

CHAPTER 17

REGIME CHANGE AND POWER ALTERNATION AS EMERGING TRENDS IN WEST AFRICA'S DEMOCRATIC EXPERIENCE: EVIDENCES FROM NIGERIA, GHANA AND THE GAMBIA

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The unseating of an incumbent president is not the usual way politics goes in this part of the world – but it's becoming popular in West Africa.

BBC News 2 December 2016

1 Introduction

Since the mid-twentieth century, global political transformations, described by Huntington as 'democracy's third wave',¹ has resulted in the acceptance of democracy and its embrace as a legitimate and lawful means of ascension to political leadership, and governance and changes in political regimes,² especially in Third World countries. Across Africa, this has occasioned the institutionalisation of participatory and multiparty democracy, which has significantly widened the scope of political participation, competition, and inclusivity among multiple political options and alternatives for the electorates. In the West African sub-region, the ease with which democracy was embraced may have been informed by a desire for change and a quest for the repudiation of a turbulent political past. Following decades of political instability occasioned by socio-political upheavals, sporadic violent conflicts and episodic civil wars, the emphasis in the sub-region shifted in the mid-1990s, from economic cooperation to security cooperation and peace building. This was due to the realisation that there is a dialectical relationship among security, peace, political stability and

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1 SP Huntington 'Democracy's third wave' (1991) 2 *Journal of Democracy* 12.

2 MM Duruji 'Democracy and the challenges of ethno-nationalism in Nigeria's Fourth Republic: Interrogating institutional mechanisms' (2010) 15 *Journal of Peace, Conflict and Development* 92.

economic growth and that economic cooperation cannot be foisted on a conflict-ridden environment.³

Most fundamentally, the institutionalisation of participatory and multiparty democracy in Africa has resulted in two major political developments, which are mutually reinforcing, across the continent and particularly in West Africa. First, it has created the enabling political environment for a significant departure from the era of a dominant one-party system or what Carbone described as ‘single-party-dominated regimes’⁴ during which opposition politics were considered treasonable as was evident in many countries including Benin, Cape Verde, Equatorial Guinea, Gabon, Guinea-Bissau, Côte d’Ivoire, Mali, Sierra Leone, The Gambia and Togo. The second development, with which we are mostly concerned here, is a result of the first. Since the last decade there has been the emergence of vibrant opposition political parties across the sub-region, which through party coalitions and alliances, mobilised in competitive electoral processes to defeat dominant and ruling parties to form governments. From Benin to Burkina Faso, Côte d’Ivoire to Ghana, The Gambia to Liberia, Nigeria to Sierra Leone, there is an emerging trend of opposition political parties successfully challenging and defeating ruling and dominant political parties and assuming the reigns of governance.

Utilising a comparative data set and examples from Kenya, Ghana and Sierra Leone, Cheeseman in a study showed that throughout Africa, opposition parties are almost four times more likely to win in what he called ‘open-seat elections’, that is, when the sitting President does not stand for elections,⁵ resulting in regime change and power alternation. This was the case in Ghana in 2000 and 2008 and it has been replicated in recent elections in Côte d’Ivoire (2010), Benin (2015), Liberia (2017) and Sierra Leone (2018). However, political developments in the last three years within the sub-region have seen incumbent presidents defeated in general elections as in Nigeria (2015), Ghana (2016) and The Gambia (2016).

While some see these developments as a clear indication of democratic growth, consolidation and stability within the sub-region,⁶ others have argued that regime change and power alternations have not yet translated to changes in socio-economic structures and development, expansion

3 UM Ogonnaya ‘Regional integration, political crisis and the transformation of ECOWAS crisis management mechanisms’ (2013) 4 *Turkish Journal of Politics* 49.

4 G Carbone ‘Political parties and party systems in Africa: Themes and research perspectives’ (2007) 3 *World Political Science Review* 1.

5 N Cheeseman ‘African elections as vehicles for change’ (2010) 21 *Journal of Democracy* 139.

6 See The Sahel and West Africa Club ‘Building peace and democracy in West Africa’ Proceedings of the forum of political parties, the media and civil society in West Africa, co-organised by the Sahel and West Africa Club and the Strategic Watch Club for Peace in West Africa, Cotonou, Benin 28 June-1 July 2005; K Bofo-Arthur ‘Democracy and stability in West Africa: The Ghanaian experience’ (2008) Department of Peace and Conflict Research, Uppsala University and Nordic Africa Institute Uppsala, Claude Ake Memorial Papers 4.

