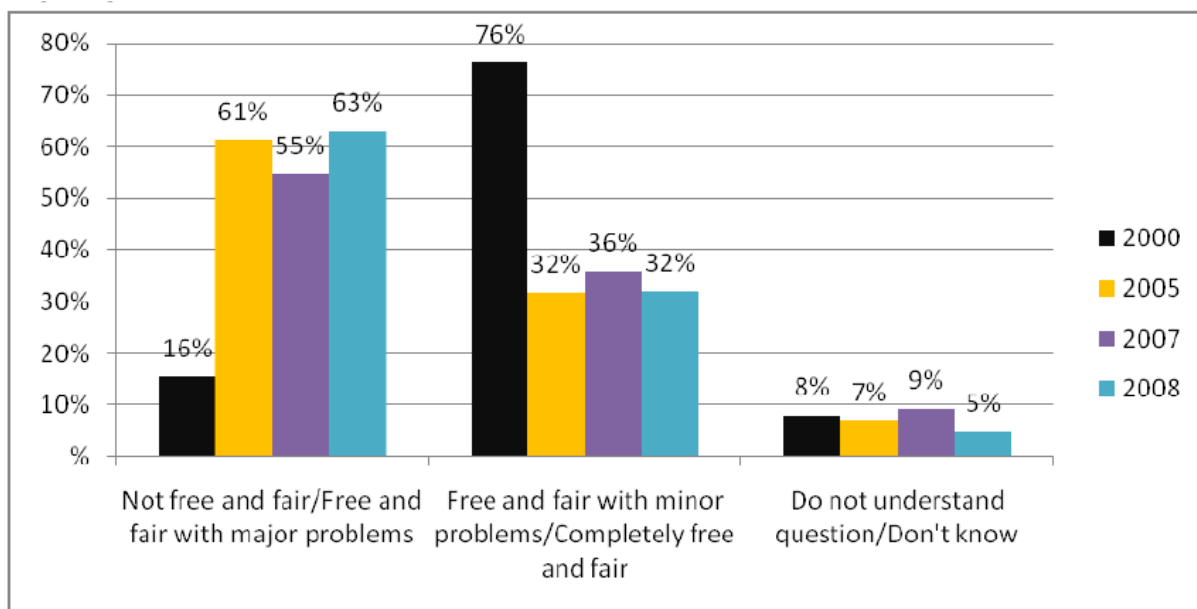
Source: Afrobarometer 2009a, p. 10

In contrast, perceptions of freeness and fairness of elections in South Africa are far better. According to South Africans, elections have been persistently free and fair. In 2000 (a year after the second democratic and multiparty elections) 73 percent of the respondents agree

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that the last elections are free and fair with minor problems or completely free and fair. Whereas this is lower than Nigerians' perception rating in the same year (76 percent), subsequent surveys show increasingly wide gaps between the two countries. In 2004, 83 percent perceived elections as free and fair, while 75 percent and 72 percent held similar view in 2006 and 2008.

Figure 8.2B: Perception of Freeness and Fairness of Elections in South Africa

Source: Afrobarometer 2009b, p.10

Comparatively, therefore, while the dominant party regime operates within a sytem with better perception of freeness and fairness of election (and thus greater level of electoral legitimacy) in South Africa, the dominant party regime in Nigeria has had to contend with a lower level of legitimation as a result of persistent lower levels of perception of freeness and fairness of election as a democratic means of putting leaders in power.

Consequently, a historically grounded one-party dominance has found legitimate justification for winning most votes and dominating the political system for almost two decades in South Africa. In contrast, except for some attempt toward clean elections in

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2011, the ruling party Nigeria has found it difficult to convince the people as well as local and international observers of the legitimacy of its electoral claims.

8.3 Explaining Differentiations in Electoral Legitimacy

There are different patterns in the actual political and electoral focus of legitimation in South Africa and Nigeria. At the electoral level, the South African system is 'party-centred' while the Nigerian system is 'candidate-centred'. In essence, in South Africa, unlike in Nigeria, the party-list electoral system means that the people vote for parties and not the candidates.

As a result of this, it is the parties that strive to legitimise democratic rule in terms of the number of votes that proportionally accrue to them in the case of South Africa. Coupled with the fact that the electoral system is institutionally free and fair and because votes reflect the seats, the Parliament, which is central in the constitutional democratic structure of South Africa, legitimizes itself through elections won on their behalf by the parties that put them there.[95]

In contrast, the Nigerian system, being first-past-the-post, is candidate-centred in the sense that despite the fact that the voters thumb-print the party logo to express their choices, it is the individuals that matter more than the parties both in terms of soliciting for votes and accounting to the electorate. Coupled with the absence of a proportional representation of parties and a lower-quality electoral process, individual office-seekers rely less on party platforms and may choose to defect to other parties.

Unlike the earlier (pre-civil war) party systems and the ones in place prior to the long and 'reluctant transitions' embarked on by the military in the 1990s (Osadebe and Oseni 2011), parties in the post-1999 era are more of 'electoralist parties' (see 5.2 and 5.6 of the thesis).[96] In contrast, the political office seeker in South Africa needs a platform and needs

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[95] Prof Ben Turok, an ANC veteran member of the Parliament of South Africa, said in a personal interview with the author: 'The Party put me here in the first place and only the party can remove me in the end' (01 Aug. 2011).
[96] A Special Adviser to one of the Nigerian Governors attributed the weak party system to the registration of parties with unidentifiable constituencies by some leaders of the dominant PDP who use such parties as 'mere pawns' (Adebiyi, Personal Communication in Lagos, July 2012)

not be known politically and is less able to pursue an individual electoral agenda thereby lacking incentives to rig or manipulate electoral processes unlike his Nigerian counterpart who must get votes with less party support and more individual effort.

Whereas both the ANC and PDP pursue votes in similarly hegemonic patterns, despite different electoral systems and institutional structures, the ANC has gathered electoral support from the majority of South Africans more legitimately than the PDP has in the case of Nigeria. Basically, three main challenges have characterised elections as a source of legitimation in Nigeria. These include 1) electoral manipulation or rigging, 2) electoral violence, and 3) partisan and/or inefficient election management.

One, rigging or manipulation has characterised the Nigerian electoral system. Rigging and violence are complementary tactics by desperate politicians to get votes. By 2007, the major political parties were intensifying their internal wrangling and elimination of rivals by assassination (Ibrahim 2007:1). The struggle for votes was becoming a matter of 'do-or-die' for the key actors, and falsified results were announced by the electoral agency (*Vanguard* 3 May 2007, p.18). As evidence from fieldwork in Nigeria suggests, politicians and partisan members engage in massive vote-rigging and these efforts are not limited to the dominant party.

For example, a lawyer who served as an electoral officer in the 2003 and 2007 general elections disclosed that 'electoral rigging is rampant in Nigeria.' This is corroborated by two senior editors' view that 'most parties lack democratic credentials' as candidates are imposed. Both the primaries and general elections were riddled with 'corruption and money politics' (Oladeinde and Adegbamigbe, Personal Communications, 7 and 21 July, 2010).[97]

As an analyst, Bashir Kurfi has noted, most of the elected officers in the National Assembly lacked electoral legitimacy and rarely represent the people because '90% of the legislators were rigged (into office) and cannot fight the [executive] in the area of *accountability* (*Weekly Trust* 10 July 2004, p.8 emphasis added). Perception of Nigerians

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[97] Also see *The Nation* 27 June 2008, p.37

of their representatives as illegitimate occupiers of institutions of democracy was confirmed by one of the former beneficiaries of electoral rigging in the country:

> I did not see any ballot paper before becoming a senator. The ideal thing is that people should be voted for during elections. In 2007, there was no election and that was why I did not worry when my election was nullified [by election tribunal] and I had to go for a rerun which was when I faced the real contest and I won. It was after that rerun that I started talking boldly in the senate because I was really elected by the people (Vanguard 7 Jan. 2011).

In contrast, in South Africa, elections have been largely free and fair. Unlike in Nigeria where a survey of a number of election tribunal judgments reveals the enormity of electoral malpractices across the country in 2003 and 2007 (International Crisis Group Report 2007), electoral processes in South Africa have been seen to be of an internationally acceptable standard. It is also generally assumed that its political control is not based on patronage.

However, there have been occasional allegations of vote buying by the ANC. While the ANC has conducted itself more democratically in comparison to the PDP, a fear of losing relevance and electoral dominance might force a democratic dominant party to adopt the tactics of a 'proto-hegemonic' dominant party.[98] During the 2009 elections opposition parties raised concerns about handing out of parcels to potential voters.

The second challenge to electoral legitimacy is electoral violence, which has contributed to higher level of political apathy in Nigeria than has been the case in South Africa. By reducing the participation of the people in electoral contests, electoral violence has undermined the legitimation of democratic process. In Nigeria, it is observed that the twin problems of electoral violence and rigging are often deliberately used as 'deplorable strategy' by 'local notables' and party leaders or 'political godfathers' to keep their 'patrons' in power.[99]
Specifically, electoral violence has stunted the growth of democratic legitimation in Nigeria much more than in the case of South Africa, in at least two significant ways. One, violence has disrupted peaceful conduct of election and co-existence of people of different party affiliation leading to lower trust in electoral results by the marginalized groups. This

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[98] See chapter 5.2 for elucidatory notes on these two variants of dominant parties.
[99] Earlier confirmed by Wilkinson (2006) and Oseni (2008)

dearth of legitimacy has become apparent by the number of election results that have been upturned by election tribunals and appellate courts largely on technical grounds including electoral conflicts.

Similarly, as pointed out in part two of this thesis, ethno-political violence remains a challenge to national integration in Nigeria and South Africa. But while South Africa experiences what might be described as social violence intermittently influenced by ethnic or racial differences and occasional social welfare issues, Nigeria has had to cope with political violence each time an election is organised.

Despite the modest commendation and general endorsement by the local and international observers of the 2011 elections as the best in the last four attempts, post-presidential election violence still erupted and led to the loss of about eight hundred lives within three days in twelve northern states of Nigeria.[100] While both countries experience different types of violence, the presidential nature of politics (with its winner-takes-all syndrome) has made it worse in Nigeria while parliamentarism has a less tensed political attitude of contestation.[101]

Finally, apart from the twin problems of electoral manipulation and violence, there is another problem with electoral legitimacy, which again is more problematic of the Nigerian system: partisan and ineffective election management. While South Africa has institutionalised modest rules and regulation of election management and administration, Nigeria has been less effective in terms of the most fundamental preparations for elections.

One of the most fundamental reasons why electoral administration has remained inept and seemingly partisan in Nigeria is the overbearing influence of the president on the electoral agency. For example, some analysts and opposition parties criticized the President Umaru Yar'Adua administration for removing the "soul" of the Justice Uwais Panel's Report,

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[100] See Human Rights Watch Report on Post-Election Violence in Nigeria (2011). More often than not, political violence soon degenerates into ethnic, religious and sectarian attacks. According to HRW, more than 15, 700 people have been killed in inter-communal, political, and sectarian violence since Nigeria returned to civilian rule in 1999.

[101] Even in relatively peaceful Ghana, presidential elections are sources of tensions, which are largely due to the hardcore campaigns and elite incitements.

which suggested the transfer of president's power to appoint the chair of the national electoral body, known as the Independent National Electoral Commission, INEC, to the National Judicial Council, NJC (*The Nation* 12 March 2009: 1-2). Had the presidency ceded the power of appointment of the members of the INEC to a neutral body such the National Judicial Commission, the electoral agency would have become free from a direct influence of the president and his dominant party.

Meanwhile, it can be further argued that the dominant nature and the level of social rootedness of the ruling parties are partly responsible for this variation as indicated by the form and content of Nigerian electoral law, which has had the impetus of the dominant party. For example, when there were disagreements between stakeholders on the alteration of the electoral law in a way that stifles the judicial power to make ultimate decision in electoral matters, the Speaker of the House of Representatives was reported to have boasted at a campaign rally how the new clause would favour the ruling party:

> We have passed a law, and in the new Electoral Act, the court has no power to send a sitting governor away because of irregularities in an election that brought him to office. The worst that could happen is a rerun. And PDP will win again and again (*The Punch* 15 March 2011)

Further, the general perception of maladministration and the partisan posture of the INEC is in contrast with the well-formulated recommendations reached by over 350 delegates of African Union states, and described as 'the rule of democracy musts' at the 'Africa Conference on Elections, Democracy and Governance' in Pretoria in 2003, which included among other things, that 'the selection and appointment procedures for commissioners should be determined by Parliament and should be transparent, inclusive and sensitive to gender equality and the representation of diverse groups'.

In contrast to South Africa, where by the virtue of the Electoral Commission Act of 1996, the chairman and members of the IEC are appointed by the president but are accountable to the parliament, the Nigerian chief electoral officer is often associated with the ruling party and the president. The constitutional condition that the appointment of the INEC chair and members be made by the Nigerian president, subject to confirmation by the Senate (according to section 153:1f and 154:1-3 of the 1999 constitution) has rather made

the INEC beholden to the president rather than to the National Assembly or to the judiciary.

In contrast to the Nigeria's INEC (which could be hugely influenced by the presidency and –by extension-the ruling PDP), the South African IEC has been generally seen by stakeholders including parties, voters and observers as 'the most trusted institution' of democracy in South Africa (Chanza, Personal Interview 05 Aug. 2011).

Meanwhile, the lack of trust in the ability and integrity of the national electoral agency is often compounded by the lack of adequate legal and constitutional frameworks for conducting credible elections, most of which are determined by the dominant party, the president and the parliament. While the problems of rigging, violence and poor electoral management are responsible for electoral failure in Nigeria, it is important to reiterate the systemic factors such as the size, large population; ethno-religious diversity and regional differences and distrusts (elucidated in part three) remain significant and have contributed to most of electoral conflicts in the country.

It thus follows that the main reason why elections have failed to effectively hold government accountable is because they have remained less a tool to help the electorate to 'throw out the rascals', given a strong hold on power by a dominant one-party government. [102] This has been the bane of the political culture in Nigeria especially since the adoption of presidential system in 1979 and much more prominently since the emergence of the single dominant party since 1999.

It can therefore be argued that the dynamics of electoral legitimacy are hugely shaped by the effects of the party, electoral as well as the institutional systems. Similarly, the practice of electoral fraud with huge negative implications for the electoral agency has remained largely unchanged since the transitions that were conducted during the military era.

One of such electoral frauds is the manipulation of electoral register. For instance, in a publicly circulated memo, titled 'Abuse of Special Registration' dated 20 January 2011,

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[102] In short, most of the 'structural, attitudinal and operational constraints' of INEC (Ighodalo 2008:60) and partisan abuse of electoral legitimacy are mostly traced to the incumbent president and dominant party

the INEC alerted the voting public that there was a 'widespread abuse' of the special registration provision made by the commission to ensure the participation of the physically challenged registrants. INEC discovered there were several cases of double and multiple registrations.[103]

Furthermore, electoral systems too matter. First, unlike in Nigeria, where the dominant party pursues votes in a first-past-the-post system, where individual essentially see the parties as 'vote-pulling' platforms, more ordinate, and disciplined party members in the parliamentary system in South Africa treat parties as organisations for seeking legitimacy.

Second, in the South African proportional representation system, unlike in the Nigerian first-past-the-post system, electoral representation enhances more popular representation. This is so in the sense that even when not controlling national political power, those who vote for minority parties have and feel a sense of belongingness, which in turn enhances the general and wider trust in the institutions of democratic politics (Trollip, Personal Interview, 2 Aug. 2011)**.** The flip side to this, however, may be when electoral representatives fail to capably influence the popular expectations of the electorate.

While these challenges are not specifically attached to any constitutional type, available evidence from Kenya, Zimbabwe and Ivory Coast (Good 2006, Cheeseman 2010) shows that presidential regimes with single dominant parties suffer more from these problems than the presidential regimes with non-dominant parties and parliamentary systems with either dominant or non-dominant party systems.

Specifically, since Nigeria returned to democracy in 1999, elections have been held under politically and logistically difficult circumstances that made them less free and fair when compared with other countries such as Ghana and South Africa. According to the United Nations, in its *African Governance Report II* (2009 at p.19), unlike in South Africa, and other countries such as Ghana, Mauritius, Cape Verde, Benin and Botswana, where largely free, fair and credible elections have been conducted since the 1990s, most electoral

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[103] See the memo with reference INEC/SEC/543/1/94: retrieved from the Independent National Electoral Commission official website < http://inecnigeria.org >

contests in Nigeria since return to civil rule in 1999 have been controversial and substandard.

