

Chapter 2

Escape from Tyranny: Civil Society and Democratic Struggles in Africa

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Nigerians awoke on New Year's Day 2012 to a holiday surprise from their government: President Goodluck Jonathan had doubled the price of fuel in the middle of the night by apparently removing a long-standing subsidy. Nigeria makes billions of dollars in oil earnings every year, yet much of these funds disappear into the pockets of powerholders and the well-connected, such that the fuel subsidy is widely seen as the only tangible benefit the public ever sees from these vast earnings. Consequently, public frustrations boiled over immediately, particularly in urban centers, where major demonstrations were organized after the key trade union federation, the Nigerian Labour Congress (NLC), joined and called for strikes. Dubbed "Occupy Nigeria" by the media, the protests brought Nigeria to a standstill for a week and activists headily declared that the winds of the Arab Spring had finally crossed the Sahara.

A week later, labor leaders suddenly called off the demonstrations after reaching a compromise with the government that reinstated half of the subsidy. Nonlabor activists howled with anger that labor leaders had again been "settled" (i.e., bribed) into a deal that squandered a golden opportunity for fundamental democracy-building concessions, but without the NLC's massive organizing potential—and its 5 million members—the protests soon died out, and Occupy Nigeria became primarily an online phenomenon.

These events illustrate both the potential and the limitations that civil society groups bring to the struggle for democracy in Africa. Scholars and practitioners alike have long pinned their hopes for democratization across the continent on these groups, and without a doubt, they have played pivotal roles in the region's successes

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and provided irreplaceable democratic safe havens, especially where states have collapsed or remained stubbornly autocratic. Yet these groups face tremendous barriers and limitations from state and nonstate actors alike, as well as their own internal contradictions that hamper their abilities to build democracy.

We examine the limitations and contradictions of civil society organisations in the following chapter, by focusing in particular on how civil society is immersed in neopatrimonial politics across the continent (Obadare and Adebaniwi 2013), but how it has also been essential in the move away from neopatrimonialism to more democratic politics. How can civil society actors, who are so clearly a part of society at large, transform the dominant oligarchic pattern of politics across the continent from within? We pay special attention to lessons from three cases representing a spectrum of democratic progress: Ghana, a continental success story; Uganda, where the state remains openly hostile to reform; and Nigeria, stuck somewhere in between reform and oligarchy. We find several important elements of success—but no single recipe—as well as notes of caution in supporting the roles of these fundamental democratic actors.

Civil Society Across the Continent: Beset, but Vibrant

Civil society is generally understood in Hegelian terms, as the distinct sphere of public space separate from the state, which manages the social relations and communications between the state and its citizens (Young 1994). Civil society organizations are said to be “a dense network of voluntary associations and citizens organizations that help to sustain community relations in a way that generates trust and cooperation between citizens and a high level of civic engagement and participation. Therefore, they create the conditions for social integration, public awareness and action, and democratic stability” (Newton 2001, p. 201).

The state’s emergence is often seen as a prerequisite for the development of civil society, such that some experts believe that the persistent weakness of states in Africa contributes to the lack of space for civil society to thrive. Chabal and Daloz (1999) argue that conventional civil society in Africa is an elusive concept as a direct result of African society being formed of different cultural, religious, and sectarian associational life. Thus, “[t]he notion of civil society would only apply if it could be shown that there were meaningful institutional separation between a well-organized civil society and a relatively autonomous bureaucratic state” (Chabal and Daloz 1999, p. 17). Because there is a lack of a clear distinction between the state and associational life in Africa, however, as a result of civil society’s inability to transcend “primordial family, kin, or even communal ties” (Chabaz and Daloz 1999, p. 19), the assumption of this distinction is false and does not reflect the reality of present conditions. Rather, Chabaz and Daloz argue that civil society organizations replicate the informal dynamics of the neopatrimonial behavior of African states, in terms of hierarchies between a patron and client.

