

Chapter 1 Introduction

Charles M Fombad and Johannes Socher

A fundamental requirement for the existence of a modern representative democracy is the presence of political parties that are allowed to compete freely for power. As Elmer Eric Schattschneider famously remarked more than eighty years ago, “modern democracy is unthinkable save in terms of parties”.¹ These sentiments were echoed in 1976 by a bi-partisan organisation in the United States, the Committee for Party Renewal, when it declared, “Without parties there can be no organized and coherent politics ... When politics lacks coherence, there can be no accountable democracy.”²

Accordingly, state institutions, structures, organisations, and constitutional and legal frameworks need to be designed in such a way that they empower political parties to compete freely as well as protect them against partisan manipulation aimed at preventing fair competition. However, although it seems almost impossible to understand the functioning of different institutional arrangements without a proper grasp of the party systems in which they operate, political parties until recently have received little attention in the global discourse on constitutions and constitutionalism.³ Over the past few years, that has changed, and the field is attracting ever greater interest. This edited volume seeks to contribute to the growing scholarship on political parties and constitutionalism by providing a rich account of the political-party and constitutional experiences of sub-Saharan Africa.⁴

1 EE Schattschneider, *Party Government*, London, Routledge (1942), p 1.

2 Cited in JK White, “EE Schattschneider and the Responsible Party Model”, 25 (1992) *Political Science and Politics*, pp 167–171, 169.

3 See, for example, R Masterman and R Schütze (eds.), *Cambridge Companion to Comparative Constitutional Law*, Cambridge, Cambridge University Press (2019), which lacks a chapter specifically on political parties and refers to them only in the context of parliaments.

4 See, for example, TG Daly and B Christopher, “Parties Versus Democracy: Addressing Today’s Political Party Threats to Democratic Rule”, 18 (2020) *International Journal of Constitutional Law*, pp 509–538; T Khaitan, “Political Parties in Constitutional Theory”, 73 (2020) *Current Legal Problems*, pp 89–125; and, most recently, the chapters relevant to political parties in T Ginsburg, AZ Huq, and T Khaitan (eds.), *The En-*

Since the reintroduction of multipartyism in Africa in the 1990s, political parties have been the main vehicle of democratisation. This has been underlain by the formal recognition of party pluralism in almost all of Africa's new or substantially revised post-1990 constitutions. Yet while these reforms may have marked the end of the one-party era, their effectiveness in promoting free, fair, and competitive multiparty elections has depended both on the nature and extent of the constitutional entrenchment of parties' rights and obligations and on the manner in which constitutional prescriptions are actualised in practice. The critical issue today is whether this combination of entrenchment and implementation has indeed served to foster democracy, good governance, and constitutionalism.

The current global trend in democratic backsliding has seen the use of many novel and sophisticated measures to undermine democracy. This has been particularly acute in Africa, and is a clear indication that the proliferation of political parties and the expansion of political space has not brought about genuine democracy or political stability. In fact, the ominous signs of authoritarian mobilisation and resurgence that has seen several coups in the last few years in countries such as Burkina Faso, Gabon, Guinea, Mali and Niger, the prohibition of political parties and the return to the pre-1990 repressive authoritarian systems, underscore the weak foundations of democracy in Africa.

In spite of some general studies on political parties in Africa,⁵ there has been no comprehensive and systematic study of the impact of the post-1990 wave of political party constitutionalisation on the present state of democratisation on the continent. Nevertheless, preliminary research on this suggests that the legal framework that paved the way for democratisation in the early 1990s might not be robust enough to ensure a credible and sustainable system of multiparty democracy in which opposition parties and ruling parties can compete on an equal basis.⁶

trenchment of Democracy: The Comparative Constitutional Design of Elections, Parties and Voting, Cambridge, Cambridge University Press (2024).