While some of the countries praised for electoral success did experience periodic violence and electoral conflicts, cases of one-party dominant presidential systems such as Nigeria have been more problematic in terms of frequency of occurrence of electoral violence and rigging. The question may then be asked if there is a correlation between electoral rigging, violence and one-party dominance.

Experience has shown too, as pointed above, that most violence-related party activities take place on the part of the dominant party. For example, it was reported in 2003 that 'most intra-party violence occurred at the state level and related to party primaries [and] the ruling party [PDP] had more intra-party violence than other parties' (Carl Le Van et al 2003:36).

While this divergence partly explains the relative stability in South Africa, the path dependence of the party system in South Africa (transformation of the ANC from a liberation movement into a political party) proves crucial as to why the party, unlike the PDP, has forged higher levels of mobilization of voters to enhance 'organic' local ties between the candidates and the electorates.

Unlike in South Africa, where the ANC is generally seen and supported by the majority of voters, based on the level of party appeal, most voters in Nigeria do not trust the political parties (Alemika 2007:1) and therefore are more likely to vote based on non-ideological preferences and sentiments such as ethnicity, region and religion.

Even in South Africa where opposition such as IFP and DA get representatives at the national level, such representation can hardly translate to popular support for the ANC-inspired policies by those who elect non-ANC members. Notwithstanding, legitimation is not static and tends to rise more in systems where firstly, declared votes reflect the voters' choices and secondly those who represent voters in the legislature and the executive carry out policies that enhance freedoms and economic prosperity .

From a comparative point of view, the social rootedness of the ruling/dominant parties determines their level of acceptability and of course the corresponding support given to them by the vast majority of the people. As noted earlier in chapter 3.3, whereas spontaneous social delivery protests have marked the ANC government particularly since Mbeki presidency such social action does not reduce from the legitimation of the government itself since its electoral mandate and political popularity among the majority is never in question.

On the contrary, while there have been relatively less frequent social protests in Nigeria,[104] the level of legitimation for the national government party remains low in comparison with that of South Africa. On the one hand, this paradox may be explained by the fact that people tend to have apathetic civic engagement with a less legitimate government than they would with a more legitimate one. In other words, unlike in South Africa where people generally feel that their votes put the politicians in power, several Nigerians, until recently, do not generally think their votes count (see Afrobarometer survey above).

8.4 Party Support, Social Rootedness and Political Legitimacy

The extent of people's support for the institutions of democracy, such as the party in power at the national level, is another way by which we can measure the legitimacy of a government or regime. More generally speaking, democracy is more likely to be sustained and consolidated in a country that has, among other institutions, a party system with some degree of institutionalisation and a linkage to social interests (Diamond 2002:213). After all, party systems do not simply reflect electoral preferences; they also serve to constrain them (Mair 2002:106).

As Russell J. Dalton reflects in his comparative political behaviour treatise titled 'Citizen Politics' (4th edition, 2006), aside from 'partisans' there are two other broad types of citizens, 'the apartisans' and the 'apoliticals'. While the 'apartisans' are neither 'attached to a political party nor cognitively mobilised', the 'apoliticals' are 'sophisticated,

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[104] There are, of course, occasional protests against unpopular policy steps such as fuel price hikes during Obasanjo time and the controversial removal of fuel subsidy by petroleum minister under President Jonathan. At times, such protests, like social delivery protests in RSA, go bloody.

politically involved, but also unattached'. Apathy towards party politics is not limited to 'new' democracies.

However, evidence has shown that mobilisation along partisan lines contributes to democratic growth. As the people support a party, the party policy and politics, they tend to support the government formed by such parties. Conversely too, an unpopular party tends to produce an unpopular government. It is therefore necessary to see legitimation also in terms of the support which people give to the government and parties.

Specifically, the strength of the Peoples Democratic Party (PDP) lies only partly in its legitimacy among the people, but largely in its access to and use of state resources and force to maintain its dominance (Kesselman et al 2009:374). The reason for the general lack of party support from the people can be partly explained by the evolution, leadership and political style of the party leaders (path dependence) as well as by the dynamics of institutional system within which the dominant parties operate.

Furthermore, even though the ANC seems more committed to democratic ideals such as freedom and political tolerance than the PDP, it is not unlikely to react negatively when faced with the reality of loosing elections. For example, the formation of the breakaway COPE made some of the ANC members to consider the option of violent resistance as the 2009 elections drew near (Independent Researcher, Personal Interview Aug. 2011).

Nevertheless, while the ANC maintains its long-held 'historical heritage' status, the PDP enjoys less positive public perception. In a publicized letter to President Obasanjo in 2004, the party chairman Audu Ogbeh linked the lack of love for the party to a myriad of political crises, economic underperformance , and the internal tensions within the ruling PDP. As Ogbeh noted, if not addressed, the situation might lead to a military intervention as was the case in the Second Republic:

> ...we [the PDP] are perceived in the worst light by an angry, scornful Nigerian public for reasons which are absolutely unnecessary. Mr. President, if I write in this vein, it is because I am deeply troubled and I can tell you that an overwhelming percentage of our party members feel the same way though they may never be able to say this to you for a variety of reasons ('Letter to President Olusegun Obasanjo', *The Punch,* 11 December, 2004)

Six years later, another national chairman of the PDP (Nwodo) said:

> We were winning elections but not winning the hearts of the people. We were winning elections but if you go down there, I don't think the people like us as much as we were winning because we were not delivering to them the dividends of democracy (*Vanguard* 6 December 2010, p.6).

While popular statements as this might seem as reflective of the general perception of the PDP, closer examination of internal wrangling within the party only showcased the deep-rooted fragmentation within the leadership of the party. As it turned out, chairman Ogbeh was eventually eased out by President Obasanjo and replaced with the president's candidate and ex-military aide retired Colonel Ahmadu Ali, in a way that was similar to the replacement of chairman Nwodo by party leaders that were loyal to President Jonathan.

Comparatively, therefore, the ANC has a more legitimate base and coherent ideology unlike the PDP that lacks ideological coherence and legitimate support base. This is in part explained by the nature and dynamics of evolution of both parties. While the ANC can be described as being more of the left of ideological divide (as a result of the radical foundations of mass movement and alliance partnership with the workers' union and communist party), the PDP has remained less so ideologically driven.

Even though both parties are founded to serve as inclusive parties with wide appeal to all classes of people, the PDP is less ideologically entrenched. The ANC is a party for the mass of the South African people (Turok, Personal Interview). The party's ideological leaning is evident in its constitutional and policy frameworks. According to the party's constitution, as amended and adopted at the 52nd National Conference, Polokwane, 2007), the ANC 'contests elections as a registered political party drawing its electoral support from all sections of South African society' (Rule 3, 3).

Perhaps the very lack of ideology by the party can be explained by the original purpose upon which the path of evolution of the PDP was anchored. As Alhaji Abubakar Rimi, a former governor of the Northern state of Kano and one of the founding conveners of the PDP (and later presidential aspirant) traced the idea of the formation of the Party to the quest to unite civil society against military rule: '*the politics of Nigeria before now was built on ethnicity, regionalism, sectionalism and things like that. It gave us a lot of*

problems over the years. So we decided that we are going to form a party that is so big and so popular that everybody will join'[105].

On the other hand, despite its ideological coherence, the ANC has had to moderate certain radical views of its alliance partners and that of the Youth League. For instance, the party was forced mainly by public perceptions (coupled with internal power struggles) to suspend Julius Malema who was the President of the ANC Youth League.

Whereas some data suggest that the non-popularity of the PDP is also partly due to the non-performance of its elected office holders (see trust in leaders below), the ANC case is somewhat not general different at the performance level. The most striking effects of party dominance in both cases are in the areas of representation and accountability. Most of the time, dissenting voices come from within. An example was the critical comments on the party's hegemony. Moeletse Mbeki, former President Mbeki's brother likened the ANC to the National Party before it, which has created a model that that benefited a small inner circle. As he further puts it:

> I think it's the mindset of a one-party state. The ANC is such a dominant party they then jump to the conclusion that they are the cleverest people because they have the largest vote and therefore everybody else hasn't got any wisdom (*Mail & Guardian* 31 July 2011).

Again, it is not only the dominant nature of the party system that has accounted for the differentiation in the levels of popular support in both countries. For the most part, the cumulative effects (between elections) in parliamentary/PR and presidential/FPTP systems show the significance of the formal institutions in shaping the dynamics of popular support. For instance, while popular support has diminished in Nigeria and Tanzania, with one-party dominant presidential states, popular support in Lesotho was up by 10 percentage points in 2005, largely because of the introduction of a more proportional electoral system between 1999 and 2002.[106]

It can thus be argued that people's level of support for the party in power does serve as a measurement of democratic legitimation, at least insofar as elections are free and fair.

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[105] See 'Brief History of PDP' <http://www.peoplesdemocraticparty.net> Accessed 15 June 2011
[106]This point is well made by Wonbin Cho and Michael Bratton, 'Electoral Institutions, Partisan Status, and Political Support in Lesotho; *Electoral Studies* 25 (2006), pp.731-50.

People's support for party regimes irrespective of the commitment to particular parties forms part of the basis of democratic legitimacy. As further shown in the *Afrobarometer* data and analysis below, people's support for democratic institutions is largely tied to their satisfaction with the level of democratic growth. This kind of support thus remains a yardstick to gauge the level of legitimation.

8.5 Support-Satisfaction Gap and the Trust Factor

As relatively new democracies, both South Africa and Nigeria are highly susceptible to poor institutional development that may lead to weaknesses in the development of political and economic principles that might satisfy the people and sustain their trust. While singular attitudinal dimension such as trust institutions might not fully explain consolidation of democracy, trust in democratic institutions has been to be correlated with democracy's capacity to generate inclusion (Lagos 2008:59).

As a matter of general principle, democracies are likely to gain broad public acceptance and respect if their institutions deliver effective and efficient services. This is not usually the case in emerging democratic regimes across Africa, which tends to confirm Huntington's argument that the effectiveness and legitimacy of democratic institutions feed into each other: in the absence of one the other is not possible (Huntington 1991:258; Keefer 2005)[107].

In their *Afrobarometer* survey study on *Support for Democracy* and *Satisfaction with Democracy* in Africa, Michael Bratton & Robert Mattes (2000:6) found out that since democracy has many meanings, it was useful to ask whether people support democracy in concrete terms, by eliciting opinions about legal regime with distinctive attributes, such as a 'system of governing with free elections and many parties.' Such an attempt to investigate the attitudes of African citizens towards democracy sees through whether democracy is valued *intrinsically* (as an end in itself) or *instrumentally* (as a means to improving material living standards).

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[107] Our argument here benefits from personal discussion with Thabani Mkhize, a South African Policy Analyst, at the Democracy & Diversity Institute in Cape Town, in January, 2009.

Bratton and Matters found as much popular support for democracy in Africa as in other parts of the world but less satisfaction with the performance of elected officials. They argued that, after their research in Ghana, Zambia and South Africa, it was clear that 'in deciding whether to support democracy, African citizens seem to weigh the availability of political goods [liberty, right to choose leaders etc] more heavily than the contents of the economic basket' (2000:17).

However, more research is needed to explain and understand support for and satisfaction with democracy in dominant party systems. While popular support remains unstable for democratic regimes globally, including for regimes that are dominated by single parties, most democratic systems in Africa enjoy fluctuating popular support as result of three factors: legitimacy, public perceptions, and the performance of the ruling government.

Unlike in South Africa where support for democracy is nearly matched with satisfaction with democracy (except in 2002 and 2008), the Nigerian case exhibits a wider gap between support and satisfaction with democracy. Moreover, the level of support for the ruling and dominant party in Nigeria is not always in congruence with the party's electoral strength. The electoral appeal of the party is usually enmeshed in illegitimacy. The level of support expressed by Nigerians for democracy over a decade shows a total rejection for military rule, one-party rule, and one-man rule (see the graphs below).

Figure 8.5A: Levels of Support for Democracy in South Africa
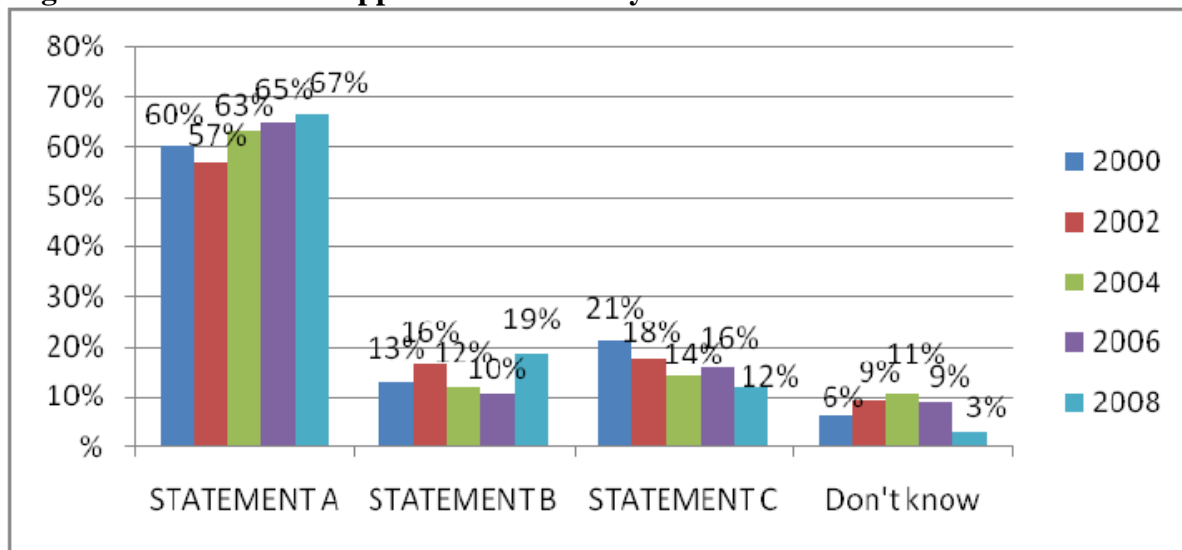
Source: Afrobarometer 2009b, p.3

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Statement A: Democracy is preferable to any other kind of government
Statement B: In some circumstances, a non-democratic government can be preferable
Statement C: For someone like me, it doesn't matter what kind of government we have

Figure 8.5B: Levels of Satisfaction with Democracy in South Africa
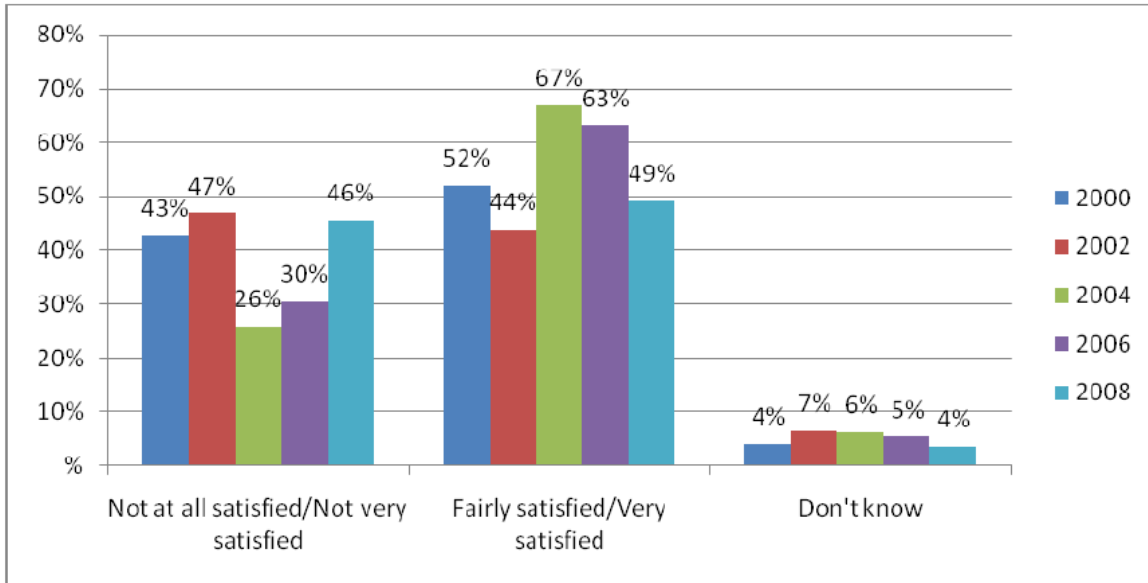
Source: Afrobarometer 2009b, p.9