and liberalisation of democratic space for inclusive participation, and the strengthening of public and political institutions to sustain democratic growth.⁷ This, according to them, amounts to a negation of democracy itself. Others have argued that despite this seeming success in democratic growth and consolidation, democracy remains under threat in West Africa with the propensity and proclivity towards *coup d'état* as in Burkina Faso and Mali, electoral violence and elite rivalry as in Gabon and The Gambia and the challenges of 'tenure trouble in Togo'.⁸

Be that as it may, this emerging political trend in West Africa raises a number of questions, namely, the social, economic, political and institutional factors that give rise to regime change and power alternation in the sub-region; the implications of this development for the future of democracy in the sub-region; how democratic governance is addressing the challenges of service delivery in governance, including economic development, challenges of national security, adherence to the rule of law and respect for human rights in the sub-region. It also raises the question as to whether there is a prospect of democratic development in the sub-region addressing the challenges of weak democratic institutions, lack of internal party democracy in political party processes and procedures, absence of gender mainstreaming, inclusivity and popular participation in the political process. This chapter engages these questions in order to critically situate the different contexts of this emerging trend and its implications for democracy and democratic governance in West Africa.

2 Case studies

Using Nigeria, Ghana and The Gambia (where incumbent presidents lost elections) as case studies, this part examines the social, economic, political and institutional factors that give rise to regime change and power alternation in the sub-region. It also examines the implications of this development for the future of democracy in the sub-region; whether democratic governance is addressing the challenges of service delivery in governance, including economic development, challenges of national security, adherence to the rule of law and respect for human rights in the sub-region; and whether there is a prospect that democratic development in the sub-region will address the challenges of weak democratic institutions, the lack of internal party democracy in political party processes and procedures, absence of gender mainstreaming, inclusivity and popular participation in the political process.

7 L Adamolekun 'Some reflections on democracy and development in Africa' *African Peacebuilding Network: APN Lecture Series 2*, July 2018; G Carbone & A Cassani 'Nigeria and democratic progress by elections in Africa' (2016) 51 *Africa Spectrum* 33.

8 L Gberie 'Is democracy under threat in West Africa? Coups in Mali and Guinea-Bissau, democratic defence in Senegal' *Africa Renewal* August 2012; S Moestrup 'Tenure trouble in Togo' in Wilson Centre Africa Programme (eds) *Africa: Year in Review 2017* (2017) 22.

2.1 Nigeria

After 16 years of military dictatorship and authoritarianism (1983-1999) that were characterised by wanton violation and repression of the political, economic and social rights of the Nigerian people,⁹ the military on 29 May 1999 disengaged from politics and relinquished power to a democratically-elected government. This marked the beginning of the Fourth Republic in Nigeria's attempt at democratic consolidation since political independence in 1960. This was after the failure of previous attempts at democratisation as was witnessed in 'the collapse of the First (1960-1966) and Second (1979-1983) Republics, and the abortion of the Third Republic through the criminal annulment of the 12 June 1993 presidential election'.¹⁰ Two decades since 1999, four different civilian regimes have emerged in four successive transitions from one civilian administration to another (Olusegun Obasanjo, 1999-2007; Shehu Musa Ya'Adua, 2007-2010; Goodluck Ebele Jonathan, 2010-2015; and Muhammad Buhari, 2015-date). For 11 years (1999 to 2011) political power at the federal level alternated between one civilian regime and another within the People's Democratic Party (PDP). In March 2015, however, the long-standing dominance of the PDP came to a sudden and a somewhat expected end after the newly-formed All Progressive Congress (APC)'s¹¹ presidential candidate, Muhammad Buhari, was declared the winner of the election by the Independent National Electoral Commission (INEC). According to Owen and Usman, APC's electoral machinery was powerful in 'shattering the myth of political incumbency'¹² under what Cheeseman may describe as the 'least likely' circumstance in a non-open-seat election.¹³

The 2015 regime change and power alternation in Nigeria were a product of several factors. Economically, amidst a burgeoning gross domestic product (GDP) that grew at an average rate of 5,74 per cent between 2010 and 2014,¹⁴ Nigeria experienced growing poverty and a high unemployment rate that grew at the rate of 14,74 per cent between 2010 and 2014.¹⁵ Socially, the declining economic fortune was made much more complex by growing insurgencies among other revolutionary pressures and violent uprisings – terrorism in the northern regions, kidnapping and secessionist agitations in the south east, militancy and criminality in the south south and armed robbery in the south west – resulting in

9 E Osaghae 'Democratisation in sub-Saharan Africa: Faltering prospects, new hopes' (1999) 17 *Journal of Contemporary African Studies* 4.

10 JS Omotola 'Elections and democratic transition in Nigeria under the fourth republic' (2017) 109 *African Affairs* 535.