Chabal and Daloz’s provocative analysis underscores how deeply embedded civil society organizations are in African neopatrimonial politics, but the fact that these

organizations are shot through with cultural identities and political loyalties does not necessarily keep them from playing the balancing, mediating, or even transformative roles toward the state expected of civil society under typical understandings of the concept. Naomi Chazan has written about the prominent role of these organizations in the political liberalization in the early 1990s that was seen as the resurgence of civil society in Africa. She states that “[t]he urban protests of the late 1980s and early 1990s that triggered the process of reform were initiated either by civil servants, students, professional organizations, trade unions, or churches, and carried out by a combination of these and other groups in over 20 countries” (Chazan 1992, p. 280). Thus, civil society in Africa flourished in and helped lead the struggle to overthrow repressive regimes and dictators in the march toward democratic governance. The increased prominence and growth of voluntary associations, trade unions, churches, and indigenous nongovernmental institutions played an important role in pressuring governments to undertake political reform. Civil society groups have also been central players in building much-needed political opposition, which provides the essential balance of power upon which democracy depends (Kew 2005).

Since the late 1990s, however, the efficacy of civil society in consolidating political liberalization and economic growth in Africa has been much debated. One of the most common concerns is that the state in Africa subverts the growth of civil society and is the main cause of its weakness. Jackson and Rosberg (1982) emphasize that the weak nature of state institutions in Sub-Saharan Africa has led to political instability, where successive politicians have tried to control their population’s political participation on account of their societies being so ethnically diverse (Jackson and Rosberg 1982). This urge to control has fed repressive regimes that limit associational life targeting the governance structures of the state. Larry Diamond notes that many of the political liberalization movements of the 1990s have been stifled by a more recent creeping authoritarianism that has led to corrupt, ineffective state institutions and bureaucracies, a phenomenon he labels “the democratic rollback” (Diamond 2008, p. 1). Diamond argues that the state in Africa has failed to institutionalize democratic governance principles, to the extent that citizens have now retreated from the state. Thus, civil society organizations have become important by playing the role of service provider where the state is incapable, filling an important space between citizens and the state (Diamond 2008).

This renewed concern about stalling democratic development in Africa has led some commentators to look at how civil society could be strengthened in its capacity and organization in relation to its role in election monitoring, as well as in building political opposition and thus regime change (Bratton 1994). Recent protests in Kenya, Nigeria, Togo, Uganda, Ghana, and Zimbabwe show renewed agitation for political reform and democratic governance among the populace, thus suggesting that civil society in contemporary Africa remains vigorous despite the backsliding of its governments.

The most common assumption about civil society in Africa is that it is facing varied difficulties that undermine its autonomy. What experts disagree on is the effectiveness of civil society in bringing about reforms to government structures and institutions and the reasons that define their lack of autonomy. Associational life

in Africa is dominated by traditional and kin-based groups that include tribes and ethnoregional formations, which some argue have been co-opted by the state, that submerge the groups in the neopatrimonial web, or by international foreign donors, whose agendas can be at odds with that of civil society groups (Mw Makumbe 1998). Many organizations also lack knowledge of the policymaking process and are thus unable to hold their respective governments to account or secure proper local funds. This too has contributed to financial dependence on international donors, which may compromise their autonomy and has led to charges of a lack of ambition and purpose (Baylies and Power 2001).

Thus, civil society is reliant on favors from the state or on financial resources from donors, leading to a lack of autonomy (Mw Makumbe 1998). The fact that many civil society organizations are reliant on international donor assistance, in terms of finance and help with operations, is believed to undermine the authority of domestic civil society in the eyes of the indigenous population and the government, as they could be construed as acting in the interests of the donors. Such foreign assistance may, however, be essential to their survival and without it they may be unable to function autonomously of the state (UNDP 2011).

Many civil society organizations in Africa, however, will not or cannot turn to foreign donors, and must turn to the state if they fail to raise internal revenue. Julie Hearn observes that some civil society organizations in Africa align themselves with state policy objectives in order to gain the support of regimes and authorize the implementation of policies, rather than challenge detrimental policies and practices (Hearn 2001). Thus, partnerships between civil society groups and regimes undermine the autonomy of civil society as they attempt to gain patrimonial favors from the state, creating an environment that is unable to challenge hegemonic power and hold governments to account for political and economic failings in policy. This in turn explains the mixed record of civil society organizations in democratic consolidation in Africa, and the even greater difficulties they have faced in getting governments to honor their economic and social commitments (Gyimah-Boadi 1996).