Figure 8.5C: Levels of Support for Democracy in Nigeria based on three variables
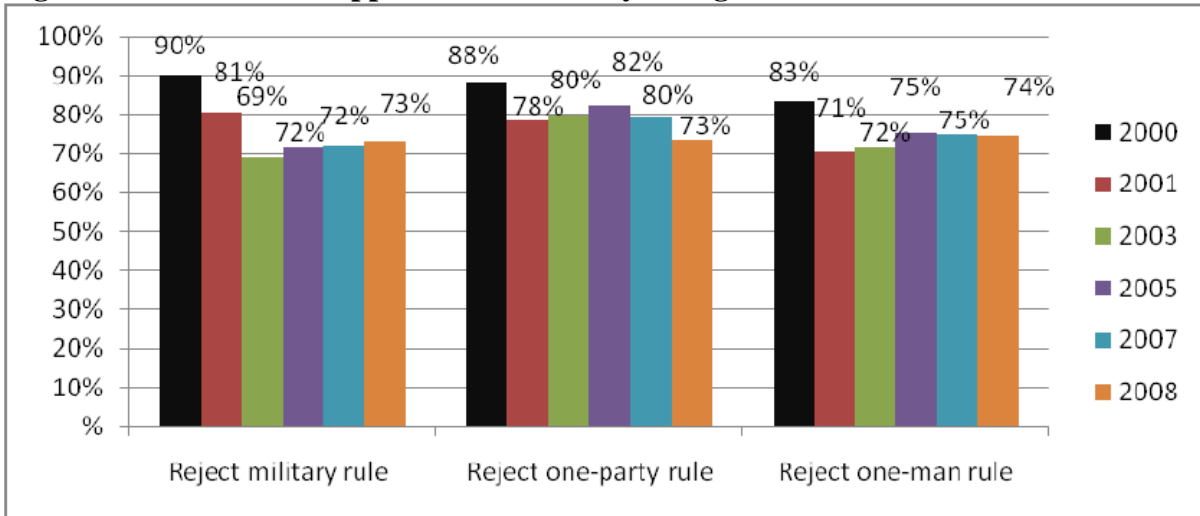
(Percent who disapprove/strongly disapprove of military rule, one-party rule and one-man rule)

Source: Afrobarometer 2009a, p.3

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Figure 8.5D: Levels of Satisfaction with Democracy in Nigeria
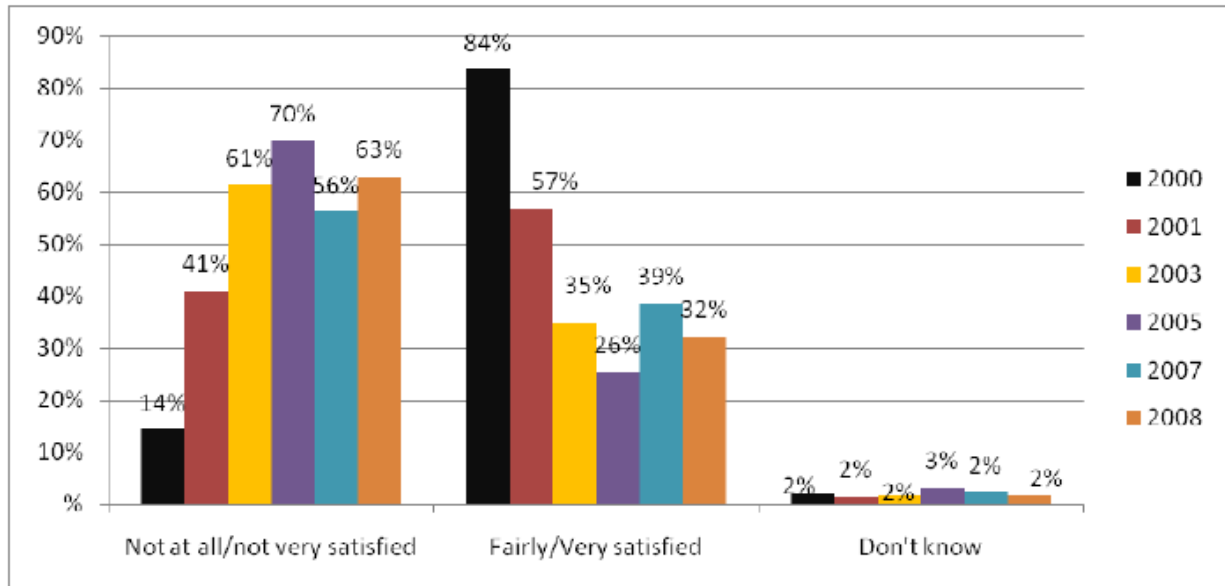
However, the level of Nigerians' satisfaction with democracy has remained low both during and in between subsequent elections. From a highly optimistic level of 84% of satisfaction level in after the first post-military election in 2000, level of satisfaction with democratic practice has fallen abysmally low particularly after the controversial elections of 2003 and 2007 (ranging from the new lowest (26%) to new highest level of 39% of satisfaction). It can be argued that subsequent satisfaction level with democracy in Nigeria has to do with both the presidential nature of the one-party dominant regimes in power, leading to lower levels of electoral legitimacy.

The difference between the level of satisfaction with democracy in Nigeria and South Africa becomes more obvious when the dynamics of perception and performance as well as levels of trusts in key institutions and leaders are examined. While the continuity of politics of ethnicity, region and religion have remained largely similar both in presidential and parliamentary systems in both countries, trust in institutions have remained different.

Trust in Presidents

As a cluster of roles, the presidency confers on the president the functions of a chief executive, chief legislator, commander-in-chief, chief diplomat, manager of prosperity and party chieftain (Hagopian 1984:63). These roles jointly contribute to the people's

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expectations of the occupiers of the office of the president. As cross-national data and survey show, trust in the incumbent presidents is a key pointer to the level of legitimacy enjoyed by the government. More often than not, citizens rate their government with the performance of the presidents.

Yet, citizens tend to rate the presidents high when they perceive a sense of fight against graft and a more sense of accountability on the part of the executive. For instance, 64 percent of South Africans approved of President Jacob Zuma's performance in an Afrobarometer survey that was conducted in 2011, the very year Zuma sacked the public works minister Gwen Mahlangu-Nkabinde, and suspended national police commissioner Bheki Cele and as well as announced a commission to probe the arms deal (*The Mercury* 23 March 2012).

Meanwhile, when compared with the approval rating of President Mbeki in 2006, President Zuma's rating was not the highest for a sitting South African President. In the first two months of 2006, nearly eight out of ten South Africans approve of President Mbeki's performance (77 percent. This, of course, is not statistically distinguishable from the approval that South Africans gave to President Mandela at the twilight of his first and only term in 1998 (79 percent). This is because, while 42 percent 'strongly approved' and 37 percent 'approved' of Mandela presidency, 28 percent 'strongly approve' and 49 percent 'approve' of President Mbeki.

The case has been different in Nigeria. In the same 2006, when President Mbeki received 77 percent support from the people surveyed, President Obasanjo got 32 percent approval which was only followed by President Robert Mugabe's 27 percent approval, making the duo the least popular leaders in the 18 countries surveyed for that year (*Afrobarometer* 2006a:1). The Mandela rating might have been improved not only by the path-dependent 'father-of-the-nation personality, but also as a result of both the popularity of the dominant ANC as well as the perception that Mandela was not going to seek a second term in office.

The approval for Mbeki was an interesting one, since unlike Zuma, whose popularity rose as a result of announced anti-corruption stance, the ANC was already facing an internal

crisis, both from the increasingly critical alliance partners as well as the leadership conflict between Mbeki and Zuma. For President Obasanjo, performance raised approval in August 2001, when 72 percent approved of his performance. But this fell to 32 percent in 2006 as result of two important and related issues of tenure elongation attempt by the President and his party as well as the problem of leadership succession between the incumbent President Obasanjo and his vice President Atiku Abubakar.

8.6 Perception and Performance

Contemporary democratic trials in one-party dominant systems call attention to the 'nexus of performance, legitimacy and democratic consolidation' (Lewis 2003:132). At the same time, perception of performance is a function of political and economic dynamics of representation and accountability. At the level of perception, which of course is largely an attitudinal factor, Nigerians and South Africans see their elected officials in a negative light; mostly as self-centred individuals.

While parliamentarians in Nigeria and South Africa like their counterparts in other nations, are generally seen in a negative manner , the processes and procedures of parliamentary politics as well as the social rootedness and general acceptability of the ANC in the former differentiates the country from the less rooted and less ideologically grounded PDP and the Parliament dominated by it. In the particular case of Nigeria, the constant replacement of Speakers and Senate presidents of the House of Representatives and the Senate, especially between 1999 and 2009 indicated the level of public corruption and failure of governance in the National Assembly.

For example, the first woman Speaker of the Nigerian House of Representatives, Patricia Olubunmi Etteh was forced to resign upon the allegation that she and the leadership of the House had expended 628 million naira (about US$5 million) to renovate official residence quarters in the federal capital territory after less than six months in office (*International Herald Tribune* 30 Oct. 2007). Similarly, in South Africa, members of parliament illegally used parliamentary vouchers worth R18 million for personal use. Several Nigerian parliamentarians, like many of their counterparts in South African legislature, have been found to be interested in seeking handsome rewards for their civic duties. The lawmakers

often negotiate for favourable committees and contracts, princely salaries and allowances and legislative interventions that can be used to their own private advantage (Akhaine 2008:78, Sagay 2010:8).

Fears have also been expressed that political parties are being used as mere platforms for 'trapping power' and not to seek genuine representation of the people. A member of the Nigeria's House of Representatives has lamented the intervening impacts of ethnic, religious, and political pressures in the discharge of legislative functions. This confirms the view that the context of social relations where ethnic and religious differences pervade the socio-political landscape can undermine party affiliations and distort the notion of national interest and place the national legislator in many dilemmas (*CISLAC 2007:7*, Asobie 2007:71*)*.

Divergence in the levels of perception rating of political office holders can be further traced by the inherent incentives of the parliamentary system in South Africa to enhance more public involvement than in the Nigeria presidential system where citizens are less involved. In this situation majority of the people treat the parliament with less regard in relation to the presidency.[108] The 1996 Constitution of South Africa specifically stipulates that the rules of the houses of the Parliament must accord adequate respect to representative and participatory democracy and public involvement (See Sections 57(1) b and 70 (1) b).

Compounding perceptions of poor performance and the subsequently lower level of support for the operators of democratic institutions is the often extravagant expenses claimed by the presidents and parliamentarians. African people are in general appalled by the excessive expenses made by their lawmakers and ministers and how the state resources are used to provide and maintain luxury lifestyles for those in power.

While this trend is not limited one-party dominant regimes and African regimes alone, the impacts for legitimation are more felt in countries with lower economic development. For instance, in Kenya, the lawmakers faced a stiff opposition by the civil society and the

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[108] Also see the judgment of the Supreme Court of Appeal in *King and Others v Attorneys Fidelity Fund Board of Control and Another* 2006 (4) BCLR 462 (SCA) [Otherwise known as the 'King Case'].

people when they attempted to 'arbitrarily' increase their monthly pay (*Daily Nation*, Nairobi 4 July 2010).

Similarly, in Ghana, lawmakers attempted to double their salaries as a means to 'curb corruption'. According to Ghanaian members of a uni-cameral parliament, what they earned was small in the face of the pressure they faced in their constituencies. They further justified their proposal for a 169% increase ($54, 000 annually) by citing the example of their neighbouring Nigeria, where senators earn $198,000 in salary and allowances per annum. But their argument neglected the fact that one of the reasons electoral volatility and corruption was high in Nigeria was the over-compensation for political offices.

When office seekers see the institutions of democratic politics as a way of getting rich quick, especially in a candidate-centred system such as Nigeria, political corruption could be a cause as well as a consequence of too much of office spoils. By the Transparency International 2010 corruption index, Ghana has a less corrupt system being the 62nd least corrupt nation in the world as against Nigeria which ranks 134th in the list 178 countries.

Compared to the parliamentary salaries of more developed economies like the USA and UK, Nigerian legislators are better paid.[109] Similarly, compared with their British colleagues, South African MPs are better remunerated. The negative perception of politicians is more likely to be negative and reduce the basis for legitimation in countries with presidential systems with single dominant parties. This is because, more often than not, citizens tend to equate the regime with the party and with the state.

In the main, people's support for elected governments in Nigeria and South Africa differ because of the electoral powers exercised by them. Still, because the people can always withdraw their trust and support from an elected government, people's support serves as a tonic for a legitimate government. Not only can the nature and dynamics of people's assessment of the political office holders and institutions they occupy from time to time be

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[109] See for instance Sagay (2010:25). This is unlike in the Parliamentary System of the First Republic (1960-66) when parliamentarians earned only attendance-based allowance s and were equally seen as the 'true representatives' of the people (*Nigerian Tribune* 12 Nov. 2007). Also see *The Punch* 08 Dec. 2009, p.42

a yardstick for determining electoral pattern, it also can be a determinant of how representative a government is (Reynolds 1999: 148).

8.6 Conclusion

This chapter has traced the comparative impacts of one-party dominance and institutional designs on legitimacy. Specifically, it evaluates and compares the structural factors that affect legitimation in terms of the nature and character of electoral, partisan and popular support against the background of co-ordination strategies of electoral coalitions, party switching as well as the manipulation of electoral vote-counting procedures embarked on by dominant power regimes and parties.

In addition, it explains how the connection between support for political institutions and satisfaction with democratic regimes contributes to the higher level of legitimation in South Africa as compared to a lower level of legitimation in Nigeria. The comparisons here support at least three of the earlier studies by Afrobarometer that plotted links between the quality of elections, satisfaction with democracy and institutional trust.[110]

As shown above, the main and direct effects of presidentialism/parliamentarism do affect the dynamics of legitimation in Nigeria and South Africa, but many other important consequences follow from the interaction between one-party-dominance and this institutional difference between the two countries. Legitimation is higher in South Africa than in Nigeria as a result of cleaner elections (resulting in more legitimate electoral support), the social rootedness of the parties (particularly the dominant party) as well as higher popular support for the regime.

However, the other side the coin of legitimation is the divergent manner in which dominant party regimes 'delegitimise' opposition or minority parties. Whereas the ANC enjoys 'organic' support from the majority of South Africans, the PDP enjoys 'make-believe' or 'artificial' support. On the other hand, while the South African big party uses what one can call 'rhetoric of delegitimation' of the opposition, the Nigerian 'umbrella party' uses a kind

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[110] See Alemika (2007), Cheeseman and Ford (2007), and Mattes (2007) in particular

of 'electoralist' (and almost authoritarian) strategy to seek votes and delegitimise the opposition.

From the foregoing, democracy can be said to be legitimized when 1) people are able to freely elect their representatives, and the results of their votes correspond with their electoral preferences; 2) people support and trust their leaders as well as the institutions of democratic politics. In other words, countries can be said to have democratic legitimation when citizens are committed to the democratic project (Mattes and Thiel 1998).[111] The implication of this is that legitimation technically rests on 'democratic culture', and not mere constitutional rules, although the latter shape the former and vice versa.

For a democratic regime to be legitimized there must be a 'public reasoning' that democracy is the 'only game in town' by which the elites and the mass of the people will act according to stated democratic norms. When elections are flawed and or the people no longer support their political institutions, there will be a dearth of legitimation which in turn may lead to democratic reversal or ceaseless political instability. Unlike in South Africa where elections have become systemic and routine, Nigeria still struggles with the challenges of electoral integrity.

It can be argued that, while both the PDP and the ANC have maintained dominant majorities since the 1990s, the ANC has enjoyed what one may term a 'default' or an 'organic' support whereas the PDP has claimed what one may call an 'artificial' or a 'make-believe' support so far. The support many South Africans give to the ANC government is organic in two ways. One, unlike the PDP whose support is less socially popular, the ANC is more socially rooted in almost all aspects of the South African system: history, culture, politics, religion, economy and labour.

As pointed out in chapter five, the tripartite alliance between the ANC, COSATU and SACP best explains the social rootedness of the ANC as a dominant party. The alliance has remained useful particularly during elections as COSATU has always mobilised communities to vote for the ANC. Despite the fact that the alliance suffers occasional

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[111] This particular idea became clearer to the author after a personal communication with Prof Jimi Adesina of Rhodes University in South Africa.

mistrust as COSATU in particular alleges breaches of agreement and suppression of dissenting voices by the ANC leadership, it has helped the ANC to be rooted in communities and maintain community branches throughout the country.