- 5 See, for example, M Salih (ed.), *African Political Parties: Evolution, Institutionalisation and Governance*, London, Pluto Press (2003); P Nordlund and M Salih, *Political Parties in Africa: Challenges for Sustained Multiparty Democracy*, Stockholm, International IDEA (2007); M Bogaards, "Political Parties in Sub-Saharan Africa", in N Carter, D Keith, GM Sindre, and S Vasilopoulou (eds.), *The Routledge Handbook of Political Parties*, London, Routledge (2023), pp 392–402.
- 6 See CM Fombad, "Conceptualising a Framework for Inclusive, Fair and Robust Multiparty Democracy in Africa: The Constitutionalisation of the Right of Political Parties",

Building on such research, this volume expands the understanding of political-party constitutionalisation and its impact on the prospects for constitutionalism in sub-Saharan Africa by situating it in the wider context of international and regional standards and drawing on the constitutional experiences of a number of countries. The 12 countries selected for study reflect the region's diversity in terms of colonial experience, legal and constitutional tradition, and political system, as well as governance ranking and level of respect for civil and political rights according to indicators developed by the Mo Ibrahim Foundation and Freedom House (see Table 1).

Table 1: Comparative diversity indicators of countries covered

Country	Legal tradition	System of government	Level of respect for civil and political rights	Governance ranking (within 54 African countries)
Cameroon	Bi-jural	Presidential	15: Not free	39
Ethiopia	Civil law	Parliamentary	20: Not free	29
Kenya	Common law	Presidential	52: Partly free	10
Liberia	Common law	Presidential	64: Partly free	26
Mauritius	Mixed	Parliamentary	85: Free	2
Mozambique	Civil law	Presidential	44: Partly free	28
Nigeria	Common law	Presidential	44: Partly free	33
Rwanda	Civil law	Presidential	23: Not free	14
Senegal	Civil law	Presidential	67: Partly free	11
South Africa	Mixed	Parliamentary	79: Free	4
Uganda	Common law	Presidential	34: Not free	26
Zimbabwe	Mixed	Presidential	27: Not free	31

Sources: Data on respect for civil and political rights sourced from Freedom House, *Freedom in the World 2024*; governance rankings sourced from Mo Ibrahim Foundation, *2024 Ibrahim Index of African Governance – Index Report*⁷

48 (2015) *World Comparative Law*, pp 3–27; CM Fombad, “Political Party Constitutionalisation in Africa: Trends and Prospects for Deepening Constitutionalisation”, in R Dixon, T Ginsburg, and A Abebe (eds.), *Comparative Constitutional Law in Africa*, Cheltenham, Edward Elgar (2022), pp 109–135.

7 For a detailed explanation of how the Freedom House rankings are determined, see Freedom House, “Freedom in the World Research Methodology”, https://freedomhouse.org/sites/default/files/2024-02/FIW_2024_DigitalBooklet.pdf (accessed 1 January 2025). The designations “free”, “partly free” and “not free” based on an overall score

From this table, it is clear that, on its own, multipartyism and its constitutional entrenchment is not a guarantee for democracy or constitutionalism, let alone development – it may even operate in a way that counters all three of these objectives. What matters is not just the nature of the constitutional entrenchment, but also how effectively the resultant legal framework is implemented in practice.

This volume is divided into five parts. Part 1 provides an overview of the regional and international instruments that have influenced the approach adopted in entrenching political parties in African constitutions. Parts 2 to 4 contain country case studies that examine various aspects of political-party constitutionalisation:

- the constitutional and statutory regulatory framework in place and whether it provides an impartial and neutral framework for people to freely join or form political parties;
- the extent to which the regulatory framework recognises and protects political parties;
- the evolution of political parties since the reintroduction of multipartyism;
- if a dominant party exists, the extent to which it is able to capture and control state resources;
- whether the regulatory framework ensures internal democracy within political parties;
- whether the main regulatory bodies discharge their functions in an objective and neutral manner;
- the funding of political parties;
- the main challenges that prevent parties from playing an effective role in the governance of the country; and
- the prospects for the future and the wider implications of these aspects for the state of democracy.