11 The APC came into existence on 6 February 2013 with the merger of the Action Congress of Nigeria (ACN), the All Nigeria Peoples Party (ANPP) and the Congress for Progressive Change (CPC), which were later joined by a faction of All Grand Progressive Alliance (APGA) and a faction of PDP, otherwise called the new People's Democratic Party (nPDP).

12 O Owen & Z Usman 'Why Goodluck Jonathan lost the Nigerian presidential election of 2015' (2015) 114 *African Affairs* 455.

13 Cheeseman (n 6) 139.

14 See World Development Indicators (WDI), July 2016.

15 See IMF World Economic Outlook, April 2016.

'state fragility'¹⁶ and worsening human and national security leading to an intense political situation in 2015 that was described by Simon as the 'survival of the Nigerian state'.¹⁷ Moreover, under the Jonathan regime, institutionalised political and economic corruption reached a crescendo with the mismanagement of the US \$1,2 billion arms procurement budget, otherwise referred to as the Dasukigate.¹⁸ These coalesced into a dwindling popularity for President Jonathan and the ruling PDP. Politically, prior to the 2015 general elections, the ruling PDP was immersed in internal party crisis that was largely premised on the absence of internal party democracy and the dominance of the party by a motley group of individuals variously described as 'godfathers', 'founding fathers' and 'party leaders'. This led to the internal turmoil, revolt and rebellion and leadership contests in the party that resulted in its factionalisation and weakening and the eventual loss of power in 2015.¹⁹ Most importantly, however, the emergence of President Goodluck Jonathan in 2011 was perceived, especially by the northern bloc of the PDP, as a negation of the existing political arrangement of zoning and rotational presidency. As Carbone and Cassani observed, bringing the presidency back into the hands of a southerner, less than three years after President Obasanjo left office, created strong resentment among the political establishment from the north.²⁰ Thus, for four years (2011-2015) Jonathan was considered a political upstart and a neophyte from a non-established political bloc and 'a stranger in politics'²¹ challenging the highly-established northern political bloc. This perception gave rise to a vigorous and vicious mobilisation of the northern political machinery within the ruling PDP and the opposition APC to defeat an incumbent president in a general election.²²

Furthermore, Omotola and Onuoha have identified an institutional factor, especially as it involved the election management body (EMB), in this case the INEC.²³ According to them, building upon the successes of previous elections and the amendment of the Electoral Act 2010, the Electoral Commission had begun to assert its autonomy and a high degree of authority in its management of the electoral processes. This was occasioned by a series of electoral reforms, which enhanced its professionalism as well as its administrative capability and efficiency due largely to the implementation of some of the recommendations of the

16 DA Tonwe & SJ Eke 'State fragility and violent uprisings in Nigeria: The case of Boko Haram' (2013) 22 *African Security Review* 232.

17 BS Okolo '2015 and the survival of the Nigerian state' (2014) 23 *African Security Review* 161.

18 'The arms deal probe: Anti-graft war or score settling?' *This Day* 7 December 2015.

19 TM Bande & UM Ogbonnaya 'Federalism and party politics in Nigeria' in O Ibeanu & JK Mohammad (eds) *Nigerian federalism and continuing quest for stability and nation-building* (2017) 147.

20 Carbone & Cassini (n 7) 42.

21 B Abudullahi *On a platter of gold: How Jonathan won and lost Nigeria* (2017).

22 O Adeniyi *Against the run of play: How an incumbent president was defeated in Nigeria* (2017).

23 JS Omotola & FC Onuoha 'The promise of transition: Is there an African dawn for democracy?' *Al Jazeera* 8 July 2018.

Justice Uwais Electoral Reform Committee's report.²⁴ Over and above every other factor, however, was the willingness of President Jonathan to concede defeat in the election. Carbone and Cassani succinctly captured this as follows:²⁵

The turnover in power depended on ... Jonathan's readiness to acknowledge defeat and peacefully leave office. This was arguably a contingent factor hinging not just on the president's will. Several African leaders, in a context of young or weak electoral arrangements, had been defeated at the polls but then more or less successfully tried to subvert the outcome and hold on to power; examples ranged from Robert Mugabe in Zimbabwe in 2008 to Robert Guéi and Laurent Gbagbo in Côte d'Ivoire, in 2000 and 2010, respectively. These incidents remind us that political will largely depends on the quality and solidity of the institutional environment within which decisions are made. Jonathan's choice arguably reflected a certain rootedness of multiparty contests and the process of mutual habituation that Nigerian political adversaries had gradually undergone. Examples of similar developments include the PDP's acceptance of a reduced margin of victory back in 2011, and the Abuja Accord signed before the 2015 election, under the aegis of the UNDP and former UN Secretary-General Kofi Annan, in which the major competitors pledged to accept the electoral outcome.