Two, the ANC's electoral victories have always been legitimised by free and fair elections in South Africa. This is contrary to what happens in Nigeria where the PDP has always faced a legitimacy crisis as a result of 'muddled elections' (Suberu 2007:1). It can thus be argued that the ANC is a close example of what Ruth Schachter (1961:295) described as 'mass parties' or 'parties of social integration' as against the opposite kind of 'patron parties' which are largely driven by elites and elite interests. While the PDP might enjoy the 'diffuse support' of the masses, as partly indicated in the 2011 election, the party is still a wide apart from the ANC in terms of popular support. Meanwhile this categorisation remains debatable especially bearing in mind a series of elite-driven and pro-business policies adopted by the party under the so-called 'neo-liberal' and 'elitist' administration of President Mbeki.[112]

Similarly, both the similarities and differences in the legitimation dimension between both case studies are due in part to the dominant nature of the party systems and in part to the institutional incentives embodied in the two constitutions. Factors that reduce democratic legitimation such as corruption, violence, and ballot rigging are more likely in a candidate-centred (FPTP) electoral system such as Nigeria because individuals have incentives and are harder to control – if anyone wants to.

On the other hand, in a PR list system, ways of perverting democratic choice would need to be coordinated – which essentially means that attempts to break or stretch electoral laws are unable to pervert the system even if the party wanted to use such methods. Under FPTP even if a party wants a clean election, it can have difficulty controlling its candidates who might want to cheat. Unlike in Nigeria where key members and supporters of the dominant and other parties engage in mass mobilization and manipulation of electoral rules (Bratton 2008), the South African dominant and other parties use mass mobilization and

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[112] See for instance, Ibrahim Steyn 'The Paradox of Democracy inside the ANC' *Mail & Guardian* 7 Nov. 2008

policy-based campaigns to attract electoral support, which in turn increase the levels of political and state legitimacy.

Chapter Nine: Leadership Transition

9.1 Overview

This chapter investigates the differences between the nature and character of leadership change in one-party dominant systems under presidential and parliamentary systems. It finds a strong relationship between cumulative and interactive effects of party and constitutional systems and the dynamics of presidential politics. These effects become more obvious in terms of the historical progression and institutional dynamics of leadership succession in Nigeria and South Africa.

The politics of leadership succession tends to be less problematic in parliamentary systems with a dominant party as compared to a presidential system with a similar party structure. While the dynamics of delegated powers and politics of presidential succession have led to cases of divided executives in both cases, the strategies for entry and exit into power by the national chief executives in both countries have yielded almost different implications for democratic consolidation.

Table 9.1: Presidents and their Deputies since Re-Democratisation of the 1990s

Presidents in Nigeria, 1999-	Vice Presidents in Nigeria, 1999-
Olusegun Obasanjo (PDP) 1999-2007 Umar Yar'Adua (PDP) 2007-2010 Goodluck Jonathan (PDP) 2010-	Atiku Abubakar (PDP): 1999-2007 Goodluck Jonathan (PDP): 2007-2010 Namadi Sambo (PDP): 2010-
Presidents in South Africa, 1994-	Deputy Presidents in South Africa, 1994-
Nelson Mandela (ANC): 1994-1999 Thabo Mbeki (ANC): 1999-2008 Kgalema Motlanthe (ANC): 2008-2009 Jacob Zuma (ANC): 2009-	W. de Klerk (NP) and T. Mbeki : 1994-96 Thabo Mbeki (ANC): 1996–1999 Jacob Zuma (ANC): 1999–2005 Phumzile Mlambo-Ngcuka (ANC): 2005-2008 Baleka Mbete (ANC): 2008–2009 Kgalema Motlanthe (ANC): 2009–

Compiled by the Author

9.2 Politics of Succession and Power-Sharing

In Nigeria, due to an unwritten pact between the leaders of the ruling PDP (generally called 'zoning'; expatiated below), parties and people often expect the deputies of the incumbents to succeed the sitting presidents. So, it was expected that Vice President Abubakar would succeed President Obasanjo. In South Africa, there is no 'zoning' of the presidential office; yet, it is generally expected that deputy presidents would succeed the incumbent presidents. South Africans thus envisaged that Deputy President Zuma would succeed President Mbeki just as Mbeki succeeded President Mandela. Paradoxically, in South Africa, Zuma became President despite the fact that Mbeki did not want it and Abubakar failed to succeed Obasanjo largely because the latter did not want it happen. In both countries, politics of succession and power sharing have been shaped by the partisan, electoral and institutional factors.

Unlike in Nigeria where President Obasanjo was able to determine his successor through manipulation of party primaries in favour of Umar Yar'Adua, President Mandela was unable to do so, even when it was 'an open secret' that Mandela would have preferred Cyril Ramaphosa to Thabo Mbeki (*The Economist* 12 December 2002). In Nigeria, presidential politics carries bigger influence in terms of politics of succession than in South Africa where the incumbent is at the mercy of the party hierarchy. The failure of Mandela to choose his successor was replicated in the failure of Mbeki to do the same.

Whereas President Mbeki's style of leadership bore a resemblance to that of President Obasanjo of Nigeria, his intervention in the political direction of the ANC was understandable given the roles he was institutionally expected to play as the president of the party doubling as the president of the country. Since the 1980's, the ANC has devolved power and decision making to local branches and provinces which has in a way enriched policy debates and the election strategies of the ANC leadership.

Equally, unlike the PDP, the ANC has presented itself as an organ that is committed to democracy but specific cases of personal ambitions of leaders and subsequent personality clashes have affected the direction of the party on a number of occasions. For instance, when Deputy President Zuma (as he then was) faced charges of corruption and rape

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accusation, and was asked to resign by President Mbeki, several of Zuma's supporters alleged political victimization.

Nevertheless, the interactions between the dominant party system and institutional design have similar effects on the representation and accountability potential of such regimes. Even in the parliamentary system of South Africa, where leadership transition has been less rancorous and party-centred the Mbeki-Zuma crisis of loyalty and personality clashes led to unfavourable conditions for the presidency, parliament and ruling party such as divided executive and party fragmentation. In both countries, the presidency got divided along president/deputy camps, leading to divided executives; the parliaments were polarized and the ruling party got factionalised. All of these, stemmed from the politics of succession during the periods in which Presidents Mbeki and Obasanjo were serving out their second and final terms.

As in Nigeria, where a hostile president-vice president relationship became even sourer with the President Obasanjo accusing vice President Abubakar of corruption, President Mbeki too accused Deputy President Zuma of corrupt enrichment. While Zuma resigned, Abubakar stayed put only to contest the next election on the platform of a newly formed opposition party.

In South Africa, the Mbeki-Zuma conflict led to party crisis and subtle fragmentation when Zuma ran against his former boss and won in the party convention of December 2007. The 'classic populist revolt' against incumbent leadership thus exposed the limits of executive power: 'the party leadership and national presidency retain power only as long as they are expected to remain in office; as soon as their departure seems imminent they lose power to their prospective successors and become 'lame ducks''(Seekings 2009:149).

Since, as mentioned earlier, the presidency of the ANC translates to the presidency of the country, Jacob Zuma, upon beating Thabo Mbeki, was thus sure of becoming President in 2009. If Mbeki won the party presidency, Zuma's chances of becoming national President would be slim or might not be realized. Steven Friedman of the Institute for Democracy in South Africa said 'Mbeki made a cosmic strategic mistake by believing only he could beat

Zuma. It turned out that only he couldn't beat Zuma' (*Herald Sun*: Melbourne19 December, 2007).

Just like the Obasanjo-Abubakar succession politics that led to the formation of the Action Congress (AC), the in-fighting in the ruling ANC eventually led to the formation of a breakaway party called the Congress of the People, COPE, formed by the aggrieved pro-Mbeki members. The strength of the dominant party however became more apparent in South Africa where the dominant party put the judiciary under political pressure with the leaders of the ANC questioning judicial pronouncements thereby resulting into a constitutional crisis where some judges were being accused of bias in favour of Zuma.

Nonetheless, one fundamental path-dependent issue becomes crucial. As a liberation movement-turned party, the ANC has had far-reaching influence than the put-together PDP, in the sense that the ANC has been able to wave internal dissidents as well as external pressures that might have negative effects for its preferred tradition of presidential succession. As with most dominant single parties, the ANC has been able to wave off internal opposition and criticisms, including the radical views from its Youth League under the presidency of Julius Malema.

For instance, the Youth League under Malema was critical of the apparent disinterest of the Zuma government in the nationalization of mines and redistribution of land (*Mail & Guardian* 18 June 2011). Sensing that the controversial position being held by Malema might pose a threat to popularity of the party and the presidency, the ANC suspended Malema for anti-party activities (*Mail & Guardian* 10 Nov. 2011). This same approach has been used by the PDP, even though to a lesser extent, since the party faces internal crisis which more often than not are due to the regional struggles for the presidency.

Meanwhile, issues of political loyalty and trust between the incumbent presidents and their deputies (which was at some point lacking between Obasanjo and Abubakar), and crisis of trust (as happened between Mbeki and Zuma) remains critical to succession plans and politics. These trends remain similar irrespective of the institutional design in practice. But

the resolution strategies differ largely as a result of the interactive effects of both the party system and the institutional structures.

Nonetheless, there seems to be a discontinuity in this aspect of succession politics. For instance, both the Jonathan-Sambo and Zuma-Motlanthe presidencies have been rancour-free. Despite encouragement by some members of the ANC for Deputy President Kgalema Motlanthe to oust and succeed President Zuma (who they saw as doing little to push their left-leaning agenda, Motlanthe has refuted the succession bid (*Mail & Guardian* 05 July 2011). It is not however certain that succession politics would not follow earlier paths as future elections draw near for both countries.

Furthermore, party strategies for succession plans make a difference. Unlike the ANC, which is not known to have an expressly stated rotation of power entrenched in its constitution or any known memorandum, the PDP as the dominant party has shared the six most important political positions in the federation among the six geo-political zones (three each in the north and south) based what has come to be known as 'zoning'.

The zoning arrangement of the PDP remained the same from 1999-2007 basically because President Obasanjo spent two terms in office: President of the Federal Republic (southwest or Yoruba zone), Vice-President (Hausa/Fulani/minority or northeast zone), Senate President (southeast or Igbo zone), Deputy Senate President (north-central or middle-belt minority zone), Speaker of the House of Representatives(northwest or Hausa-Fulani zone) and Deputy Speaker of the House of Representatives (south-south, Niger Delta, or southern minority zone).

This flexible and informal power sharing was adjusted after the two terms of presidency served by the President from Southwest/Yoruba axis. So, from 2007 to 2010, when President Umar Yar'Adua died in office, the power arrangement was thus: President of the Federal Republic (Hausa/Fulani or northwest zone), Vice President (South-south/Niger Delta zone), Senate President (north-central or middle-belt minority zone), Deputy Senate President (southeast or Igbo zone), Speaker of the House of Representatives (southwest or

Yoruba zone), Deputy Speaker of the House of Representatives (Hausa/Fulani/minority or northeast zone; see Table 4).

Table 9.2: How the PDP shared key national offices amongst Geo-Political Zones, 1999-2011

	1999-2003	2003-2007	2007-2011	2011-2015
North-West	Speaker	Speaker	**President**	Vice President
North- East	Vice President	Vice President	Vice President, SGF	Deputy Speaker
North -Central	Deputy Senate President, HOS	Deputy Senate President	Senate President	Senate President
South- West	**President**	**President**	Speaker	Speaker[113]
South- East	Senate President	Senate President	Deputy Senate President, HOS	SGF
South –South	Deputy Speaker, SGF	Deputy Speaker	Vice President	**President**

Compiled by the Author (NB: HOS: Head of the Civil Service of the Federation, SGF: Secretary to the Government of Federation). During the completion of late President Yar'Adua's term, President Jonathan appointed a new HOS from the South West.

As it were, zoning as a political formula is not only praised by actors; it has also been given popular and scholarly attention.[114] Exploring the federalist logic, the PDP has explored intra-party elite pacts toward party unity and national cohesion which have in turn devised party-based ethno-political solutions that reflect broad regional, cultural and ethno-political cleavages in the federation.

The zoning policy is based on the provision of the constitution of the ruling party. Section 7 (2) of the PDP's constitution states, 'In pursuant of the principles of equity, justice and

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[113] For the first time since 1999, majority of the House of Representatives, including PDP and opposition members disowned the PDP 'zoning system' by rejecting the party's favoured candidate from the South West for speakership, Mulikat Adeola-Akande, and voted instead a North West Representative, Aminu Tambuwal.
[114] See for instance Suberu (2004). However, the zoning system adopted by the ruling party is different from the constitutionally recommended quota system otherwise known as the 'federal character principle' which ensures equal sharing of political posts and economic opportunities amongst the federating units.

fairness, the party shall adhere to the policy of rotation and zoning of party and public elective offices and it shall be enforced by the appropriate executive committee at all levels.' According to the National Working Committee of the PDP, 'zoning is a well thought-out philosophy for national stability and integration and the only guarantee that every segment of Nigeria enjoys a sense of belonging by being represented in all the decision making organs of the government of Nigeria' (*The Punch* 8 June 2011).

The problematic side of zoning came to bear following the sudden death of President Yar'Adua in 2010. Some founding members of the PDP of the northern extraction, known as the Northern Political Leaders Forum, NPLF, insisted that presidential power must remain in the North as they persuaded President Jonathan, a southerner, not to seek the party's ticket. President Jonathan insisted he was not prevented by the party and national constitutions to contest the 2011 election.

Eventually, **w**hat was to be known as the 'consensus arrangement' was used as an elite pact between four leading candidates in PDP from North: f**o**rmer military President, Ibrahim Badamosi Babangida, former Vice-President Atiku Abubakar, former National Security Adviser, General Aliyu Mohammed Gusau (Rtd) and outgoing Governor Bukola Saraki of Kwara state present Abubakar who contested the presidential party primaries with the incumbent President Jonathan.

As it turned out, President Jonathan won the presidential ticket in a contest that played out subdued primordial sentiments in the pattern of voting. The President got a total number of 2,736 votes, while Atiku Abubakar got 805 and Sarah Jubril (a deviant pro-zoning but an 'anti-consensus' aspirant) got 1 vote respectively. While President Jonathan cleared close to 97% of delegates' votes from southern part of the country, he could not replicate overwhelming majority in some of the states in the northern part of the country (*Vanguard* 14 Jan. 201, p.1).

The trend of leadership transition and succession has thus played a crucial role in terms of the dynamics of politics of loyalty, trust and power. In both countries, leadership succession has been sometimes smooth, and sometimes crisis-ridden. Thus, one of the

significant factors in executive leadership succession is the nature of the relationship between the chief executive and his deputy. At the same time, incumbent-deputy relationship may get well or strained depending on the nature of dynamics of cohesion of the executive and the delegation strategy adopted by the presidents. In all cases, the dominant party system bears cumulative effects for presidential succession, which in turn are affected by the effects of the institutional structures.

9.3 Delegated Powers and Divided Executives

For the most part, politics of leadership transition and succession has been shaped by the dynamics of executive powers and the constitutional designs as well as the party structures. The seamless transition of presidential leadership in South Africa contradicts the rather controversial transition and succession politics in Nigeria. It may be argued that the politics of delegated powers on the one hand and the cases of divided executives are largely responsible for the problematic consequences of leadership succession in both countries.

Whereas these are not necessarily unique to one-party dominant regimes, the implications for democratic stability are more significant in cases where single parties dominate. There are far more incentives for national chief executives to consolidate power in one-party dominant party regimes since the ruling party faces less or no threat to winning consecutive elections. This essentially means that power consolidation at the national level means power perpetuation and may enhance the capacity of the incumbent to get another shot and or determine his successor.

The extent to which the national chief executive might delegate powers to his or her deputy is, more often than not, a matter of the constitution. At the same time, the dynamics of delegated powers may have implications for the politics of leadership transition. As pointed out in chapter nine, presidents tend to use discretion to delegate powers based on incentives that accrue from the wide-range of constitutional and party powers.

Despite different designs, the Nigerian and South African presidents do delegate powers to ministers in ways not expressly envisaged by the constitutions. It is found that the basic

difference between the two systems is the level of party powers and affiliation of the influential ministers. For instance, unlike Minister Trevor Manuel, an ANC leader and NEC member, who enjoyed delegated powers and privileges during Mbeki's presidency, the Nigerian Minister of Finance and Co-coordinating Minister of the Economy, Ngozi Okonjo-Iweala was not publicly known to be a member of the PDP let alone a member of the party's NEC.