Some of civil society's impact, however, is more difficult to gauge, even though it may well be the sector's most important contribution to democracy building. Alexis de Tocqueville long ago extolled civil society groups as classrooms for democracy, and African organizations play a central role in inculcating democratic political culture in their members (Kew 2005, forthcoming 2013). Democratically structured groups (marked by executives that are elected by members), however, inculcate that culture more deeply and significantly in their members than groups—like much of the NGO sector—whose organizations are not democratically structured. Moreover, democratically structured groups stay committed to prodemocracy coalitions longer than their nondemocratic counterparts, and also bridge ethnic divides within the organization and in their external activities more effectively (Kew and Obi 2009, forthcoming 2013).

Three country case studies will be used to explore these trends in greater depth in order to analyze civil society's democracy-building role in Africa. Each country represents different stages of the spectrum of democratic consolidation, and civil society in each case has had varying impacts. Ghana arguably offers the best case

scenario in the region: its postindependent history was characterized by military rule which then gave way to a strong democratic transition, and now today is one of the strongest multiparty democracies on the continent in part through both the internal and external pressures of civil society and widespread civic associational life.

Nigeria, a middle case, has had a spotty record on its transition to democratic governance. Its postindependence history has been characterized by military regimes, gross human rights abuses, massive corruption, and political violence. Yet, its associational life has widespread participation, and has been an important check and balance on the government, despite not having varied effects on government policies. Uganda offers a difficult case where civil society has so far had little outward impact on democratizing the system. President Museveni has ruled a *de facto* authoritarian one-party state since taking power in 1986. Opposition parties were banned until recently, and political violence was the norm. Civil society organizations have not been so widespread and have been tightly controlled and organized by the government.

Together these three cases offer some insights into civil society's impacts on democracy-building across the continent, particularly in regard to the paradox outlined in the literature between civil society's need for autonomous action, and yet its danger of being captured or co-opted, by either local neopatrimonial networks on the one hand or international donor agendas on the other.

Civil Society in Ghana: Setting the Agenda for Reform

Since the early 1990s, civil society organizations in Ghana have been engaged in strategic partnerships relating to democratization through the platform of government development policies and practices promoted by international financial institutions, focused on social accountability of macroeconomic reforms and poverty reduction policies (Hearn 2001). The implementation of structural adjustment policies (SAPs) required by international financial institutions such as the International Monetary Fund (IMF) and the World Bank (WB) provided an important rallying point for civil society activism, which allowed them to force democracy-building concessions from the government as well.

Close collaboration between the government of Jerry Rawlings and international financial institutions led to the successful implementation of the SAPs. Civil society organizations were later included in the negotiation process, after protests against the Economic Recovery Programme and the introduction of the value added tax (VAT) in May 1995 left five protesters dead (Panford 2001). These protests against economic policies advocated by international financial institutions merged with the struggle for political reform to create sufficient pressure to move Ghana toward a multiparty system of democratic governance. These efforts created a new space between the government and society that allowed civil society organizations to shape and change the process of transition within Ghana profoundly. Since then, civil society organizations have provided an enabling and thriving interface between government and donors by legitimizing key development initiatives, such as the implementation of

the Millennium Development Goals (MDGs), various Poverty Reduction Strategy Papers and the Accra Agenda for Action (AAA) (Jumah 2011).

The 1990s were characterized in Ghana by a rapidly opening democratic governance system, where civil society—both formal and informal groups—was a full participant. A key feature of many civil society groups in Ghana that enhanced their democratic impact was that their memberships tended to transcend traditional class and socioethnic cleavages, thus binding Ghanaian society together and fostering contemporary economic and political development and governance structures (Woods 1992). Civil society groups were instrumental in the consolidation of democratic principles in regard to economic strategies that impacted heavily on development and poverty reduction, leading successive governments to seek endorsements from these various groups, in order to successfully implement economic growth policies. The more the governing actors sought civil society support over time, the more this rebuilt and reinforced the democratic Social Contract between the state and the public.