Thus, as Carbone and Cassani articulately surmised, besides building on the progress that the country had made since the 1999 transition to multiparty politics, Nigeria's power alternation in 2015 was a remarkable democratising outcome made possible by what they described as 'a combination of weak government performance, an improved and autonomous electoral administration, a strongly organised and united opposition, and the incumbent's readiness to accept defeat that turned alternation in office from an *ex ante* possibility into an *ex post* actual fact'.²⁶

2.2 Ghana

Although the 1992 election, the first after 13 years of military rule (1979-1992), had come with its challenges, Ghana has continued to make significant progress in democratic process. Key successes in this regard include regular democratic elections that have been characterised by high degree of freeness, fairness, and credibility within a competitive but peaceful process. These are evident by not just the low margin between the winners and the runners-up, but also the almost evenly distribution of seats between the two leading parties in parliament.²⁷ Democracy in Ghana has grown to such an extent that power alternations have become

24 As above.

25 Carbone & Cassani (n 7) 44-45.

26 Carbone & Cassani 44.

27 See A Abdul-Gafaru & C Gordon 'Consolidating democracy in Ghana: Progress and prospects' (2010) 17 *Democratization* 26; E Gyimah-Boadi 'Another step forward for Ghana' in L Diamond & MF Plattner (eds) *Democratisation in Africa: Progress and retreat* (2010) 137.

recurrent with opposition parties winning elections on three different occasions (2000, 2008 and 2016). The 2000 and 2008 power alternations and regime changes in Ghana happened under Cheeseman's 'open-seat elections' circumstances.²⁸ However, the 2016 power alternation saw the defeat of an incumbent President. As in the case of Nigeria, Ghana had in about a year difference replicated a very rare feat in African democracy leading to a very apt commentary that 'the unseating of an incumbent president is not the usual way politics goes in this part of the world – but it's becoming popular in West Africa'.²⁹

However, whether in 'open-seat elections' as in 2000 and 2008 or 'non-open-seat elections' as in 2016, regime changes and power alternations in Ghana have been due largely to a number of factors. For instance, Osei has identified 'structural and actor-centric factors', in which he noted that structural explanations consider, among other things, wealth, urbanisation, and education as factors that positively related to the occurrence of power alternations while actor-centric conceptions emphasise processes of elite bargaining and strategic interaction.³⁰

In the 2008 general elections the defining factors for regime change in Ghana were similar to that of Nigeria in 2015, namely, structural, economic, political, social and institutional deficiencies, among others. Structurally, while there were five other political parties in the election, the Convention People's Party (CPP), the Democratic Freedom Party (DFP), the Democratic People's Party (DPP), the People's National Convention (PNC) and the Reformed Patriotic Democrats (RPD), the contest was between the ruling New Patriotic Party (NPP) and the leading opposition, National Democratic Congress (NDC). However, the ruling NPP was accused of ethnic chauvinism and exclusionist tendencies. Its complicity in the chieftaincy and communal crises in some communities in North and East Ghana alongside an already widely-held perception of its pro-Akan-Ashanti bias suggested a disregard of voters in some other ethnic groups and regions.³¹

Economically, despite its sterling records of prudent economic management and solid two terms in office (2000-2008), the NPP's chances of victory in the election were tainted by a number of issues: the rising cost of living including an increase in fuel prices, and a persistent deficit in social service delivery that caused frustration and rising tension in some segments of society; and high unemployment rates that challenged the sustainability of the NPP's economic management strategy. Socially, the NPP was mired in negative public perceptions of corruption and official impunity, allegations of narcotic trafficking involving top government

28 Cheeseman (n 5) 153.

29 BBC News 'Gambia's Jammeh loses to Adama Barrow in shock election result' *BBC (News)* 2 December 2016.

30 A Osei 'Elites and democracy in Ghana' in N Cheeseman, L Whitefield & C Death (eds) *The African affairs reader: Key texts in politics, development, and international relations* (2010) 227.