While the use of executive discretion to give extra powers to selected cabinet members has less to do with the dominant nature of the party system, the use of presidential powers in the appointment of such key cabinet members is, in the first instance, influenced by the presidential role in party leadership. For example, President Obasanjo in the first term of office wielded less party power and thus had several of the key cabinet appointments decided for him by the party leaders. However, as the President got a firmer hold of the executive powers, it was possible for him to get hold of the party machinery and the principal determiner of the cabinet nominations in the second term.

In contrast, parliamentarism in South Africa under President Mbeki suggested that the key members of the cabinet were also the key leaders of the party hierarchy. This difference means that President Mbeki, for instance, could rarely afford to appoint cabinet ministers that were not honoured by the ANC. This is despite the fact that the South African President, since Mandela era, has been the head of executive and head of state as well as the 'chief directing officer' of the ANC.

In both countries, divided executives have largely resulted from disagreements between incumbent presidents and their deputies especially on matters that have had to do with leadership succession. Both in Nigeria and South Africa, leadership succession outcomes have been varied despite the fact that both countries have been ruled by dominant parties.

While there have been strained relationships in both countries, the institutional designs have interacted in dissimilar ways to bring different outcomes. Under the presidency of Obasanjo, unfriendly relations began to manifest at least a year before the expiration of the second term of the president and his deputy. President Obasanjo frustrated the efforts of

his vice, Atiku Abubakar, to succeed him, forcing the latter to join an opposition party known as the Action Congress (AC), which made him its presidential candidate on 20 December 2006.

A constitutional crisis developed as the President Obasanjo declared the seat of the Vice President vacant citing the defection by his vice to an opposition party. The President based his request on sections 142 (1) and 146 (3) of the 1999 Constitution by which empowered the president to nominate the candidate for the post of vice president. While this section stipulates that both the president and his vice must come from the same party, it was out of the power of the president to sack his deputy because such power resides with the National Assembly and the Court of Appeal.

This 'usurpation of power' (Nwabueze 2007:84) was similar in almost absolute sense what happened between President Bingu wa Mutharika and Vice President Joyce Banda of Malawi. Like President Obasanjo, President Mutharika attempted to sack Vice President Banda , following which Ms Banda formed the People's Party, after she had been expelled from the ruling Democratic People's Party in 2010.

While Vice President Banda finally succeeded President Mutharika as a result of the death of the latter in the office in Malawi, the Nigerian Vice President Abubakar was forced to leave the ruling PDP. The main reason one may adduce to this divergence was the emergence of a counter-party PP which already made the Malawian cabinet and parliament divided and less dominated by the DPP, unlike in the case of Nigeria where the PDP remained the dominant and ruling party and the President remained alive and was most politically powerful.

Constitutionally, the process by which the vice president can be removed from office or his office declared vacant is similar to the process by which the President himself can be removed from the office. The impeachment process is a rigorous one and can only be carried out only if the defection of the vice president Abubakar had been found to be a 'gross misconduct' by the National Assembly.

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According to section 143 of the 1999 constitution, the vice president can be impeached after the presentation of a written notice of allegations of gross misconduct to the President of the Senate on the floor of the Senate by not less than a one-third of the members of the National Assembly. Similarly, there must be a service of the notice on the holder of the office and on each member of the Assembly after which not less than two-thirds majority of **all** the members of each House would investigate the allegation of gross misconduct.

In addition to the above, there would be a request by the Senate President to the Chief Justice of Nigeria to appoint a panel of seven persons of unquestionable integrity to investigate the allegations, following which the incumbent would give a legal representation before the panel. The section further stipulates a mandatory termination of the impeachment if the panel reports to each of the House that the allegation has not been proved while a motion adopting a report by the panel finding the incumbent guilty must be passed by not less than two-thirds majority of **all** the members of each House.

These seemingly tedious processes were not followed because in the attempt by President Obasanjo to have vice president Abubakar removed from the office since there was no official allegation tendered before the legislature. Although vice President Abubakar retained his seat till election date and contested against the candidate of the ruling PDP in a controversial election, the powers of the president to declare his seat vacant was not in tune with the constitution. The leadership succession crisis however led to a divided executive, whose interactions with the National Assembly later went sour.

Presidential Mortality: The influence of the 'political' on the 'institutional' and vice versa

The rate at which incumbent presidents die in office is now high and the implications of presidential mortality for democratic leadership transitions are becoming weightier than before. For instance, between 2008 and 2012, nine Head of States or Presidents died in Africa including Malam Bacai Sanha (Guinea-Bissau) Bingu wa Mutharika (Malawi), Muammar Gaddafi (Libya), Umaru Musa Yar'Adua (Nigeria), Levy Mwanawasa (Zambia), Lansana Conté (Guinea) Omar Bongo (Gabon), John Atta Mills (Ghana) and Meles Zenawi (Ethiopia).

As Kwabena A-Manager (2012) puts it, considering that there are 54 countries in Africa (including South Sudan), this translates to a presidential mortality rate of approximately 15%. Compared to the infant mortality rate of Afghanistan and Sierra Leone which are 14 and 13.5% respectively (the two topmost infant mortality rates in the world), this means that even a baby born in Afghanistan or Sierra Leone has a higher chance of surviving the first four to five years in life than an average African president has in surviving a couple of terms in office.

For the first time since Nigeria adopted the presidential system of government in 1979, a popularly elected president died in office on 5 May 2010. President Yar'Adua had been ill and incapacitated for some months before he finally passed away. All events that took place when the president was sick and incapacitated revealed some of the anti-democratic aspects of one-party dominant presidential system. There was an obvious impact of the 'political' on the 'institutional'.

The ailing president was not only shielded from the cabinet ministers, including his deputy, his huge powers were also curiously wielded by unelected individuals, including the president's wife. The informal dimension of presidentialism came to shape the polity in a very disturbing and distracting manner. The rigidity and passivity displayed by the ailing president's 'kitchen cabinet' in ensuring a smooth and less-tense presidential succession not only revealed the difference between executive succession in presidential and parliamentary systems but also brought to fore the uniqueness of the nature of political succession in a system where one party controls both the executive and the legislature.

The so-called 'cabal' not only frustrated the transfer of presidential powers to the then Vice President Jonathan, by preventing the Federal Executive Council to invoke Section 144 of the 1999 Constitution but also eventually listed no-go areas for him in the case he emerged an Acting President.[115] Although, Vice President Jonathan later became the Acting President and sacked the executive constituted by President Yar'Adua, the politics of crisis

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[115] The Pro-Yar'Adua cabinet ministers were reported to have insisted in a memo to the Vice President Jonathan 'not to tamper' with certain ministerial portfolios including the ministries of the Petroleum, Finance and Internal Affairs. See *The Nation* 17 Jan. 2010, p.8.

and loyalty during the era of the divided executive bore negative consequences for policy and political administration of the presidency.

In essence, the informal side of presidentialism allowed the ailing President and or the cabinet ministers close to him to bypass the constitution by tacitly directing the then Secretary to the Government of the Federation (SGF) Yayale Ahmed, to exercise executive powers in the absence of the President.[116] Despite the fact the constitution clearly spells out the conditions under which power can be transferred from an incapacitated executive president to his deputy, constitutional provisions were obviously flouted.

The case of Nigeria would be hard to replicate in a parliamentary system like South Africa where leadership succession is largely a prerogative of the parliament. It is worthy of note that while Section 144 of the 1999 Constitution empowered the Federal Executive Council (FEC) to declare the incapacity of the President or his vice-President, if medical investigation proves same, it was cumbersome and almost impractical for ministers appointed by the President to raise negative concerns about the personality of the President.[117]

Of course, the FEC in Nigeria, as the Cabinet in South Africa is the engine room of the presidency, and is more or less a tool in the hands of the President since all executive powers are vested in him or her. The President, who aside his 'electoral mate' i.e. the vice president, appoints all FEC members through whom he exercises the executive powers rarely can be countered by measures that are put in the hands of his hand-picked ministers.

Whereas the President Mandela's perceived illness rather accentuated the powers of the deputy President Mbeki, the Vice President Jonathan was largely edged out of power, and restricted to 'reading the newspaper' (Adeniyi 2011) while the political power game continued with the presidential powers essentially in the firm grips of President Yar'Adua's wife and close allies. The controversy later led to street protests by pro-

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[116]The SGF was quoted to have disclosed the secret transfer of presidential power to him by President Yar'Adua to an American diplomat during the period of succession crisis. An excerpt from the confidential cable released by Wikileaks was published in *Next* (Lagos) 8 March 2011.
[117]See Section 5(1) of the 1999 Constitution (as amended).

democracy and civil society groups which culminated into the eventual resolve by the National Assembly to pass the 'doctrine of necessity' in order to empower Jonathan as the 'Acting president'.

While it can be argued that the parliamentary intervention was timely and inevitable, some saw this as 'face-saving' and a 'strategy of last resort' to save the country from an impending crisis. The initial inability or unwillingness of the Senate to demand from FEC an explanation of the President's health status could be attributed to two major reasons.

One, being dominated by the same party as the president, the Senate was restrained by the leadership of the PDP who sensed that a probe into the President's health condition might lead to calls for replacement and thus upset its political power zoning system. Two, the Senate was slow to act in accordance to Section 145 (mandating the legislature to ask FEC for clarification on president's health status) by acting in self-preservation. A likely upset in the PDP zoning formula may eventually affect the executive as well as the legislative principal positions.

Subsequently, the National Assembly further reacted by amending the Sections 145 and 190 which require a 'written declaration' from the president for power to be transferred to the deputy. This was replaced by a new clause: 'A Vice President or Deputy Governor, will by simple resolutions of the two Houses of National Assembly, or in the case of a State, by a simple resolution of the State House Assembly become Acting President or Acting Governor, as the case may be, if the President or Governor leaves on vacation or for some other reasons and fails to transmit a letter to that effect within three weeks, to the presiding officer of the relevant legislature' (more in Sagay 2010:29-30).

This amendment reveals two main points. One, presidential political power can obscure restrictions to presidential constitutional powers. Two, political exigencies can and do have impact on the constitutional framework. Were it not for the politico-constitutional intervention of the National Assembly, the consequences for the succession politicking would have been grave, and could have possibly led to a military intervention, considering the history of military rule in Nigeria.

However, the passage of the 'doctrine of necessity' by the national parliaments was delayed by the majoritarian influence of the PDP, as the opposition, even if they wanted, could not pass such a move. Paradoxically, however, it was a smooth move for the dominant PDP-dominated Assembly to initiate and pass the motion when it felt it absolutely necessary. Institutional politics is more often than not treated as 'a family affair' by dominant parties which claim hegemonic legitimacy. The opposition members, even if not in support of the motion, would have been unable to stop the decision to empower the vice president of the ruling party.

In the South African case, leadership succession at the presidential level is less problematic. Although, unlike in Nigeria and Malawi, no president has died in office in South Africa, the maximal use to which President Mbeki put his powers as deputy when concerns about President Mandela's health were raised gives a precedent of what is likely to happen if a serving president is incapacitated.

Similarly, the ease with which the then deputy president of the ANC, Kgalema Motlanthe, won parliamentary support to succeed President Mbeki, following the latter's resignation, pointed to the less problematic succession method in a parliamentary system. This is however due in part to the one-party dominance in place. Kgalema Motlanthe of the ANC beat Joe Seremane of the opposition Democratic Alliance with 269 votes from the 351 cast.

Technically therefore, succession to presidential position is jointly determined by the provisions of the constitutions of the country and the dominant party. There are however other unstated rules as to who becomes the presidential candidate of the governing party in the parliament. Since 1994, both the president and the deputy president of the ANC have remained the most powerful in the hierarchy of the party and the country.

In a standard presidential system, the President and the Vice President are both elected on a joint ticket, which means, contrary to Linz (1994), the Vice President is a legitimate product of institutional democracy. As Nwabueze (2003d:191) puts it, the two are in an 'electoral mating'. Politically and constitutionally conjugated as they are, the president and

the vice president are expected to be in political harmony even though this is not always the case. Personal ambitions often fuel crises of succession. Both Nigeria and South Africa have experienced the dilemmas of divided presidency.

Unlike in Nigeria where, out of frustration by President Obasanjo to realise his ambition to contest presidential elections the vice president Atiku Abubakar defected to an opposition party, the AC, to vie for presidency, the former deputy president Jacob Zuma, also in succession crisis with President Mbeki, stayed put in the ANC, and democratically ousted his former boss in a well organised party convention. Crisis of such nature usually disrupt the 'habit of order' (Nwabueze 2003c) which is expected of a constitutional democracy.

But unlike in Nigeria where Presidents may use extra-constitutional discretion to determine who act in their place (like President Yar'Adua did) or who succeeds them, as President Obasanjo did), a parliamentary system such as South Africa where the legislature produces the chief executive and his successors is not likely to encourage personalisation of powers.

Comparatively, the main difference remains in the level of the power and influence that are wielded by the NEC of the ruling, dominant parties to hold the President to account and or 'recall' him or her. Whereas there are similarities in terms of the loyalty of the cabinet members to the presidents in both cases (due to the 'presidentialist' status of the executives as well as the scheme of political appointment) partisan powers of the chief executives remain fluid.

For instance, unlike in South Africa , where the NEC of the ANC threatened to mobilize a parliamentary vote-of-no-confidence on President Mbeki, making him to resign, it is not likely that the NEC of PDP could do the same to a sitting President in Nigeria. Similarly, the Nigerian presidential constitution expects a cohesive federal executive council whose members' unalloyed loyalty to the President is guaranteed whereas in the parliamentary constitution of South Africa expects the cabinet to be, ultimately responsible to the parliament.

While this makes a marked difference in theory, the practice of parliamentary cabinet system in a one-party dominant system such as RSA would mean that the cabinet ministers would be ultimately loyal to the President who incidentally is also the President of the ruling, majority party. This partly explains why while most of Mbeki's cabinet members resigned with him, whereas not a single cabinet member resigned in the aftermath of the failing health and eventual death of President Yar'Adua, until they were all sacked by a new President.

While a new president was elected by the parliament to complete President Mbeki's term, Vice President Jonathan only took over as President to complete President Yar'Adua' term. Whereas Deputy President Phumzile Mlambo-Ngcuka resigned from her office in solidarity with President Mbeki in 2008, a total vacuum in the office of the vice president would have raised more serious constitutional issues were Vice President Jonathan forced to resign as purportedly suggested by some party leaders after the death of President Yar'Adua.

While the 1996 constitution and parliamentary rule allows that the position of the president can be thrown open in South Africa, only a majority or dominant ANC is likely to produce the president. While the 1999 constitution clearly states that the vice president should take over if the president resigns, is incapacitated or dead, only the ruling PDP can produce the successor president in Nigeria. But because the presidents appoint their deputies in both cases, they technically can determine who succeed them in the event they are incapacitated.

9.4 The 'Sit-tight' Syndrome and 'Third-termism'
An equally significant aspect of presidential politics in Nigeria, which nearly replicated, in form of a 'third term agenda' in the 'presidentialist' dominant party politics in South Africa, is what is emblematic of several African political systems: sit-tight syndrome. Basically, presidents in Zimbabwe, Kenya, The Gambia, Cameroon, and recently, Senegal had sought to extend their terms in office by altering or causing the parliaments to alter the constitutions.

Similarly, Africa remains a continent where demand for democracy exceeds its supply. But, to say that the elite have always pushed the masses back from reaching democracy dividends is not to deny the people political agency. In several cases where Africans are given the chance to express themselves Africans do make elites drop unpopular moves. In February 2000, Zimbabweans voted in referendum to defeat President Mugabe's move to extend his power just as the Kenyans rejected a likely move by President Kibaki in November 2005.

However, while President Mugabe accused his opponents as masterminding the referendum results, and consequently resorted to un-presidential and dangerous actions like land seizures, President Kibaki accepted the "people's choice". Meanwhile, electoral violence that followed presidential polls in Kenya in December 2007 brought to fore again a fundamental 'peril' of presidentialism.

Generally, moves by presidents to institutionalise personal rule, by tinkering with the constitutional constraints on the scope of their power and or on the term restrictions is not limited to Kamuzu Banda's Malawi, but also, Obasanjo's Nigeria, Kagame's Rwanda and, albeit successfully, Museveni's Uganda. Even though Posner and Young (2007) argue that the failure of some of the rulers to erase term limits, with particular case of Nigeria, means that the fall of personal rule is in sight, Joseph (2008:100) argues that only few of African leaders govern as 'committed democrats'.