Part 1 begins with Chapter 2, where Charles Fombad provides an overview of political-party constitutionalisation under contemporary African constitutions. He starts by indicating that the reintroduction of multipartyism in Africa from the 1990s led many to assume that this would bring an end to

for civil and political rights. Each designation is preceded by a number indicating the country's score out of 100. As regards the Ibrahim Index, it measures governance performance in 54 African countries and ranks them according to their results. See, <https://mo.ibrahim.foundation/sites/default/files/2024-10/2024-index-report.pdf> (accessed 1 January 2025).

the dark era of one-party dictatorships and pave the way for an ethos of democracy and constitutionalism. Fombad refers to surveys showing that there is strong support by Africans for political parties to compete freely for power. However, the expansion of political space, and the proliferation of political parties that has seen the routinisation of elections, has not led to genuine multipartyism. The signs of global democratic recession seen in the last few years strongly suggest that the routinisation of multiparty elections has not provided the impetus for democratic governance.

Fombad identifies fundamental principles and institutions that have formed the core aspects of political-party constitutionalisation in Africa in the last three decades. He maps out the general trend in the expansion of political space and participation to see how this reflects the present decline in the quality of democracy. Fombad examines the emergence and evolution of African parties, highlighting why the constitutional entrenchment of parties is an imperative in any country that aspires to establish a genuine multiparty democratic system. Next, he considers the nature and extent to which African constitutions have entrenched the type of regulatory environment which is conducive to the effective functioning and consolidation of democracy. After discussing trends and tendencies in political-party constitutionalisation, Fombad concludes that the effectiveness of this constitutionalisation depends not only on its scope and depth but also its full implementation.

Mai Cheng, in Chapter 3, provides a response to the arguments presented by Fombad. In doing so, he highlights the challenges faced by African countries in replicating Western-style political systems which, he argues, often result in dysfunctional governance due to differing socio-economic environments. As Cheng shows, despite the introduction of multiparty politics in the 1990s, African political systems continue to struggle with genuine democratisation. He explores the limitations of externally imposed institutional forms, the high cost of political systems in underdeveloped economies, and the manipulation of political frameworks by self-interested leaders. Cheng argues that the current institutional designs, while theoretically sound, have not fully addressed the underlying socio-economic conditions required for their effective functioning. In discussing potential directions for future reform, he emphasises the importance of decentralised governance and a tailored approach that considers Africa's unique challenges and historical context.

In Chapter 4, Charles Fombad and Johannes Socher examine the regional standards for regulating political parties in Africa. The authors begin

by pointing out that parties are essentially national institutions and hence liable to regulation by national constitutions and domestic laws. However, since the end of the Cold War, the capacity of domestic laws to serve as the exclusive framework for self-governing practices within the state has diminished. Globalisation, liberalisation, and regionalism have underscored not only the need for strong linkages between states, regions, and societies, but also the fact that most political and economic crises today have international effects that call for common solutions. This has resulted in the internationalisation of constitutional law through the incorporation of international and regional standards of good governance, democracy, and constitutionalism.

The chapter thus focuses on the African regional and sub-regional standards for regulating political parties, and examines the nature and scope of the regulatory principles that these regional and sub-regional standards have set. It considers the extent to which these have, or could, influence the constitutionalisation of political parties on the continent and whether there is any scope for such standards not only to complement domestic regulations but also compensate for any weaknesses, actual or perceived, in the domestic regulatory framework of political parties. The chapter highlights key features of the African regional and sub-regional normative frameworks and discusses some of the effects of these supranational standards on national practice. It concludes that although some welcome new initiatives are under way, a more proactive approach by the African Union and its regional economic communities could enhance the adoption by African states of constitutional measures to enable political parties play a more effective role in governance.

Part I ends with Chapter 5, in which Johannes Socher examines international standards and the experience of continental Europe with the constitutionalisation of political parties. The chapter outlines the relevant international standards emanating above all from human rights instruments, in particular the rights to participate in public affairs and to freedom of association enshrined in the International Covenant on Civil and Political Rights. Other human rights treaties cover specific aspects of the regulation of parties, such as non-discrimination as well as financing and transparency. The chapter shows that the constitutionalisation of these standards in continental Europe occurred in waves and that different models emerged over time. The European experience is illustrated via the case of Germany, which can be seen as a pioneer and model in the constitutionalisation of parties. In concluding, Socher argues that while some principles developed

in Europe could offer inspiration for the further constitutionalisation of political parties in Africa, others might be less suitable and should be considered only with caution.