31 Gyimah-Boadi (n 27) 140.

officials and the botched investigation into the cocaine scandals involving top security officials and parliamentarians.³² Politically, the opposition NDC came to the 2008 elections from a point of strength. Having reconciled with aggrieved factions and splinter groups such as the National Reform Party (NRP) and the Democratic Freedom Party (DFP), the NDC became stronger and more unified with increased organisational capacity that it had built since the 2004 elections.³³

By the time of the 2016 elections, which saw the defeat of incumbent President John Mahama of the NDC by the main opposition leader, Nana Akufo-Addo of the NPP, power alternation and regime change in Ghana had taken roots. The vast improvements in the quality of each successive election had, despite its challenges, ensured the independence and autonomy of Ghana's Electoral Commission (EC) and enabled it to exercise some degree of authority and independence over the electoral process. For instance, except for 'gross violations' of the Constitution, the head of Ghana's electoral commission enjoys security of tenure of office once appointed and may not be removed by the President. Second, the elections were accompanied by increased political awareness and high levels of public interest in national elections typified by citizens' assertiveness. Most importantly also was the willingness of the incumbent President, as was previously the case in Nigeria, to accept the outcome of elections and respect the wishes of the people. President John Mahama had addressed supporters gathered outside his house, saying that 'I want to assure the nation that we will respect the outcome of the election, positive or negative'.³⁴ In both Nigeria and Ghana, it is important to note that none of the defeated incumbent presidents challenged the outcome of the elections in court. For them, it was important to give the incoming political leaders the necessary peaceful environment to face the task of national leadership and development. This indeed was a new democratic standard being set in the sub-region. As President Jonathan noted, 'Nigeria has to grow the credibility of its democracy to a stage where it would no longer wait for court judgment to conclude elections'.³⁵

2.3 The Gambia

Prior to the 1994 Yahya Jammeh-led *coup d'état* that toppled the People's Progressive Party (PPP) government led by Dawda Jawara, The Gambia, with relative peace and stability since independence from Britain in 1965, for more than a quarter of a century was one of sub-Saharan Africa's

32 Gyimah-Boadi (n 27) 139.

33 Gyimah-Boadi (n 27) 140.

34 'Ghana: Akufo-Addo wins presidential election' *AlJazeera* 10 December 2016, <https://www.aljazeera.com/news/2016/12/ghana-akufo-addo-wins-presidential-election-161209172455364.html> (accessed 25 August 2018).

35 '2015 Poll: Why I conceded defeat – Jonathan, October 28' *Vanguard* 28 October 2017, <https://www.vanguardngr.com/2017/10/2015-poll-conceded-defeat-jonathan/> (accessed 21 August 2018).

longest standing multiparty democracies. According to Edie, it was perceived (along with Botswana and Mauritius) as an 'exception on an African continent where authoritarianism and military regimes have been the norm'.³⁶ This, however, did not create an enabling environment for the entrenchment of competitive politics and democracy. For instance, the PPP, which came to power in 1962, held on to power until 1994. During this period there was no power alternation among parties, as the government remained under the control of Dawda Jawara and the PPP.³⁷ The Gambia, therefore, was a typical case of Carbone's 'single-party-dominated regime'³⁸ in Africa.

Contrary to expectations, the 1994 military incursion into Gambian politics did not change the trend. For 22 years it was still a case of 'one-party domination being sustained by the incumbent using state resources and various control mechanisms to stay in power: suppressing the opposition, rigging elections and altering the Constitution'.³⁹ Although the Jammeh military junta promised to ensure a return to democratic rule within three months of the *coup*, he went on to rule for 22 years having been elected as President in 1996, 2001, 2006 and 2011 under circumstances described as 'flawed elections'.⁴⁰ Thus, for 22 years politics, governance and democracy in The Gambia were characterised by state repression, brutality, exclusionism, and manipulated and flawed electoral processes. Saine aptly captured Jammeh's political regime as follows:⁴¹

Political and economic developments in The Gambia following the ... 1994 *coup d'état* have witnessed a remarkable deficit of governance against a backdrop of increasing economic poverty among Gambians. Despite 'winning' four five-year presidential terms since 1996, President Yahya Jammeh has ruled this mini-state with an iron-fist – allowing for little opposition. Through legislation and brute repression, including assassinations, disappearances and the torture of journalists and civilians, Jammeh has succeeded in muzzling the press and silencing civil society organisations, including the Gambia Bar Association. The consequence of The Gambia's democratic deficit is evidenced by weak civil society organisations and the absence of social movements to counter Jammeh's political domination of the polity and economy.

It was under these circumstances that the November 2016 presidential elections were scheduled to hold. As usual, President Jammeh was poised to win for a sixth term in office because the opposition parties were weak, divided, disunited and disunified. Moreover, President Jammeh still had the military and state security institutions solidly behind him with a tiny elite class that was dependent on the state for survival, not willing

36 CJ Edie 'Democracy in The Gambia: Past, present and prospect for the future (2000) 25 *Africa Development / Afrique et Développement* 161.

37 Edie (n 36) 162.

38 G Carbone 'Political parties and party systems in Africa: Themes and research perspectives' (2007) 3 *World Political Science Review* 1.