Thus, the challenge of democratic consolidation in Africa has remained how to maintain and sustain the 'preservation of constitutionally and institutionally protected arena of political contestation' in Africa (Joseph 2008:102). Given the fact that 'formal political institutions matter' (Cheeseman 2006:314), the problem of institutionalisation has been compounded by the difficulties of executive excesses which sometimes have manifested in terms of usurpation and arrogation of powers. This is has mostly been the case at the level of power alternation at the presidential levels (Ferguson 2008).

In attempts to maintain power perpetuation and or determine their successors, presidents in South Africa and Nigeria have acted to manipulate party structure and (in the case of

Nigeria) solicited the support of the parliament for outright constitutional amendment. However, unlike in Nigeria where the 'third term agenda' by President Obasanjo further pushed the country to the crossroads, and the system got caught 'between democratic and anti-democratic forces'(Omotola2006:57), Mbeki only attempted a 'third term' in the office of the party presidency.

Unlike the ANC leadership transition that was essentially a party affair (being an essentially party list electoral system, the case in Nigeria (a candidate-centred first-past-the-post) goes beyond what the PDP could solely manoeuvre. Even if the South Africans had wanted Mbeki to remain the president of the country, it would have been unlikely since the ANC usually makes its president the president of the nation. Yet, differences in the incentives for a third term agenda by Obasanjo and Mbeki are further due to the cumulative effects of the party and institutional systems.

First, President Obasanjo wanted a third term and attempted to push it through the parliament rather than the party (of course sections of the party were in support) because the constitution empowers the parliament to alter the constitution. The separation of powers thus made it possible for the legislative arm to bow to the public opinion despite the fact that the same party controls both the legislature and executive. In the case of Mbeki, an end to the third term presidency of the ANC meant an end for a possible attempt for alteration of the constitution for an extra tenure in office as the president of the country.

Meanwhile, if President Mbeki had won a third term presidency of the ANC, two probable outcomes would have followed which, of course, could have blocked the presidency of Jacob Zuma. President Mbeki would have either sought an amendment of the country's constitution to allow for a 'third term' for the presidency of the country (that would have been unpopular as in the case of Obasanjo) or, alternatively, a third term presidency of the ANC for Mbeki would have least put him in strategic position to determine his successor-and this would not have been Jacob Zuma.[118]

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[118]President Mbeki was said to have preferred a female successor; either former Deputy President Phumzile Mlambo-Ngcuka or Nkosazana Dlamini Zuma, who is now AU Chairperson (Personal Communication 27 August 2012).

More significantly, a third term for President Mbeki as the president of the ANC (even if he did not attempt the presidency of the country) would have been less problematic in comparison to what would have happened in Nigeria where regional struggles for presidential powers have nearly imploded the country's nascent democracy. Yet, Mbeki would have created two centres of power, which would have resulted to personality clashes and disrupted party and national cohesion.

Second, President Obasanjo failed to realize his third term in office as a result of the historically entrenched power struggles between the regions, coupled with the fervent opposition from the civil society organisations. Majority of Nigerians were also against a President serving more than two terms in office (see Table 10.4 below). Eventually it took the gut of the national assembly (the senate in particular) to reject the constitutional alteration for a third term. For South Africa, the party decided the fate of Mbeki and Zuma. Yet, the ANC was able to deny Mbeki a third term largely because his ambition was both a-historical (at least since 1994) and, if successful, might raise constitutional as well as leadership transition confusions.

Third, whereas the parliamentary nature of politics in South Africa has reduced the incentives for constitutional manipulation for a 'third term' in office for the presidents, President Mbeki's attempt to retain the party presidency, for the 'third term' could have altered the political leadership of the ANC and of the country. Meanwhile, like the failed attempt of President Obasanjo to seek a 'third term' in office, failure of Mbeki at the ANC election put paid to major constitutional and political confusions.

Comparatively therefore, institutional incentives and historical factors doubly shape the nature and dynamics of tenure elongation attempt (in Nigeria) and the third term of the party presidency (in South Africa). President Obasanjo attempted to alter the constitution through the parliament to be able to seek another re-election in 2007; an act in anticipation of the institutional condition that presidents be directly elected. President Mbeki, on the other hand, sought to lead the dominant ANC for the third term either to seek another term in office as the national president or determine his likely successor.

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The major implication of one-party dominance and ethno-regional struggle for the office of the president is the search for presidential power in Nigeria, where the leader is directly elected, and given a wide range of powers of appointment and patronage. This is unlike in South Africa where the parliament elects his office is less seen as a 'prize' for regional struggle.

It is not however sure if a Zulu/Xhosa clash of interest would have been possible if Mbeki (a Xhosa, who succeeded Mandela, another Xhosa) had gotten a third term of ANC presidency, rather than Zuma (the first Zulu to be the President of the post-apartheid South Africa). These ethnically inclined power relations are not clear cut as in Nigeria where the Northern Hausa/Fulani elites publicly opposed a likely Yoruba/Southern 'perpetuation' in power which the third term of Obasanjo presidency would have represented.

The above is relevant to leadership transition question because the presidential post has remained the most contentious issue in the dynamics of power struggles between the Northern and Southern blocs of Nigeria. While one may explain the lack of cohesion in Nigeria to the colonially imposed regional dynamics, the adoption of presidential system by the country after colonialism and post-colonial civil war have equally compounded the country's 'failure to produce a nationally acceptable leadership that transcended ethnic, regional and religious boundaries' (Obiozor 1994:88-98, 99-109).

Table 9.4: Term Limits: Public Views among Nigeria's Regions (% agreeing with each statement)

	North-Central	North-West	South-West	North-East	Lagos	South-South	South-East
The President of Nigeria should be able to serve as many terms in office as he wishes	6	9	8	14	16	19	23
In Nigeria, the President must obey the constitution, including serving no more than two terms in office	91	89	85	82	82	80	76

Source: Afrobarometer Briefing Paper 35, 2006, p.2

Can the Presidents defect?

What could happen in the case of a President or Prime Minister defecting from the party that brought them to power? Will the president's new party win a subsequent election? The answer to this hypothetical position will largely rest on the potency of the 'the power of incumbency'. As Cheeseman (2010) argues, incumbent presidents rarely lose elections but ruling parties record worse electoral defeats only when the incumbents do not run (Maltz 2007:130; Cheeseman 2010:141).

Presidents exploit weak institutions and personalized power to maximise the advantages of incumbency. It is possible that an incumbent president who switches their party affiliation before an election could win. Meanwhile, a determining factor in this case will be the competitiveness of the parties. In a one-party dominant party system, a defecting president will have to weigh his or her options very well. It is not likely for a one-party dominant structure to be swayed in the direction of an electorally small party to win a presidential election.

Notwithstanding, a counterfactual case of a presidential defection nearly happened in Nigeria at the height of the zoning debate in the ruling party. President Jonathan, sensing his party could deny him the chance of contesting the primaries, warned against 'sinking the boat' of the governing PDP (*Peoples Daily* editorial 4 Jan. 2011). The national executive committee meeting that held the following day quickly declared that while the zoning method of allocating political posts remained sacrosanct, the president was still free to contest.

It remains unclear, however, if President Jonathan could have won election on the platform of another party other than the PDP. The constitutional silence on the consequence for president defecting to another party has not yet been exploited by any Nigerian president. While a presidential defection might be interesting and unique in states with dominant parties (as some of the opposition parties were ready to accept President Jonathan) it would have raised grave constitutional and legitimacy issues.

The Nigerian constitution only envisages party defection in the case of the members of the parliament (sections 68: 1and 109:1). These provisions forbid the lawmakers from retaining their seats upon defecting, but these have been flouted with no legal implications by a number of lawmakers. Generally, presidents rarely defect.[119] And succession tension tends to brew in cases where incumbent presidents are not permitted (by law or tenure or party nomination dynamics) to go for another term in office.

Since outgoing presidents tend to be succeeded by their choice candidates and not necessarily their surrogates (Mbeki did not want Zuma and Obasanjo preferred Yar'Adua to Abubakar), the two main factors that determine executive succession are intermingled, namely the institutional design and the dominant nature of the party system which successively makes the eventual candidate of the ruling party the more or less successor to the incumbent president.

Contrary to the case of the ANC where an appreciable number of aggrieved leaders and members, including Lekota, broke away to form COPE, tiny factions leave the PDP only to return occasionally from their parties of defection such as AD, AC, APGA, PPA and Labour Party. Incidentally, factions break out in the smaller opposition parties as well, mainly as a result of similar crisis arising from internal party congresses. Part of the strategy parties use to select candidates for election is commonly described as the 'consensus approach'.

While this means less acrimony and less waste of funds for internal elections, it has been used to further anti-democratic imposition and cover up non-transparency in selection process (*The Punch* 28 August 2008, p.7 and *The Guardian* 1 Sept. 2008, p.8) Even the faction led by the former vice president Atiku Abubakar could only team up with remnants of other factionalised opposition parties in order to form the AC, on the platform of which he contested the 2007 presidential elections which he lost. Abubakar later left the AC and

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[119] An exception occurred in Malawi when President Bingu wa Mutharika, after winning a close contest on the platform of the United Democratic Front (UDF) in 2004 chose to form his own party, Democratic Progressive Party (DPP) to win a landslide win in 2009. The snag was the stiff parliamentary opposition that President Mutharika faced in his first five-year rule but records showed an appreciable level of economic performance and a nation-wide support devoid of any particular ethnic bias.

rejoined PDP in order to contest presidential primaries against the incumbent President Goodluck Jonathan.

9.5 Concluding Notes
Comparatively, while presidential politics shapes the direction of constitutional implementation in Nigeria just as parliamentarism characterises the flow of constitutional order in South Africa; it is the cumulative effects of one-party dominance and institutional designs (simultaneously shaped by the historically shaped factors such as ethnicity, region and party rootedness) that have determined the turn of political events in most of the cases.

Thus, one can identify at least three of such effects on the legitimation and institutionalisation of democracy in the case studies. First, politics of succession and power sharing is both horizontally (personality level) and vertically (government-people dimension) shaped by the combination effects of the party, institutional and electoral systems. However, despite the similarities between the Obasanjo-Atiku and Mbeki-Zuma leadership tussles, it the nature and dynamics of institutional designs and paths of evolution of one-party dominant systems that produced different outcomes (where Atiku got schemed out while Zuma later succeeded his estranged boss).

Second, whereas presidential/plurality might indicate the difference between the succession process in Nigeria, where the president emerges from outside the party hierarchy and the parliament, parliamentary/PR system alone cannot explain why in South Africa, dynamics of succession have seen the emergence of presidents who later became deputy presidents and vice versa. Although under a different (Transitional) constitution, President de Clerk became deputy to President Mandela, something similar to the transformation of President Motlanthe into deputy to President Zuma, it is not likely that a sitting president (substantive or acting) would ever serve as a vice president in a subsequent, substantive regime Nigeria. This means that, unlike in a parliamentary system, where the presidency is fluid, and the occupier may get removed by the parliament and assigned a lesser post, as the dynamics dictate the presidency more rigid in a presidential system, such as Nigeria, where the president is popularly elected and remains less accountable to the parliament.

Consequently, while the party holds the ace in the parliamentary system of South Africa, and the parliament nominally has the power to remove the president, thereby making leadership more accountable, even if less predictable, the powers of the parliament to determine the direction of leadership accountability is curbed by the powers of the president and the influence of the dominant party, even though the candidate-based nature of electoral system in Nigeria, unlike the party list in South Africa, makes the incumbent presidents to have more incentives to at least attempt to perpetuate themselves in power, or pick their successors.

10.1 Overview

This is the concluding part of the thesis. It summarises and winds up the basic arguments that are made throughout the study. Aside providing a being a summary of the research findings, this chapter reflects on the interlinked themes and issues that resonate theoretically and empirically on the systemic implications of party and constitutional systems. The 'continuity and change' segment ties up the interrelatedness and interconnectedness of the past with the present and, by extension, with the future of constitutional systems with dominant single parties. It reinforces the argument that the processes and outcomes of democratic practices are, more often than not, results of interaction between two or more institutions, as affected by the changing and continuous contexts of governmental forms and party systemic practices.

The thesis has conceptualised the interrelationships between institutions, processes and actual choices in two democratic systems with single dominant parties. It is argued that both the institutional and path dependent effects interact to affect the outcomes of the actual choices of the political elites. The argument extends to make the relationship between the structure (party systems and governmental forms-presidential and parliamentary systems) and the agency (the actual political behaviour) of the operators of the institutions. In South Africa, as has been argued, members of the ruling party and that of the opposition are constrained by both the historical and institutional contexts to adopt a parliamentary/PR system with which representation and accountability were envisaged. Similarly, the structure of the presidential/first-past-the-post system has influenced the dynamics of the zero-sum game in Nigeria.

10.3 Summary of Research Findings

Following the analysis in this thesis thus far, a number of findings become clear. These findings can be aligned with the claims of the thesis (highlighted in 1.1 and 1.2). The findings which are of theoretical, conceptual, historical and above all comparative relevance include the following:

a) The nature, structure and dynamics of the predominant party system in Nigeria and South Africa are rooted in their colonial, political, ethno-regional and cultural histories. Although aspects of these have been established in the literature (including Southall 2005:61-82), 'process-tracing' of the cumulative and interaction effects of party and constitutional systems allows us to see in greater depth the institutional and historical implications of the one-party dominant systems in both countries.

The contexts identified in the thesis reveal both the capacity and the weakness of one-party dominance in ensuring stability in multi-ethnic and developing countries. For instance, unlike in the Republic of South Africa where a sitting president (Mbeki) was recalled by the ruling party with no grave implications for the unity of the party and the country at large, attempt to remove (and the eventual replacing of) an incumbent president in Nigeria not only threatened the country's cohesion (as witnessed in the case of the ailing President Yar'Adua), but also weakened the fragile unity of the dominant party (see chapter nine for details).

b) Following from the above, while the institutional designs of Nigeria and South Africa are still relatively new, the impact of presidentialism or parliamentarism becomes more obvious and relevant when taken into account along with the electoral and party systems. Unlike in Nigeria where presidentialism aggravates the negative impacts of one-party dominant system, parliamentarism reduces potentially negative consequences of one-party dominance in South Africa. Unlike in Nigeria where electoral majoritarianism destabilizes the dynamism of representation and political inclusion, electoral majoritarianism remains a less divisive phenomenon in South Africa.

c) Whereas both the PDP and the ANC have exhibited the positive elements of dominant parties, available evidence and data show that the ANC has united, mobilised and engaged South Africans more than the PDP in Nigeria. However, with increasing dominance and the growing need to suppress potential opposition, both parties have begun to display certain negative aspects of party dominance by resorting to overt and covert measures that are aimed at making alternation more difficult in the near future.

While on one hand the inherently positive elements of one-party dominance include national unity, integration and stability, on the other the intrinsic negative impacts of one-party dominance include the centralisation of power, a weak and fragmented opposition, the disruption of the conflict-dampening and resource-regulating institutions of federalism, as well as increased personalisation of power by the national chief executives.

Thus, the extent to which dominant parties are internally democratic is a function of their evolution, organisation and strategic rootedness and therefore matters of path dependence. On these grounds, the ANC, in contrast to the PDP, has positioned itself as the most significant political organisation in South Africa.

d) In interaction with presidentialism, rather than reducing tendencies toward 'cut-throat' politics, one-party dominance has exaggerated it. From 1999 up to the present, the dominant nature of the party system helped to maintain peaceful negotiations and elite pacts within the ruling party, but the once united and unifying formula of 'zoning' later then turned into a destabilising force, revealing the paradox of centrifugal potentials of presidential designs in Nigeria.

Originally intended as a unifying principle of rotation of power between politicians from the North and South of Nigeria, 'zoning' has begun to fail as a 'consensus model' as a result of the unequalled importance that is attached to the 'presidency'. In other words, the fragility of this elite consensus strategy is beginning to be obvious as a result of the persistent struggles and mutual distrust among regional power blocs of North and South.

In particular, waning trust in the method of alternation of Presidential candidates after the death of President Yar'Adua led to threats to the stability of the Nigerian polity. Since both blocs see the presidency as the biggest price, presidentialism can fuel instability as much as it can foster unity when practiced on the basis of power rotation. In contrast, in interaction with parliamentarism, one-party dominance has enhanced electoral representation and accountability in leadership transition in South Africa since 1994.