Civil society organizations were particularly successful in direct democracy building efforts by forming coalitions of networks to promote free and fair elections through the formation of election monitoring and observation groups. They helped to consolidate democratic practices in the general elections in 2000, which saw the first transfer of power through the ballot box in Ghana's history, with victory going to the opposition candidate John Kufuor of the New Patriotic Party (NPP) over John Atta Mills of the National Democratic Congress (NDC), endorsed by the previous president Jerry Rawlings. The media had particular success ensuring transparency in the election and subsequently holding the government to account (Amponsah 2012). Newspapers and radio stations were successful in debating key issues of candidates and highlighting policy successes and failures of the incumbent party, and FM radio stations sent reporters to polling stations to report on any suspicious behavior.

Nonetheless, civil society organizations in Ghana also suffer from transparency and accountability issues. Their success in negotiations during the Accra Third High Level Forum on Aid Effectiveness in September 2008, regarding the reform of aid practices, showed that their legitimacy to represent the poor in negotiations had grown to such an extent that international organizations were actively seeking their validation with regards to the implementation of development schemes worth billions of dollars (Tomlinson 2008). Despite being able to influence these policy discussions with governments and international organizations, however, they had limited success in gaining comprehensive improvement in aid accountability and effectiveness or improved development projects. Thus civil society organizations have gained access and status as a legitimizer of government policies, as representatives of the public interest in these negotiations, but their impact on policy implementation has proven to be a greater challenge than the early democratic struggle itself.

The central role of the Coalition of Domestic Election Observers (CODEO) and the Electoral Institute for Sustainable Democracy in Africa (EISA) in declaring the 2012 election to be free and fair underscored this important status of civil society in Ghana (EISA 2012). Civil society pressure was also important in eventually getting the opposition party and their supporters to accept the results. As a result, civil society in relation to democratic governance in Ghana is flourishing overall. The more mundane details of policy promotion, however, have proven more difficult.

Uganda: Civil Society Under Siege

Civil society organizations have operated within a particularly difficult political climate in Uganda, which has limited their democratic impact. The brutal regime of Idi Amin (1971–1979) outlawed all civil society political activities, thus restricting most associations to health and development initiatives (Omara-Otunnu 1992). Throughout this period, state resources and employment were the main sources available, which ultimately undermined civil society autonomy. In this way, the state subsumed long-standing civil society organizations synonymous with decolonization and the enduring democratization process such as trade unions and key professional associations.

President Yoweri Museveni's rise to power in 1986 saw little shift in the corrupt and undemocratic practices of his predecessors (Omara-Otunnu 1992). Extensive restrictions and bans were placed on political associations not sanctioned by the Ugandan government, and the media came under sustained pressure to conform to the party line. In stark contrast to Ghana at the time, the Ugandan regime channeled the fruits of privatizing public enterprises in the 1990s primarily to its allies among the small political elite, strengthening vested interests at the expense of civil society participation (Hearn 2001).

Although Museveni has initiated many poverty alleviation and health-related programs since coming to power in 1986, service delivery has been marred by corruption and lack of accountability under his one-party state (Kasfir 1998; Omara-Otunnu 1992). Because civil society participation was restricted to development issues outside the political sphere, civil society groups sought to fill these gaps in government service provision. This in turn led civil society organizations to monitor a wider spectrum of government practices (Hearn 2001).

Consequently, despite the lack of autonomy, some civil society organizations have grown to focus on advancing democratic practices through this monitoring of service provisions. Behind the scenes, many groups have promoted democratization and increasingly become a force of resistance to state domination and corrupt practices (CIVICUS 2006). Yet President Museveni has strengthened his hold on the polity. In 2005, parliament voted for the removal of term limits for the president, allowing him to rule for an unlimited number of terms, while the 2011 elections were marred by crackdowns on freedom of expression and democratic dissent (Robert 2005). This depleted space in which civil society groups operate has become regulated with increasing vigor by government forces. After increased criticism of government policies in the media, the regime passed several laws that required all newspapers to register with the government-controlled Media Council that could revoke their licenses (Freedom House 2011).