39 Edie (n 36) 192.

40 Human Rights Watch *More fear than fair: Gambia's 2016 presidential election* (2016) 6.

41 A Saine 'The Gambia's deepening governance and economic crisis: 1994-2015' in S Ndongo (ed) *Recent political developments in West Africa* (2016) 256.

to commit class suicide and join the masses. Most fundamentally, the 1996 Constitution amendment process presided over by Yahya Jammeh himself had yanked off term limits for the President. Above all, weak electoral institutions characterised by an inappropriate electoral system of representation based on the winner-take-all principle, a narrow distribution of power, absence of strong civil society organisations, suppression of the opposition and a citizenship that had largely been brutalised into a state of political apathy, remained prevalent.

The foregoing notwithstanding, certain factors enabled the 2016 power alternation and regime change in The Gambia. First, as Saine noted, in all these years Jammeh had not gone unchallenged. Violent protests and attacks against government installations, including the December 2014 attack on State House and several alleged foiled *coups*, were on the rise. Also, strained relationship with the European Union (EU), as well as mild economic sanctions by the United States (US), among others, had coalesced to further isolate the Jammeh regime.⁴² This was complimented by a vibrant and growing exiled Gambian online media community and an increasingly vocal diaspora, which had joined forces to keep Jammeh on edge. According to Sanyang and Camara, the diaspora became a crucial player in the election process. Although they continued to be denied the right to vote, many of them were very active on social media long before the election campaign began, and their remittances to family members in the country were used as leverage to counter the fear element that compelled the electorate to vote for Jammeh. Through an online crowd-funding tool, for example Go-Fund Me, it took the diaspora just 24 days to raise over \$50 000 in support of the opposition campaign.⁴³ The Gambian diaspora also enabled the youth through the instrumentality of the social media to play significant role in the 2016 change. According to Bojang, 2016 was different in that everything that happened in The Gambia was fuelled from the diaspora. Information about Sandeng's arrest was posted on Facebook, as were the beatings of opposition members who protested. It was a social media revolution where young people formed WhatsApp groups inside the country, through which they were spreading the messages the government had long suppressed. They recorded their messages in local languages and sent live videos. These raised awareness, sparked anger and frustration. In addition, the youth movements put pressure on the opposition leaders to unite and align.⁴⁴

Women also played a critical role in the change. When the opposition leader Darboe and his people were arrested and detained illegally, women started what became known as the Calama Revolution. Begun by a retired headmistress who stood in front of the National

42 Saine (n 39) 256.

43 E Sanyang & S Camara *The Gambia after elections: Implications for governance and security in West Africa* (2017) 16.

44 S Bojang 'The Gambia: One year after Jammeh, what has changed?' *Heinrich Böll Stiftung* 14 May 2018, <https://za.boell.org/2018/05/14/gambia-one-year-after-jammeh-what-has-changed> (accessed 25 August 2018).

Intelligence Agency, right opposite the Supreme Court, to protest, hundreds of women had joined by the end of the week; market women, housewives and so on, most of them older than 50. This marked the end of fear and inspired everybody else across the country. When the police could not stop the women, they just let the protests happen.⁴⁵

However, as Bojang noted, all the protests and mobilisation were triggered in April 2016, a few months before the election, when opposition activist Solo Sandeng and a handful of other opposition members were arrested following their peaceful protest for electoral reform and Solo Sandeng was tortured to death in custody. This was complicated when armed state police also arrested and tortured the then opposition leader, Ousainou Darboe, and his followers who went to ask for the release of Sandeng's body. This incident, which triggered mass protests, marked the turning point as it energised the people's resolve no longer to be quiet. Moreover, President Jammeh publicly insulted the Mandinkas, one of the biggest ethnic groups in the country, at public rallies in the lead-up to the December elections.⁴⁶ All these culminated in Mr Adama Barrow winning with 263 515 votes (45,5 per cent) of the votes cast. While President Jammeh scored 212 099 (36,7 per cent), a third-party candidate, Mama Kandeh, received 102 969 (17,8 per cent).⁴⁷

Most fundamental in the regime change and power alternation in The Gambia was the role of the international community, especially the sub-regional governance body, the Economic Community of West African States (ECOWAS). Following President Jammeh's withdrawal of his concession to defeat, a power transition crisis ensued. ECOWAS, led by Senegal and Nigeria, intervened. It sought permission to intervene from the African Union (AU) and the UN Security Council (UNSC), first through negotiations and, if necessary, with armed troops. As Hartmann noted, the ECOWAS efforts to 'restore democracy' in the country through the use of threat of force was given legitimacy by the backing of both the AU and the UNSC.⁴⁸ The behaviour and success of ECOWAS in the country could be explained by some factors. First, ECOWAS had a clear legal mandate to threaten the use of force in order to protect democracy in one of its member states. Second, President Jammeh could no longer rely on friends among his regional peers or some powerful allies from outside Africa to remain in office. Third, regional leaders such as Nigeria and Senegal made a credible commitment to the regional intervention.⁴⁹ In the end, ECOWAS managed to 'restore democracy' in the country by using the threat of force, but without any use of direct physical violence because it was only when the scenario of military invasion became credible that Jammeh accepted to relinquish power.