The country case studies start in Part 2, which deals with party constitutionalism and multiparty democracy. The first is by Abdou Khadre Diop, who in Chapter 6, discusses political-party constitutionalisation in Senegal, with the focus on the challenges of majoritarian abuse. Diop examines the constitutional recognition and legal safeguarding of parties in the country against the backdrop of recent political tensions and challenges to democratic processes. He points out that the country, known for its long-standing democracy, has undergone significant constitutional reforms to bolster political pluralism and define the roles and responsibilities of parties. However, despite these advances, practical circumstances reveal instances of majoritarian abuse that undermine the rights of political parties, particularly during Macky Sall's presidency (2012–2024). Diop highlights the gaps in the constitutional and legislative framework, and shows that these have been exploited by the different ruling parties to infringe upon the rights of opposition parties. He concludes by suggesting several ways in which the legal framework should be strengthened in order to protect opposition parties and prevent abuses by ruling parties.

The second case study is by Buluma Bwire, who in Chapter 7 considers intra-party democracy and the chasm between political parties and democratisation in Kenya. Bwire starts by pointing out that the repeal of section 2A of the Kenyan Constitution in 1991 transformed the country from a constitutionalised one-party state into a multiparty democracy. This marked the end of the period in which the Kenya African National Union dominated politics in the authoritarian regimes of Jomo Kenyatta and Daniel arap Moi. Despite this transformation from an authoritarian to a democratic system, Bwire shows that Kenyan parties today are unable to provide democratic space to their members and that the election of party leadership is often undemocratic and lacking in transparency.

According to Bwire, Kenyan parties are ethnic-based alliances formed for the sole purpose of winning elections, after which they disintegrate along ethnic fissures or fall dormant until the next elections. Drawing on the historical development and contemporary characteristics of Kenyan parties' internal structures, Bwire critically analyses their evolution since the reintroduction of multiparty politics in 1992. He concludes that internal democracy within political parties is essential for a country's successful

transition to democracy based on the principles of good governance and constitutionalism.

In Chapter 8, Lukman Abdulrauf and Johannes Socher discuss party constitutionalism and political patrimonialism in Nigeria. The authors show how Nigeria's constitutional framework has guaranteed multipartyism since the return to democracy in 1999, with successive legislative reforms aimed at providing a level playing field for political parties to compete for power. However, the manner in which these reforms have been implemented raises doubts about their effectiveness. As Abdulrauf and Socher show, heightened patrimonialism has increasingly encroached upon and narrowed political space. Based on this observation, they argue that political patrimonialism can serve as a lens through which to understand many of the challenges of party constitutionalism in Nigeria. After examining the evolution of party politics and the constitutional framework regulating political parties, the authors analyse the extent to which this framework promotes constitutionalism and democracy. In the light of prevailing practices, they argue that a stronger constitutional and legal framework is needed to further entrench constitutionalism and multipartyism in a meaningful and effective way.

In Chapter 9, Gerald Dan Yeakula discusses the Liberian experience. He starts with the observation that the West African sub-region has been hard hit by military coups and resultant political instability. Nevertheless, Yeakula believes that Liberia remains an example of a country in Africa with good prospects for democracy. An indication of this is the fact that it saw the election of the continent's first female president and has had two democratic transfers of power, the last being one from a defeated incumbent. Yeakula points out that the involvement of political parties has been pronounced, albeit that there is immense room for improvement. With the country's experience of multipartyism having been relatively short, he argues that more reforms are needed to enable pluralism to take root. According to Yeakula, a key change which is necessary is for multipartysim to be more strongly entrenched in Liberia's constitution so that it is insulated from partisan manipulation and abuse.