Increased public anger has rejuvenated political opposition, evident in the decline in Museveni's share of votes between 1996 and 2006 from 75 to 59 %, despite heavy government control of the electoral commission (Rice 2011). As a consequence, the government has increasingly tried to stop the rise of opposition leaders in recent years, harassing them and their supporters following peaceful demonstrations regarding

alleged vote rigging in the February 2011 general elections (The Economist 2011a, b, c). Protests followed around the country over high fuel and food prices, despite police arrests and violence (The Economist 2011a, b, c).

In the wake of these protests, President Museveni placed further restrictions on civil society groups in order to control the political environment, as public criticism has become more open and challenging to corrupt practices by government officials, especially over recent oil finds off the Ugandan coast (Human Rights Watch 2012). Security forces have threatened and harassed civic associations with punitive laws, including a recent NGO registration amendment act that requires civil society organizations to reregister with the government every 3 years, increasing bureaucratic hassles that the government exploits to its own advantage. The government has become more intolerant to the public debates stimulated by civil society groups, and tough measures are being instigated to silence dissenting voices that incite public protests.

Nigeria: Stuck in the Middle

Nigeria enjoys a deep civil society tradition that precedes the colonial era, and remained vibrant through the long years of British colonialism and authoritarianism thereafter under the Nigerian military. Trade union general strikes in 1964 and 1981 were signature events in this regard, bringing the nation to a standstill and forcing the governments of the time to negotiate (Diamond 1988). Civil society groups helped to preserve deep public preferences for democratic government over the long period of military rule (1966–1979 and 1983–1999), and public support in turn responded to civil society leadership at key moments to check military rule.

Civil society activity has been dominated since independence by the older, larger organizations like the trade unions, professional associations like the Nigerian Bar Association, religious institutions, and traditional institutions, all of which have large memberships capable of filling the streets during protest actions. Since the 1980s, however, a growing number of small groups—the NGO movement—have risen on the back of the new technologies of the information revolution to play an important role in the public discourse on democracy and, to some extent, organization of public action. In addition, the NGO movement has built strong relationships with international donors and won a large portion of their funds available in Nigeria (Kew forthcoming 2013).

As in Ghana and Uganda, Nigeria's military government implemented SAPs in the late 1980s that sparked extensive public protests led by the trade unions (Lewis 1996). Two key aspects of Nigerian military rule, however, blunted the impact of civil society political activities of the period. The first was the military regime of Ibrahim Babangida which implemented a gradual democratization program shortly after taking office in 1985, and deflected civil society criticism by channeling it toward improving the transition program rather than removing the military from office (Oyediran et al. 1993). Second, the Nigerian military sat atop the nation's vast oil

wealth, which was gutted by generally low oil prices in the 1980s and 1990s, but was still sizeable and sufficiently concentrated in government hands as to provide important leverage over political and civil actors. As Nigerian per capita incomes dropped from roughly \$ 1,000 in 1980 to \$ 250 in the early 1990s, and as structural adjustment gutted the nation's public infrastructure and social safety net, government largesse proved increasingly irresistible to political leaders and some civil society actors, and corruption boomed, allowing the military to lengthen its rule (Olukoshi 1993).

Despite the growing corruption amid rising poverty nationwide, civil society actors were still able to organize massive protests that pushed General Babangida from office in 1993 when his long transition program finally proved fraudulent. The NGO movement, spearheaded by human rights organizations, joined forces with trade unions, the Bar, student unions, and most importantly, the leading political opposition party to force Babangida to hand power to a transitional government offering to hold new elections. Amid continuing protests, however, a new military junta seized power under General Sani Abacha in 1993. Abacha soon proved the most brutal of Nigeria's military leaders, installing his own fraudulent transition program designed to install himself as a civilian president, and imposing military-appointed administrators or allies on the trade unions and large civic associations whenever possible, which did not quell civic activities but effectively broke them into pieces. Some NGO leaders were jailed. Many continued the struggle, but without the muscle of the unions and other massive associations, and with no viable opposition party in the Abacha transition scheme, civil society opposition to the military was a much-reduced force by the late 1990s.