45 As above.

46 As above.

47 *BBC News* (n 27).

48 C Hartmann 'ECOWAS and the restoration of democracy in The Gambia' (2017) 52 *Africa Spectrum* 85.

49 As above.

3 Implications for the future of democracy and governance in West Africa

From the foregoing, various factors uniquely and distinctively accounted for regime changes and power alternations in the countries under study. However, some of these factors cut across the countries in the sub-region where regime changes and power alternations have successfully taken place. For instance, in Nigeria and Ghana the electoral commissions enjoy some degree of autonomy that enable them have control over the electoral process. This was not the case in The Gambia. Again, a common denominator in the Nigerian and Ghanaian experiences were the effective coordination of opposition parties and the rise of increasingly assertive citizens and electorates who had begun to show more than a casual interest in the security of their votes rather than being content with merely casting their votes.⁵⁰ This was also the case in The Gambia where the diaspora had enabled a mobilisation of the youth and women and a realignment of the opposition to effect a regime change. As in The Gambia, citizen assertiveness across the sub-region was accentuated by an increase in access to the internet, which enhanced their use of social media.⁵¹ Beyond The Gambia and across the world, social media has become a powerful tool for the political mobilisation of citizens. Finally, with the exception of The Gambia, where ECOWAS intervention compelled President Jammeh to accept a negotiated exit out of power, to a very large extent the regime changes and power alternations that occurred in the other countries were largely predicated upon the willingness of the defeated presidents to concede defeat and abide by the outcome of the election. As President Jonathan of Nigeria noted, this was a clear indication of democratic advancement way beyond the practice of 'sit-tightism' that had hitherto held sway across Africa.

The implications of the foregoing developments are many and varied. First, it points clearly to the fact that both the people and governments of West African states have accepted democracy as a system of governance and means of choosing political leaders. This has significantly advanced the course of democratic consolidation across the sub-region. Second, despite the challenges that characterised the post-military regime elections, as the countries transited from military regimes to democracy, subsequent elections across the sub-region were accompanied by greater improvements in legal, institutional and organisational context. For instance, electoral commissions, through several legal amendments and institutional reforms, have become more strengthened, autonomous and independent to perform their functions with little or no political interference. The implication is that there is the political will in some of the member states to create enabling environment for the growth and sustenance of democracy. Third, across the countries, political parties, which are key institutions of democracy,

50 Omotola & Onuoha (n 23) 8.

51 Omotola & Onuoha (n 23) 9.

are becoming stronger, more stable, better organised, and membership-driven, maybe with the exception of Nigeria, where in about two decades of electoral democracy experiences with political parties have shown a high degree of instability, a tendency and proclivity towards implosion and party switches, as was characterised by the implosion of the PDP prior to the 2015 elections and the ongoing crisis and factionalisation within the ruling APC, among others.

4 Conclusion: Refocusing democracy in West Africa

From a minimalist perspective, however, while regime change and power alternation in West Africa may be clear indications of successes in the attempt at democratic consolidation across the sub-region, democracy and democratic governance still grapple with the challenges of widening socio-economic inequality, poverty and miserisation of the masses, evident political exclusionism, weak democratic institutions, absence of internal party democracy, lack of respect for human rights and the rule of law, low levels of compliance with extant electoral laws and lack of inclusivity especially for marginalised and vulnerable groups, such as women, the youth and persons with disabilities, which have continued to threaten economic and human development, political stability and national security across the sub-region.