Neel Purmah ends this part of the volume with a discussion in Chapter 10 of the role of ethnicity in shaping coalition politics in Mauritius. Although a small island state, the country is well known for the political stability and multiparty democracy it has enjoyed since independence in 1968. Purmah explores the intersections between political alliances and ethnic representation in the country's body politic and examines the emer-

gence of major political parties and the influence of ethno-religious dynamics on the political landscape. By examining the constitutional and legal framework applicable to political parties in Mauritius, Purmah reveals the challenges in their governance. He lays particular emphasis on coalitions and ethnicity, showcasing how political alliances shape governance and electoral outcomes in the country. He goes on to analyse the impact on parties of the “best-loser system”, a distinctive feature of the country’s electoral system that allows for the representation of minorities. By unravelling these complexities with respect to coalition politics, Purmah offers insights into the effectiveness of existing mechanisms and proposes constitutional and other legal reforms to enhance the role that political parties can play in strengthening democratic governance in Mauritius.

Part 3 of the volume examines how political-party constitutionalisation operates in a dominant-party system. This involves three case studies, starting in Chapter 11, where Adriano Nuvunga and José Adalima examine Mozambique’s tortuous path to party institutionalisation. The authors show how the country emerged from a protracted civil war in the late 1970s, and how the multiparty system that was introduced in 1990 marked a pivotal moment in the country’s trajectory. However, despite initial optimism, Mozambique continues to grapple with myriad challenges hindering effective participation and consolidation of political parties. Nuvunga and Adalima examine the dominance of the former liberation movement, the Mozambique Liberation Front (Frelimo) and its enduring impact on the political landscape. They show how legal and structural constraints thwart meaningful party participation in governance, notably feeble parliamentary oversight and the winner-take-all nature of the electoral system. They also discuss political parties’ internal dynamics – characterised by a cult of leadership and the absence of internal democracy, all of which exacerbate challenges to political pluralism and accountability. Nuvunga and Adalima argue that Mozambique desperately needs a legal framework that can promote a more democratic and stable political system; one which is reflective of its diverse populace and responsive to the needs and aspirations of all its citizens.

The second country case study is chapter 12 by Bekezela Gumbo, entitled, “Party constitutionalisation and democracy in securocratic states: Lessons from Rwanda”. Gumbo looks at the post-genocide era, scrutinising the constitutional, legal, and institutional frameworks that regulate political parties. He examines the historical context, the legalities of party operations, the institutionalisation of internal governance, funding, account-

ability, and the broader implications for democracy and human rights in Rwanda. Drawing on an array of sources, he reveals the paradoxical nature of Rwanda's political-party regulatory framework. While it formally recognises democratic structures, it simultaneously imposes stringent conditions that undermine autonomy and fair representation, resulting in what the author refers to as a "guided paper democracy". Gumbo argues that this duality hinders genuine political pluralism and perpetuates the dominance of Paul Kagame's ruling party, the Rwandan Patriotic Front. Gumbo concludes by advocating for policy reforms that respect autonomy, ensure a balanced party system, and maintain a clear distinction between political parties and the state.

In chapter 13, the final case study in this part of the volume, Charles Fombad and Ajereboh Jespa Tichock discuss Cameroon's transition from a monolithic to a multiparty autocracy. When it gained independence in the 1960s, Cameroon had a multiparty system, but this was informally abolished in 1966. Although multipartyism was reintroduced by the present government in the 1990s, the authors show that the government under Paul Biya has since then done everything to ensure that this does not threaten the total dominance by the ruling party, the Cameroon People's Democratic Movement.