Contrary to the Nigerian case, the South African parliamentarism gives smaller parties ample opportunity to get representation at both local and national level. Similarly, the process whereby the members of parliament elect the 'President' and have potential power to remove him makes the president more liable to account to the parliament. Of course this may not be easily the case in reality since the same party controls both the parliament and the presidency in which the president and the dominant party hierarchy wield big power and influence.

e) The central questions of representation and accountability that are investigated reveal that the Nigerian democracy substantially lacks these two ingredients of democracy. While some aspects of the data suggest that the low levels of representation and accountability have little to do with one-party dominance, much of the available evidence supports the idea that the interaction between one-party dominance and presidentialism has the potential to reduce the prospects for democratic deepening. On the other hand, in the case of South Africa, analysis of some other documentary and oral sources suggest that despite the capacity of the parliamentary system to enhance greater electoral representation, one-party dominance tends to reduce the systemic incentives for institutional accountability.

f) Elections remain crucial to legitimacy because they are the mechanism through which people choose those who rule them. While election remains 'a form of conventional mass participation' (Barrington et al 2009: 383) in both countries, legitimation by election is far higher in South Africa than in Nigeria. This is as a result of the higher quality of elections that the majority of South Africans accord the ANC-dominated political system unlike the 'less free and less fair' electoral contests that have characterized the Nigerian polity (evidence of these are in the eighth chapter). In addition, support for government and party remains higher in South Africa than in Nigeria as a result of the social rootedness of the parties (especially the dominant party) in the former which is rarely the case in the latter.

g) Despite the generally low level of democratic legitimation and development in the country, the literature, supported with interview and Afrobarometer data, suggest that Nigerians want democracy. Their support for democracy (chapter eight) is however yet to be met with their satisfaction with democracy. With popular support for democracy as a

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system of government, and the dwindling influence of the military in politics and their corresponding subordination to civil rule and authority, we can now begin to talk of a 'post-military era' in Nigeria.

Essentially, the support expressed by Nigerians for democracy is fundamentally not the same as the support they express for democratic institutions such as the presidency, parliament and parties. Whereas South Africans express high level of support for democracy as a system of government, they sometimes express low support for democratic institutions such as the presidency, parliament, and parties. What makes a fundamental difference, however, is the level of trust and support for the constitutional elements of democracy which is higher in South Africa than in Nigeria.

h) The institutions of the presidency, parliament and parties remain at the fulcrum of democratization in South Africa and Nigeria in particular and in Africa in general. However, as a result of the entrenched one-party dominance, the political culture, and the nature of party competition, the quality of representation and electoral accountability has been hampered. It is found that one-party dominance encourages politics of personality, rather than that of institutions in both countries. This is largely the case as a result of the 'gate-keeping' politics of those who took over power from the military in Nigeria and that of the leaders of the 'liberation struggle' in South Africa. Essentially, in both countries, political elites with perpetual access to national powers have pursued the interpenetration of the state, party, regime.

i) Taken together, the thesis supports the notion that 'Africans demand more than clean elections' and require that their leaders spend time in between elections to respond to popular needs and account for their performance in office (Diamond and Plattner 2008:114). Therefore, while the consolidation of democratic regimes since liberalisation and re-democratisation of the 1990s, shaky as it is, has institutionalised elections in Africa, aligning legitimation and institutionalisation of democracy remains the major challenge.

From the above findings, therefore, it is clear that democratic consolidation in African democracies shaped both by the effects of the institutions and the party systems that

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operate within them. While these effects are both cumulative and interactive, it is within the path dependent and institutional structures of democratic politics that politicians and the people adjust their political behaviour. Major differences between the levels of democratic sustainability in Nigeria and South Africa in particular and Africa in general are traced to issues of legitimacy, corruption, and challenges of leadership transition in this research.

In short, the study supports the claim that democracy is a function of mutually reinforcing processes of institutionalisation and legitimation (Bratton et al 2005:29) that are interactively and cumulatively shaped by the effects of regime and one-party dominant systems. While legitimation takes place at the micro level of the individual, institutionalisation takes place at the macro level of the state. Whereas the organs of government such as the executive, legislature and the judiciary make institutionalisation possible, legitimation involves the behaviour of politicians and bureaucrats - the occupiers of the institutions as well as the individual electors who either support or withdraw support from the occupiers of institutions.

The thesis has shown that the institutional and path dependent effects have far-reaching implications for key elements of constitutional democracy such as tolerance, pluralism, participation, competition and alternation have and how they have fared under one-party dominant systems. First, it is found that while dominance may speed up the process of good legislation it can as well encourage the passage of controversial laws that are only politically advantageous to the dominant party with sheer majority.

Since one-party dominant party systems hardly have powers alternated even when elections are clean as has been witnessed in South Africa and Botswana, the capacity of one- party dominance to enhance institutional representation and accountability are rare or slowed down. Whereas one-party dominance constitutes obstacles to accountability of the executive to the parliament, it is in combination with institutional designs that one can better appreciate such effects.

What will probably further shape analysis of the correlation or lack of it between dominance and democracy will be the extent to which the dominance is democratically

maintained. Yet, even when this becomes the case (as the last general elections raised the hope of electoral legitimacy in Nigeria), issues will remain unresolved at the level of what elements of one-party dominance can help parliamentary and presidential politics to consolidate new democracies. Some of the aspects of institutional politics will remain while other aspects would yield to structural and institutional changes.

10.4 Continuity and Change

The citizens of post-repressive and transformational countries have always demanded and will continue to demand democracy more even when structures and the nature of elite pacts change. Institutions will continue to matter as they become more institutionalised like in the more advanced democratic orders. The party and electoral systems will continue to play central roles in developing democracies.

Specifically, experience in Africa has shown that the prevalence of predominance and 'personalistic politics', with undemocratic potential for partisan abuse and state capture (Ake 1966) and centralisation of power with corresponding 'rush' for the centre by political patrons and clients. Much more recently, moreover, it is discovered that presidential systems with single dominant parties such as Nigeria, Zimbabwe, Gabon, Cameroon, and The Gambia, are more prone to power perpetuation or 'sit-tight syndrome'.

As mentioned in chapter nine, the national chief executives and the ruling parties in pure presidential democracies are more likely to manoeuvre constitutions in their bids to have 'third terms' or more in offices. In short, more than in parliamentary systems, tenure and power extension via constitutional manoeuvrings have led to electoral illegitimacy in several presidential regimes.

In Nigeria and South Africa, explaining the continuity of 'presidentialist' politics of leaders lies not only in the incentives that are accumulated by the practice of presidential/first-past-the-post and parliamentary/PR, but also in the historically grounded continuity of power struggles and legitimacy claims. Elements of these are analyzed in chapters seven, eight and nine. In particular, party politics, regime policy, as well as dynamics of misuse of powers and leadership transition show the convergence of

presidentialism (formal and informal) in Nigeria and South Africa despite the divergence in formal institutions.

In Nigeria, differences between the North and South have come to shape the nature and character of politics in the post-independence era. If there is any one factor that has had the most significant impact on the political direction or nature of party political competition and alliance-formation in the country, it is region, coupled with religion and ethnicity. Similarly, both racial and regional differences constitute critical social cleavages that have determined the nature of political practice in South Africa.

The regional divide is sharper in Nigeria, with religious crisis more common in the northern part of the country. Despite the regional differences, some interdependence has existed between the regions. Most agricultural resources are located in the North while much of the sources of national wealth like oil and seaports are in the South. This interdependence has further fuelled, for instance, federalism as a mechanism for maintaining and negotiating co-existence. However, the continuity of regional distrust has impeded and will likely continue to hamper integration and unity.

Prospects for democratic consolidation in Nigeria, therefore, will be shaped by the roles of the military and police in managing multiple violent crises. The role of the military in Nigeria is more likely to be that of an interventionist-coup, especially if the defeat of the dominant party leads to large-scale instability. Yet, as has been witnessed in other presidential democracies such as Zimbabwe, it is usually not difficult for powerful presidents with dominant parties (ZANU-PF was dominant until the emergence of the MDC), to effectively use the military to prevent an election defeat or change in power. Similarly, the police and the military, in South Africa, being effectively under the control of the President, whose party controls virtually all other state institutions, will be more likely to support the status quo as represented by the ANC.

Leadership styles of individual presidents will also continue to matter. For instance, the longest serving president since 1999, Olusegun Obasanjo, attempted to maximize presidential powers than the Umar Yar'Adua and Goodluck Jonathan. Under President

Obasanjo, the dominant PDP not only 'captured' traditionally opposition states, presidential might was used to thwart federalism in favour of the centre. As observers put it, the Obasanjo-led federal government flagrantly abused the principles of federalism, usurped the responsibilities of the states and used the 'federal power' to cage the opposition state governors (Nwabueze 2007: 31; *Nigerian Tribune* 30 May 2007, p.48). This almost led to a kind of 'civilian dictatorship' (*Nigerian Tribune* 31 May 2007, p.8).

Nevertheless, executive powers will face growing opposition and eventual limitations. The huge responsibilities of the presidents, from which they derive the 'father of the nation' status often turn into some 'hypercomplex leadership situation' which in turn undermines their roles as presidents. The modern president is not almighty. Even in America, 'many of the president's orders and directives are never realized in the way he wants, if they are realised at all' (Hagopian 1984:63). Although, empirical evidence has shown that effectual presidential power is difficult to be curbed in Africa, cumulative and interactive effects of institutions will function to regulate presidential excesses in the long term.

People will continue to demand for more representation and accountability from their leaders. Even when he is not directly elected, and is essentially a 'Prime Minister' as in South Africa, the president is seen as the custodian of people's welfare, security and development. For instance, one of the reasons ANC members voted against President Mbeki during the Polokwane 2007 Convention was that their economic situation had not improved.

This, no doubt, was compounded by the often politically motivated view that Thabo Mbeki was "elitist", unlike his estranged deputy and arch rival, Jacob Zuma, a 'populist'. President Zuma can dance and sing with the 'masses', and the Zulu version of 'Bring me my machine gun' (*Umshini wami mshini wami*), an anti-apartheid 'struggle song', later became his political trademark.

The Nigerian case is an example of presidential systems with proactive (executive) constitutional powers (as the president is granted wide range decree powers) and is thus more prone to instability (Shugart and Carey 1992). This does not however mean that

executive aggrandizement is impossible even in presidencies with limited proactive powers (Cintra and Lacombe 2007:112). For instance, populism and maximization of executive powers are possible in parliamentary system such as South Africa where single party controls the executive and the legislature.

The 'partisan powers' and influence of the chief executives will continue to matter and remain crucial to presidential leadership irrespective of the institutional designs in practice. And since there is a constitutional continuity in terms of the vast powers of the presidents in Nigeria and South Africa (comparisons in chapter 9.2), the significance of presidential politics will continue to shape the turn of democratic orders in both countries.

Similarly, dynamics of political violence will continue to shape the actions of leaders, unless certain structural measures are devised to keep it to the minimum. As pointed out chapters two and eight, manifestation of violence has not only been due to crippling poverty, corruption, ethnicism, nepotism, the sentimental politics of region, and race, violence has equally distorted from the few gains of democratisation particularly in Nigeria, where presidentialism has aggravated such anti-democratic conditions.

The situation has been exploited by the political elites who disappoint the people by making the most of weak institutions of democratic politics. For instance in Nigeria participatory element of democracy has well been hampered because the 'majority of the voters are economically disempowered' (Oyebode, Personal Communication 19 July 2010).[120] Indeed, the decade of civilian rule in the country has not brought succour to the people as a result of 'the dearth of right and consistent political values among the politicians' (Ibid).

This shows that the inequality implied by elitism constitutes a significant factor militating against democracy. Consequently, the class structure inherited at independence and post-

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[120] A similar explanation was offered by Dr Abdul Raufu Mustapha of Oxford University at the *Forum on Violence and Political Malpractice in Nigeria* organised by the Centre for Democracy and Development (CDD), and hosted at the School of Oriental and African Studies, London, by the Royal African Society (RAS) on 19 December, 2008. There is a disjuncture between the democratic rights of Nigerians to vote on the one hand and their economic, social and cultural rights that are expected to flow from a genuine democratic framework. It is indeed easy for political barons in less developed countries of the global South, particularly in Africa, to hire poor and unemployed youths as political thugs.

apartheid eras not only remained a cog in the wheel of democratic development, it has equally led to the emergence of three classes of Africans in general but in the countries under focus in particular.

These unequal strata include the huge mass of rural dwellers and semi-literate workers or urban proletariat, accounting for about 80 per cent of the population; a middle class of on-coming prosperous traders and middle cadre white-collar employees and an upper class of 'very rich' status, who, of course, constitute the tiny minority of 5 per cent of the population (Nwabueze 2003c:104-124).

Within this kind of largely imbalanced social class structure, it has been relatively easy for the minority elite to manipulate the system. Class, as occasioned by unrepresentative and unaccountable/non-performing elite politics, is thus a critical force in shaping the socio-political setting in many African states including Nigeria, and of course South Africa, whose structures are compared in chapter three.

Basically, the upward mobility of more African elite and middle class with an implication for deepening of inequalities within the African population as well as the growing reality that not all rich are white and that not all African people are disadvantaged (Seekings and Nattrass 2005) will continue to shape the trend of support and satisfaction with democracy by the majority of South Africans.

Similarly, the civil society in both case studies has thrived to enhance democratic participation but to differing degrees. The common trend is the struggling effort of the civil society to merge into the 'political society'. The strategy and operation of civil society is germane to democratic political culture. Meanwhile, crippling poverty, corruption, ethnicism, nepotism, the politics of region and religion, as well as the corresponding dearth of democratic values among the political elites have all conspired to weaken the institutions of democracy.

As shown in chapter three, the modest efforts of the civil society during the struggle for democracy and in the post-apartheid and post-military era in South Africa and Nigeria

respectively, both countries have thus far been rescued from graduating totally into an exemplar of what J. R. Lucas would call 'pathological States', where resources do not translate into development (Dudley 1975:19). If only marginally, the civil society has increased potentials for economic growth and democratic development in developing countries.

The representation and accountability measures ensured by vibrant civil society organisations will be increasingly complemented by the independent and free media in Nigeria and South Africa despite dominant executive-parties and irrespective of the institutional structures in place. The extent to which the civil society will remain a non-partisan tool for ensuring accountability of leaders will contribute to both legitimacy claims and institutional strength of governments in power.

10.5 Final Conclusion

It has been shown with the case studies that there is a directly proportional relationship between the levels of legitimation and that of the institutionalisation on the one hand, and between the level of the duo and the level of democratic consolidation on the other hand. As set out in the first part of the thesis, we have argued that legitimation and institutionalization are key two ends of the democratic processes of representation and accountability.

The comparative analysis reveals that while 'politics of personality' and 'party hegemony' may not be limited to Africa, it has often been used to negotiate and maximise political power across the continent. The study has thus confirmed Amundsen (2001:47-51) assertion that in Africa's presidential systems, and- if we may add, in some majoritarian parliamentary designs too- even though the latter are few and far between across the continent- presidents' organisational advantages and superior access to political and economic resources make it tempting and possible to hold on to power once in position.

African presidents and ruling parties are often strong and not usually easily overturned.[121] More interestingly, trends of democratisation since 1990s in Africa have been largely shaped by the growing number of one-party dominant systems across the continent. The fact that this phenomenon is not limited to any constitutional design compels the conclusion that dominant parties have constituted a crucial kind of democratic institution in the 'precarious' foothold of multiparty democracy across Africa (Thomson 2004:228).

In short, most African states are now under one-party dominant systems. Several of them find democracy difficult to consolidate. Although, party dominance can only offer a partial reason for overbearing influence of the central executive, countries with parliamentary systems seem to have fared better than their presidential counterparts under one-party dominant systems. At the same time, only institutional system does not tell us how and why parliamentary systems do better. In Africa, as it is elsewhere, it takes the interaction effects of the historical formations (path dependence) and democratic institutions to shape the legitimation and institutionalisation of democracy.

A more multiparty political environment would probably improve political life insofar as party competition generally forces issues to be articulated more fully and brings more scrutiny to public officials. A competitive party system gives groups who feel left out of the current configuration a way to compete for power, whether or not they win. But there is a caveat, if parties simply organize along a social or cultural division and amplify it, then their political effects might be neutral or even negative (Plotke, Personal Communication, 1 June 2011).