Abacha's death in 1998 likely saved the nation from possible collapse over his designs to stay in power, and opened political space for civil society to recover. General Abubakar instituted a swift transition program that handed power to a civilian government in 1999 led by retired General Olusegun Obasanjo and the People's Democratic Party (PDP), a coalition of civilian allies of past military governments who had grown fabulously rich through their political access. In his first 2 years in office, President Obasanjo worked closely with civil society leaders to draft a number of political reform policies. The large civil society groups like the unions, Bar, and other associations quickly recovered their strength and bargained major increases in wages and other reforms like the establishment of an anticorruption commission. In addition, the availability of more public funds at the federal and state levels, as well as increased donor funds, fueled a boom in the number of NGOs nationwide in a host of service sectors like health, education, and development, and in more explicitly political activities like human rights, democratic deepening, and conflict resolution.

By 2002, as the president and the PDP looked to retain office in the 2003 elections, relations between the government and civil society began to shift. President Obasanjo turned to the PDP machinery, which used its access to vast public resources and control over the election system to deliver itself a lock hold on federal, state, and local offices in 2003—a pattern it repeated in 2007 and 2011. Civil society, now vastly larger and more diverse than in the 1990s, split in many directions over the growing oligarchic nature of PDP governance. NGOs from many sectors with government

funding found protest difficult, or actively joined the PDP coalition (Kew forthcoming 2013). NGOs with foreign donor funds have had greater freedom to criticize PDP corruption and election malfeasance, but have been unable to sustain reform coalitions in between election cycles, as occasional government reform policies have attracted support and participation from both the donors and reform NGOs.

Consequently, Nigerian civil society has had no overarching democratization/democracy-deepening coalitions since 1999, when it had the clear threat of the military as a rallying point. Instead, multiple issue-specific coalitions have dominated civic life: election-reform coalitions, anticorruption coalitions, one for the passage of a Freedom of Information Bill, and others. Some organizations belong to multiple coalitions, but no central, sustained alliance exists as in the 1990s. Doubtless, the complicated relationships between the large civil society groups—the unions, professional associations, religious institutions, and the like—and the government has sapped their ability to organize a sustained political reform agenda. As vast, complex organizations, these groups have seen some local and national affiliates deeply compromised by government largesse, while others remain deeply committed to the public interest. Thus, their activities since 1999 have been mixed, checking PDP overreach on specific policies or occasions, such as over fuel price increases or President Obasanjo's failed 2006 effort to change the constitution to allow himself a third term in office, but unable to build a viable political opposition to PDP corruption and election stealing. Such opposition has proven especially difficult as opposition parties grew increasingly feeble after 1999, giving civil society groups or coalitions few alternatives to support.

Some signs of change, however, appeared in January 2012 as a new movement, named Occupy Nigeria by the media, emerged to protest President Jonathan's lifting of fuel price subsidies, effectively doubling the prices of fuel across the country overnight. NGOs and private individuals using Facebook and other online or smart phone social-networking technologies quickly organized nationwide protests, which as in past coalitions, became massive once the trade unions joined and, as in the past, soon collapsed once the unions struck a deal with the government amid widespread accusations from other civil society groups that union leaders were bribed. Importantly, however, many civil society and part-time, tech-savvy activists moved their criticisms online, where they have continued to sustain their relationships and extend their coalition-building efforts. Sensing that public frustrations over PDP misrule have reached a turning point, the four main opposition parties formed a single national party in 2013, the All Progressive Congress (APC), which may provide civil society associations the alternative at the political level that they need as a central rallying point.

Analysis: Accenting the Positives

From the examples of the three case studies above, civil society organizations face several successes and difficulties across the continent. Clearly, in countries where democracy is thriving or where the political space is at least opening, civic participation expands. Participation, however, does not always translate into policy impact,

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