The argument of the chapter is that Cameroon has merely transitioned from a monolithic autocratic system to a multiparty one. The framework for the operation of a fully-fledged multiparty system is laid down in the constitution and a series of laws. However, in the last three decades this has been rendered inoperative by the government and ruling party. It has done so through manipulation of electoral laws and electoral district boundaries, restrictions on voter access in opposition strongholds, intimidation and violence against opposition leaders and supporters, the misuse of public resources for partisan purposes, and the co-option of opposition leaders. The situation has been aggravated by divisions within the opposition ranks, the absence of the fundamentals of constitutionalism and the rule of law, and the continual support the regime receives from the international community, particularly France. It is contended that without a new constitutional dispensation based on an inclusive and participatory process that draws lessons from the best processes and best constitutions on the continent, the multiparty autocratic system that is now firmly in place will only be further entrenched regardless of who the president is or which party has a majority in parliament.

Two case studies in Part 4 focus on the plight of opposition parties in Africa's turbulent multiparty environment. This first is Edson Ziso's contribution in Chapter 14, entitled "Exploring the interplay of political-party regulation and the internal contradictions of opposition politics in Zimbabwe: The case of the MDC/CCC". He starts by pointing out that political developments in Zimbabwe involving the hitherto massively popular but now disintegrated opposition party, the Movement for Democratic Change (MDC) (1999–2022), rebranded as the Citizens Coalition for Change (CCC) (2022–2024), provide important insights into the internal regulation of parties in Africa. The MDC/CCC went through turmoil characterised by leadership wrangles, intra-party litigation, abuse of power by the leadership, alleged infiltration, expulsions and counter-expulsions, recalls of members from the legislature, counter-claims to party financing and assets between and among factions, and an unsustainable number of minor and major splits.

Ziso locates the causes of this in the interplay of mutually reinforcing external and internal factors, that is, the political party regulatory framework, on the one hand, and intra-party dynamics, on the other. He analyses the combination of these internal-external dynamics to offer explanations of causality and causation that may help provide a better understanding of party-state relations in Zimbabwe in the context of limited and politicised political party regulation. Ziso's analysis is done within the context of the volatile and authoritarian environment that prevails in Zimbabwe under the Zimbabwe African National Union – Patriotic Front (ZANU-PF). The chapter provides a nuanced understanding of the relationship between the regulation of political parties, and the impact this is having in creating, magnifying, and exploiting complex contradictions in opposition parties.

In Chapter 15, entitled "Swimming against the tide: Militancy and diplomacy as survival mechanisms for opposition parties in Uganda's militarised politics", James Nkuubi argues that despite the much-vaunted re-opening of Uganda's multiparty political space since 2005 after an effective 20-year ban, the dispensation under the National Resistance Movement (NRM) government is besieged by the tripartite challenges of securitisation, militarisation, and a dominant-party system. Amid an environment hostile to multiparty politics, a key question, under-examined in the literature on political parties, arises: How are opposition political parties coping and adapting to ensure their survival? Equally important is the question of the impact of the chosen coping models on the consolidation of constitutionalism and multiparty politics. To answer these questions, the chapter focuses on two

political parties in Uganda – the Democratic Party, the oldest opposition party in the country, and the National Unity Platform, the youngest (as at 2023). The chapter interrogates their contrasting coping models: in the case of the former, diplomacy through “working co-operation agreements” with the ruling NRM government, and, in the latter, militancy.

The final part of the volume focuses on political-party financing, illustrated by the two examples of Ethiopia and South Africa. The first example is presented in Chapter 16, written by Heather Thuynsma, uses South Africa’s 2024 national and provincial elections to examine the dynamics of party financing in the country. The chapter discusses the influence money has had on politics since the end of apartheid and traces legislative attempts to enhance transparency, reduce corruption, and foster public trust in political institutions. It maintains that to increase trust and transparency within the system, parties must disclose both their funding sources – as argued in *My Vote Counts v President of the Republic of South Africa*⁸ – and their expenditure.

As Thuynsma shows, the Political Party Funding Act was a significant step towards these goals, but challenges remain with compliance and the entrenched culture of secrecy in political parties. The chapter uses this context and a “moneyball” framework to assess how political parties have adapted their fundraising strategies in response to regulatory changes.