Regarding political inclusivity, for instance, a 2014 review of the implementation of the Beijing Declaration and Platform for Action by the United Nations Economic Commission of Africa (ECA) revealed that in West Africa only Liberia has elected a female head of state, Ellen Sirleaf, while the rest have not had as much a female Vice-President. Second, only Nigeria, Gabon, Liberia, Mauritius and The Gambia have enacted laws and amended electoral processes to advance women's participation in politics and decision making.⁵² Yet, the extent to which these legal frameworks have translated to gender inclusivity in the political process remains debatable. For instance, despite the development of the 2006 National Gender Policy and the National Gender Policy Strategic Framework (Implementation Plan) 2008-2013, the percentage of women who are elected into political offices at the national and states levels in Nigeria has not recorded any significant increase in both the executive and legislative arms of government. For instance, since 1999 the percentage of women elected to the National Assembly has been on the decline. According to the Policy and Legal Advocacy Centre (PLAC), Nigeria achieved the highest percentage (7 per cent) of women's representation

52 Economic Commission of Africa (ECA) 'The twenty-year review of the implementation of the Beijing Declaration and Platform for Action: Africa Regional Review Summary Report 1995-2014' Proceedings of the 9th Africa Regional Conference on Women (Beijing +20), organised by the African Centre for Gender, Economic Commission of Africa, United Nations Economic and Social Council, Addis Ababa, Ethiopia (17-19 November 2014).

in the lower parliament (the House of Representatives) in 2007 after the dismal record of 3,4 per cent and 4,9 per cent in 1999 and 2003, respectively. However, the figures declined to 6,8 per cent and 5,6 per cent in 2011 and 2015. Following the conclusion of a number of election petition cases by 2017, the figure increased to 6 per cent (22 in the House of Representatives and seven in the Senate). This is far below the global average of 22,5 per cent, the African regional average of 23,4 per cent and the West African sub-regional average of 15 per cent.⁵³ This has been occasioned by the existence of political parties that lack internal party democracy, the influence and control of parties by 'godfathers', the lack of transparency and political accountability, and the failure to include women, persons with disabilities and other marginalised groups in party administration and policy processes.

The prevalence of political exclusionism despite regime changes and power alternations have occasioned human rights abuses and violations as is the case in Nigeria and Sierra Leone in the guise of war against corruption as witnessed in a deliberate refusal by the national government to obey court orders and injunctions, indiscriminate arrest, detention and torture of members of the press, and members of the opposition, among others. In Nigeria, for instance, the US Department of State in its 2017 Country Reports on Human Rights Practices blamed the reluctance of the Buhari administration to properly investigate allegations of abuses, especially by members of the armed forces and top officials, and to prosecute those indicted as the main impediments to fighting rights violations. The report noted that

[i]mpunity remained widespread at all levels of government. The government did not adequately investigate or prosecute most of the major outstanding allegations of human rights violations by the security forces or the majority of cases of police or military extortion or other abuse of power. Authorities generally did not hold police, military, or other security force personnel accountable for the use of excessive or deadly force or for the deaths of persons in custody. State and federal panels of inquiry investigating suspicious deaths generally did not make their findings public.⁵⁴

Largely, democratic governance in the sub-region has failed to ensure the preservation of national security, protection of state sovereignty and territorial integrity across the West African sub-region. From Nigeria to Ghana, Côte d'Ivoire, Mali and Senegal, terrorist insurgencies, sea piracy, secessionist agitations and conflicts between sedentary farmers and nomadic herders over land use resources, which threaten economic

53 Policy and Legal Advocacy Centre (PLAC) 'Women's political representation in Nigeria: Why progress is slow and what can be done to fast-track it,' *Abuja: PLAC* (2018).

54 N Ibekwe 'How Buhari administration encourages human rights abuses – US Government' *Premium Times* 25 August 2018, <https://www.premiumtimesng.com/news/headlines/266159-how-buhari-administration-encourages-human-rights-abuses-u-s-government.html> (accessed 25 August 2018).

growth and development, have remained recurrent and endemic.⁵⁵ The implications are that democracy itself stands threatened by these developments in the sub-region. Finally, the failure of ECOWAS to ensure a democratic regime change in Togo has continued to threaten the peace and security of the country and by extension the sub-region.⁵⁶ The foregoing raises the imperative need of refocusing democracy in the sub-region. At the moment, the prevailing system of democracy in the sub-region is one that is market-oriented, which is more concerned with regularity of elections, security and autonomy of state and electoral institutions and electoral processes, which is the case with all liberal democracies across the world. Thus, while regime changes and power alternations are imperative, sustained through regular electoral processes, democracy itself has to become development and human-oriented, which will lay the emphasis on the security, socio-economic well-being of the people and sustainable development, while ensuring that the processes are founded on unambiguous, predictable conditions and supported by strong socio-economic institutions and popular participation.

55 M Cherkaou 'Emerging security challenges in North and West Africa' Arab Centre, Washington DC, 8 November 2017, http://arabcenterdc.org/policy_analyses/emerging-security-challenges-in-north-and-west-africa/ (accessed 25 August 2018).

56 G Boateng 'The Togolese governance crisis: Lessons for Africa's democracy' in Africa: *Year in Review 2017*, Wilson Centre Africa Programme (2017) 23.