Subsequently, while a rowdy and ethnically inclined multipartism could be a source of political competition, and probably enhance capacity for greater accountability, it could be a prelude to instability as well. This has been the case in Kenya and Zimbabwe where presidential elections have led to social and political divisions, not only among the elites but also the masses. It is recalled that this has been the case in Nigeria's first and second republic (under parliamentary and presidential systems respectively). Equally, as pointed

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[121] This is especially the case in single party dominant states across the world. Ken Greene terms it 'hyper-incumbent' advantage. See *Why Dominant Parties Lose* (Cambridge University Press, 2007)

out in chapters three and five, South Africa has experienced political instability (even though to a lesser extent) in cases where the ANC and IFP have violently clashed in gathering voters' support in Kwazulu-Natal.

Furthermore, the arguments of Juan Linz and others, extolling the virtues of parliamentary governance as opposed to presidentialism remain sound with the few cases of parliamentary designs in Africa (South Africa and Botswana in particular). Starting from scratch - as some of the Arab countries are now doing - there is a pretty good case for parliamentarism, though not as overwhelming as some of its proponents believe.

However, it is very rare that African countries would switch to parliamentary forms after having had a serious go at presidentialism. So in Nigeria the task is probably to figure out how to reform institutions to limit some of the dangers of presidentialism. This is probably more likely than changing the system altogether, especially when the current system is not totally broken and is effectively under one party control. Yet, the systemic domination by the PDP would need to be democratically obtained in subsequent elections.

Similarly, a more competitive party system in South Africa would bring in more discussion of issues and policies, and probably lead to less corruption both at the centre and the provincial as well as at the local levels. The ANC would probably win in any case, but some of the problems of South African politics would probably continue due to the dominant party's sense of entitlement and virtual ownership of the national government by the 'liberation movement' and party: the ANC.

It is not yet clear if the PDP would break up any time soon. Even if and when it does, regional struggle for the presidency, rather than personality clash, would be a major factor. Yet, unless there is a fundamental crack in the ruling party along regional line (which was almost the case in the build up to 2011 presidential nominations), a breakaway party from the PDP, would still need to fuse with a segment of opposition – with likely grave consequences of instability along regional and religious lines. While a break up might be premature to predict in Nigeria, the ANC does not look like breaking up in any

fundamental manner (if the dwindling political fortunes of the breakaway COPE are considered) - at least in a foreseeable future.

Similarly, were Nigeria to be parliamentary/PR, more parties would get representation and pay less attention to presidential elections which only nationally spread and dominant PDP would win on several times. Conversely, if South Africa were presidential, several of the negative effects of presidentialism as in Nigeria would probably replicate. In short, a presidential system in South Africa would amplify populist and statist political tendencies.

Based on the evidence provided so far, institutionalisation (or deepening) of democracy is more likely when legitimation is already rooted. Representation and accountability thus remain significant and important denominators of democracy wherever it is practised. This is the essence of constitutional democracy, irrespective of the institutional design in practice. Nevertheless, attention is crucially needed to appreciate the overwhelming evidence of interwoven impacts of presidential, parliamentary and party politics on constitutional democracy.

In recognition of what Poguntke and Webb (2005) call the 'presidentialised' and 'partified' variants of presidentialism, this thesis has argued that both the path dependent and institutional effects make fundamental differences between the two countries under study. The ANC as a party organisation holds the President far more greatly to account than the PDP does in Nigeria. At the level of path dependence, one can conclude that, because of its history, the ANC has a strong extra-parliamentary organization with power resources outside the control of the government/the Presidency.

By contrast, the PDP organization is less independent from the Presidency/government, and those running the party tend to defer to the President. As a result of institutional designs, the South African President accounts to the parliament, which elects him. This makes the president less powerful, even if in formal terms. In contrast, the Nigerian President is separately elected and is not compelled to account to the parliament, even when there are formal constitutional checks and balances to that effect.

Essentially, therefore, the effects of path dependence and institutions are both cumulative and interactive. This is mainly so because the cumulative and interactive effects are intertwined. For the most part, cumulative effects are results of institutional interactions. The dynamics of institutions and processes of democracy are nevertheless shaped by the individual leaders but, as we have argued, individuals largely strategize based on available historically shaped as well as the institutional incentives and constraints of constitutional democracy.

Appendix I: Comparison Table on Socio-Political and Economic Indicators

	The Federal Republic of Nigeria	Republic of South Africa
Full Name	The Federal Republic of Nigeria	Republic of South Africa
Party System	Multiparty	Multiparty
Institutional Design	Presidentialism	Parliamentarism
Head of State and Government (Executive)	President	President
National Parliament (Legislature)	House of Representatives (360 members) and Senate (109 members)	National Assembly (400 members)and National Council of Provinces (90 members)
Judiciary	Federal Supreme Court, Court of Appeal etc	Constitutional Court, Supreme Court of Appeals
Major Political Histories	Amalgamation, Military Rule And Civil War	Apartheid and Civil War
Colonial Ruler	Britain	Britain
Intergovernmental System	Federalism	Federalism
Statehood	Republicanism	Republicanism
Economic System	Mixed Economy	Mixed Economy
Constitutional Type	Written	Written
Electoral System	First-Past-the-Post	Proportional Representation (Party-List)
Number of Sub-National/Constituent Units	36 States, 1 FCT, 774 Local Governments	9 Provinces, 284 Municipalities
Main exports	Petroleum, petroleum products, cocoa, rubber	Gold, diamonds, metals and minerals, cars, machinery
Majority/Dominant Party	Peoples Democratic Party (PDP)	African National Congress (ANC)
Major Ethnic/Race Groups	Yoruba, Igbo, Hausa/Fulani	Zulu, Xhosa, Whites, Indians, Chinese, Coloureds
Major Religion	Islam, Christianity, Indigenous beliefs	Christianity, Islam, Indigenous beliefs

Federal Capital Territory/Capital Cities	Abuja	Pretoria (executive capital); Cape Town (legislative capital); Bloemfontein (judicial capital)
Largest City	Lagos	Johannesburg
Major Languages spoken	English (official), Hausa, Yoruba, Igbo,	11 official languages including English, Afrikaans, Sesotho, Setswana, Xhosa and Zulu
Population	162.4 million (UN, 2011)	50.5m (UN, 2011)
Area	923,768 sq km (356,669 sq miles)	1.22 million sq km (470,693 sq miles)
Monetary unit	1 Naira=100 kobo ($0.0063)	1 Rand = 100 cents
Life Expectancy	52 years (men), 53 years (women) (UN 2011)	53 years (men), 54 years (women) (UN 2011)
GNI per capita	US $1,180 (World Bank, 2010)	US $6,090 (World Bank, 2010)

Sources: Author's Compilation based on data from the World Bank, Statistics South Africa
National Bureau of Statistics (Nigeria), Polity IV Data, BBC, and UN

In order to elicit relevant and 'straight from heart' responses from the respondents, and keep the discussion within the defined area of research, I designed different but related questions for selected interviews. The questions bother on various areas and concerns. There are 10 questions in all.[122] As noted in 1.4, some of the questions are 'counterfactual'.

Interview Questions for National Legislators

a) What recent steps has your assembly taken to develop the use of committees in both oversight of government (that is, the executive/presidency), and in consideration of legislation?

b) Have your committee (s) been strengthened recently, and if so how?

c) What resources (staff and financial) are provided for your committees in discharging their statutory functions?

d) If Nigeria/ South Africa has a more competitive party system, what difference would that make to politics, and to the conduct of democratic practice?

e) How much contact do you have with the members of your constituency and does the party list/plurality system affect this?

Interview Questions for Party Leaders, Analysts, Scholars and Commentators

f) What difference would it make if the South African President was directly elected by the people? What difference would there be if the President was elected by the Parliament in Nigeria?

g) What if your party actually lost an election? Do you think there would be people in your party who might want to hold on to power by not leaving office?

h) What happens if a leading political officeholder -such as a cabinet minister-is accused of incompetence in office?

i) How much would you say that political parties represent the views and opinions of the people who vote for them?

j) To what extent can we say parties are democratic in terms of internal and general elections?

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[122] Questions a, b, and, c are adapted from *The Table: The Journal of the Society of Clerks-at-the-Table in Commonwealth Parliaments,* Volume 70, 2002, p.43. They are primarily intended to elicit the views of the MPs on how they are able to ensure (inter-branch) 'horizontal accountability'.

Appendix III: List of Author Interviewees[123]

Nigeria

1. Adegbamigbe, Ademola: General Editor, *The News*, Acme Road, Ogba, Lagos, 21 July 2010
2. Anifowose, Remi (Prof), Department of Political Science, University of Lagos, Nigeria, 16 July, 2010
3. Odion-Akaine, Sylvester (Dr): Director, Centre for Constitutionalism and Demilitarization (CENCOD), Lagos, 15 July, 2010
4. Okei-Odumakin, Joe (Dr): President, Campaign for Democracy (CD), Lagos 19 August, 2011
5. Okunade, Bayo (Prof): Department of Political Science, University of Ibadan, Nigeria, 16 May, 2010 (e-mail)
6. Oladeinde, Sina (Mr.): Associate Editor, *Nigerian Tribune*, Imalefalafia, Ibadan, 7 July, 2010
7. Oyebode, Akin (Prof), Faculty of Law, University of Lagos, Nigeria, 19 July, 2010
8. Taiwo, Adewale (Mr.), Faculty of Law, University of Ibadan, Nigeria, 8 July, 2010

South Africa

9. Chanza, Nonhahala (Ms): Political Researcher, African Democracy Institute, IDASA, Cape Town, 5 August,2011
10. Davis, Gaye (Ms): Senior Journalist, Independent Newspapers, Cape Town 04 August, 2011
11. Godi, Themba (Mr.): Member of Parliament; President, African Peoples Convention (APC) and Chairman, Standing Committee on Public Accountability (Scopa), The Parliament, Cape Town, South Africa 04 August, 2011
12. Nyambi, Jomo (Hon.): MP (ANC) Member, National Council of Provinces, The Parliament, South Africa 04 August, 2011
13. Sibande, Pat (Hon.): Member, (ANC), National Council of Provinces, The Parliament, Cape Town, South Africa 04 August, 2011
14. Trollip, Athol (Mr.): Democratic Alliance (DA) Parliamentary Leader, The Parliament, Cape Town, South Africa 02 August, 2011
15. Turok, Ben (Prof): African National Congress (ANC); veteran Member of the National Assembly, The Parliament, South Africa 01 August, 2011

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[123] All interviews were conducted face-to-face with the respondents in Nigeria and South Africa, except where otherwise indicated.

Other Personal Communications (2008-2012)

16. Adebiyi, Olatunji (Rev.) Special Adviser to the Governor of Lagos State on Regional Integration, The Secretariat, Ikeja, Lagos: July 2012
17. Adesina, Jimi (Prof): Department of Sociology, Rhodes University, South Africa: (email) 2010
18. Agbaje, Adigun (Prof), Director-General, Obafemi Awolowo Institute of Government & Public Policy, OAIGPP, Lagos: 12 June, 2012
19. Amuwo, Kunle (Prof): School of Politics, University of KwaZulu Natal, South Africa, 2010
20. Mkhize, Thabani (Mr.): Policy Analyst, Johannesburg, South Africa (face-to-face and e-mail) :2009-2012
21. Osaghae, Eghosa (Prof): Department of Political Science, Igbinedion University, Okada, Nigeria (e-mail): 2010
22. Oyovbaire, Sam (Prof): former minister of information and culture, Nigeria (face-to-face): The National Archives, University of Ibadan, Summer, 2009
23. Plotke, David (Prof): New School for Social Research, New York (face-to-face and electronic mail):2009-2012
24. Shugart, Mathew (Prof): Department of Political Science, University of California, San Diego (electronic mail): 15 March, 2009

APPENDIX IV: Lists of Tables showing the Major Political Parties with the number of States under their control in Nigeria, 1999-2011

1999	TOTAL 36
PEOPLE'S DEMOCRATIC PARTY (PDP)	21
ALL PEOPLES PARTY (APP)	9
ALLIANCE FOR DEMOCRACY (AD)	6

2003	TOTAL 36
PEOPLE'S DEMOCRATIC PARTY (PDP)	28
ALL NIGERIA PEOPLES PARTY (ANPP)	6
ALLIANCE FOR DEMOCRACY (AD)	1
ALL PROGRESSIVES GRAND ALLIANCE (APGA)	1

2007	TOTAL: 36
PEOPLE'S DEMOCRATIC PARTY (PDP)	26 (later lost 4 to election tribunal judgments)
ACTION CONGRESS OF NIGERIA (AC/ACN)	1 (then 4 after election tribunal judgments)
ALL NIGERIA PEOPLES PARTY (ANPP)	2
ALL PROGRESSIVES GRAND ALLIANCE (APGA)	1
LABOUR PARTY	1 (after court ruling)

2011	TOTAL: 36
PEOPLE'S DEMOCRATIC PARTY (PDP)	26
ACTION CONGRESS OF NIGERIA (ACN)	6
CONGRESS FOR PROGRESSIVE CHANGE (CPC)	1
ALL PROGRESSIVES GRAND ALLIANCE (APGA)	2
LABOUR PARTY	1

Appendix V: Tables showing the Major Political Parties with the number of Provinces under their control in South Africa, 1994-2009

1994	TOTAL 9
AFRICAN NATIONAL CONGRESS (ANC)	7
INKATHA FREEDOM PARTY (IFP)	1
NATIONAL PARTY (NP)	1

1999	TOTAL 9
AFRICAN NATIONAL CONGRESS (ANC)	7
INKATHA FREEDOM PARTY (IFP)	1
NATIONAL PARTY/NEW NATIONAL PARTY (NP/NNP)	1

2004	TOTAL 9
AFRICAN NATIONAL CONGRESS (ANC)	9
INKATHA FREEDOM PARTY (IFP)	-
DEMOCRATIC ALLIANCE (DA)	-

2009	TOTAL 9
AFRICAN NATIONAL CONGRESS (ANC)	8
INKATHA FREEDOM PARTY (IFP)	-
DEMOCRATIC ALLIANCE (DA)	1

Compiled by the Author

Appendix VI: Parliamentary Memorandum on Independent Panel Assessment Report, South Africa

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PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

PO Box 15 Cape Town 8000 Republic of South Africa
Tel: 27 (21) 403 2364/2786 Fax: 27 (21) 403 2371
www.parliament.gov.za

MEMORANDUM

TO: Speaker of the National Assembly

            Chairperson of the National Council of Provinces

FROM: Secretary to Parliament

DATE: 18 March 2011

SUBJECT: RECOMMENDATIONS BY THE INDEPENDENT PANEL ASSESSMENT OF
            PARLIAMENT

Background

1.   The Joint Rules Committee met on 22 April 2010 and took the following decision in respect of the Independent Panel Assessment of Parliament:

    a) the Report of the Independent Panel Assessment of Parliament, together with the document containing a breakdown of the recommendations and their proposed allocation to the POA and the JRC, dated April 2010, would be sent to parties for consideration;
    b) the Secretary to Parliament would prepare a document on the estimated costing of the substantive financial implications of the recommendations contained in the report for submission to parties during their engagement with the reports; and
    c) the item would serve as the main item on the agenda of the next JRC meeting.

2.   The document containing recommendations and their proposed allocation to the POA and the JRC is still with parties.

3.   The recommendations contained in the report were categorized into three components namely, those:

    • requiring further political policy direction;
    • for which projects were identified; and
    • which formed part of the line functions of the divisions and could be catered for within the respective divisions.

4.   The process in respect of projects is outlined below and detailed in the attached table.

PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

PO Box 15 Cape Town 8000 Republic of South Africa
Tel: 27 (21) 403 2364/2786 Fax: 27 (21) 403 2371
www.parliament.gov.za

Panel Recommendation	Project (as listed for implementation in the Strategic Plan)
Establishment of a scrutiny mechanism to oversee delegated legislation. Must include a monitoring and evaluation schedule to ensure effectiveness of the scrutiny mechanism.	Project to **implement Delegated Legislation processes**
Review impact of legislation, including:	Project to **assess impact of legislation and pass outstanding legislation**
Address outstanding legislation (required by the Constitution)	Project to **assess impact of legislation and pass outstanding legislation**
Reinvigorate and finalise development of an attendance policy for Members of Parliament	Project to **develop Members' leave and attendance system**
Establish extensive monitoring schedule to ensure implementation of Oversight Model	Project to **develop joint planning, monitoring, co-ordination and evaluation mechanism**
Improve process through which Parliament monitors Executive compliance with recommendations of Parliament	Project to **develop oversight monitoring and evaluation system**
Assess and revise mechanism through which the Speaker of the National Assembly follows up on Executive compliance regarding questions	Project to **develop oversight monitoring and evaluation system**

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