In Chapter 17, Zelalem Degifie examines the implications of political-party funding in post-2018 Ethiopia for the future of democracy and constitutionalism in the country. He starts by saying that since 2018, Ethiopia has undergone major political reform under the Prosperity Party (PP), with party financing governed by Proclamation No. 1162/2019 and the directives of the National Election Board of Ethiopia (NEBE). Degifie critically examines the legislative framework and practice, and shows that the reforms have not significantly changed the competitiveness of the electoral process: the party finance system unduly benefits the ruling PP, while opposition parties struggle with funding, relying on private funds or diaspora support. Additionally, the public funding scheme not only favours the ruling party, but also results in insufficient resources and delayed disbursements of the limited public funding made available to opposition parties. The absence of donations and expenditure limits and the manipulation of state resources

8 See High Court of South Africa, Western Cape Division, Cape Town, Case No. 1067/24, 27 May 2024, <https://www.saflii.org/za/cases/ZAWCHC/2024/137.html> (accessed 1 January 2025).

by the PP further skew the political playing field. Degifie shows, too, that political parties often disregard transparency rules, and that enforcement is constrained due to the NEBE's capacity limitations, political reluctance, and weak civic engagement, leading to corruption and finance-driven factionalism. He suggests several measures aimed at reforming the party financing system to ensure a level playing field and institutionalise political parties.

References

Books, articles, chapters in books, and others

- Bogaards M, "Political Parties in Sub-Saharan Africa", in N Carter, D Keith, GM Sindre, and S Vasilopoulou (eds.), *The Routledge Handbook of Political Parties*, London, Routledge (2023), pp 392–402
- Daly TG and Christopher B, "Parties Versus Democracy: Addressing Today's Political Party Threats to Democratic Rule", 18 (2020) *International Journal of Constitutional Law*, pp 509–538
- Fombad CM, "Conceptualising a Framework for Inclusive, Fair and Robust Multiparty Democracy in Africa: The Constitutionalisation of the Right of Political Parties", 48 (2015) *World Comparative Law*, pp 3–27
- Fombad CM, "Political Party Constitutionalisation in Africa: Trends and Prospects for Deepening Constitutionalisation", in R Dixon, T Ginsburg and A Abebe (eds.), *Comparative Constitutional Law in Africa*, Cheltenham, Edward Elgar (2022), pp 109–135
- Freedom House, "Freedom in the World Research Methodology", *Freedom House*, <https://freedomhouse.org/reports/freedom-world/freedom-world-research-methodology> (accessed January 2025)
- Freedom House, *Freedom in the World 2024: The Mounting Damage of Flawed Elections and Armed Conflict* (2024), https://freedomhouse.org/sites/default/files/2024-02/FIW_2024_DigitalBooklet.pdf (accessed 1 January 2025)
- Ginsburg T, Huq AZ, and Khaitan T (eds.), *The Entrenchment of Democracy: The Comparative Constitutional Design of Elections, Parties and Voting*, Cambridge, Cambridge University Press (2024)
- Khaitan T, "Political Parties in Constitutional Theory", 73 (2020) *Current Legal Problems*, pp 89–125
- Matterman R and Schütze R (eds.), *Cambridge Companion to Comparative Constitutional Law*, Cambridge, Cambridge University Press (2019)
- Mo Ibrahim Foundation, *2024 Ibrahim Index of African Governance – Index Report* (2024), <https://mo.ibrahim.foundation/sites/default/files/2024-10/2024-index-report.pdf> (accessed 1 January 2025)
- Nordlund P and Salih M, *Political Parties in Africa: Challenges for Sustained Multiparty Democracy*, Stockholm, International IDEA (2007)

Salih M (ed.), *African Political Parties. Evolution, Institutionalisation and Governance*, London, Pluto Press (2003)

Schattschneider EE, *Party Government*, London, Routledge (1942)

White JK, “E E Schattschneider and the Responsible Party Model”, 25 (1992) *Political Science and Politics*, pp 167–171

Table of cases

High Court of South Africa, Western Cape Division, Cape Town, Case No. 1067/24, 27 May 2024, <https://www.saflii.org/za/cases/ZAWCHC/2024/137.html> (accessed 1 January 2025)