An African Model of Democracy? Evidence from Treaties and Frameworks, Constitutional Preambles, and Public Opinion

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Abstract: Possibly more so than ever before, postcolonial states in Africa are pushing back against the hegemony of the liberal democratic model. Such arguments have explained how liberal democracy does not centre socioeconomic rights and group rights enough or in ways that align with many African communities' priorities. Others have faulted weak institutions, adopted wholesale from colonial rulers who designed them for purposes of extraction and exclusion. Some experts have explained that the antagonistic nature of electoral politics conflicts with many African societies' values for consensus, while others argue that communal identities and slow development stand in the way of democratic growth. At the same time, an emergent vision of African democracy is recognizable in at least three institutional levels: regional frameworks (and judicial interpretations of them), the preambles of national constitutions, and popular values (as evidenced in survey data). Examination of these standards, laws and opinions reveals a conceptualization of democracy that goes beyond the core tenets of the liberal model in important ways. Weak implementation notwithstanding, these instruments and popular views provide the broad strokes of a vision of post-liberal democracy in the African context. Analysis of these documents and public opinion data reveals that while there is a great deal of inter-national variation, there are several consistent values across the continent. This continental vision strongly features the values of participation, consensus and the importance of context-specific values, rules and modes of operation. This analysis reveals that African institutions and legal texts already support forms of democracy that go beyond elections and may even transcend national boundaries. A turn to research on the ways in which institutions considered core to liberal democracy may need to be redesigned to reflect local priorities more accurately could be a fruitful next step.

Keywords: Africa; Democracy; Values

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A. Introduction

Over the years, scholars have argued that the liberal model of democracy that is dominant in "the West" does not resonate in many African contexts. That model blends representative government with liberal principles of individual rights; the latter is meant to protect the former. Liberal democracy is often characterized by the supremacy of elections (and a focus on competition therein), the separation of powers and certain civil and political rights (the freedoms of expression, association and assembly and the press are the most common).[1]

The arguments against its universal relevance, especially from the perspective of many African contexts, have been founded on several theories. These include problems associated with post-colonial states' preservation of non-democratic, colonial-era political institutions that have the appearance of liberal democracy but do not truly represent the people,[2] the liberal preoccupation with civil and political rights that contrasts with the value that non-western countries place on economic, social and cultural rights,[3] the dissonance between western prioritization of individual rights and traditional African prioritization of group rights,[4] the disconnect between certain African communities' preference for consensus and the often hostile environment that marks electoral competitions,[5] and low levels of development, widespread poverty and relative economic weakness that impede the effectiveness of some liberal political processes.[6] Some scholars have argued that Africans are not "ready" for (liberal) democracy, because the post-colonial era had been primarily marked by repression and intolerance,[7] or because loyalty to localized ethnic groups trumps a sense of broader, unified nationhood.[8]

These arguments have gained new traction in the contemporary era, especially as non-democratic leaders in large and increasingly powerful states (such as India and South Africa) have rejected criticisms of the ways in which they have weakened their own

1 *Marc Plattner*, From Liberalism to Liberal Democracy, Journal of Democracy 10 (1999), pp. 121-134.

2 *Carol Lancaster*, Democracy in Africa, Foreign Policy 85 (1991-1992), pp. 148-165.

3 *Claude Ake*, The Unique Case of African Democracy, International Affairs 69 (1993), pp. 239-244; *Makau Mutua*, Savages, Victims and Saviors: The Metaphor of Human Rights, Harvard International Law Journal 42 (2001), pp. 201-245; *Thomas Koelble* / *Edward Lipuma*, Democratizing Democracy: A Postcolonial Critique of Conventional Approaches to the 'Measurement of Democracy, Democratization 15 (2008), pp. 1-28.

4 *Claude Ake*, The Unique Case of African Democracy, International Affairs 69 (1993), p. 239-244; *Josiah A.M. Cobbah*, African Values and the Human Rights Debate: An African Perspective, Human Rights Quarterly 9 (1987), pp. 309-331.

5 *Kwasi Wiredu*, Democracy by Consensus: Some Conceptual Considerations, Philosophical Papers 30 (2001), pp. 227–244.

6 *Richard G. Niemi* / *Joel Barkan*, Age and Turnout in New Electorates and Peasant Societies, American Political Science Review 81 (1987), pp. 583-588.

7 *Carol Lancaster*, Democracy in Africa, Foreign Policy 85 (1991-1992), p. 157.

8 *Donald Horowitz*, Ethnic Groups in Conflict, Berkeley 1985.

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political institutions[9] and used the opportunity to argue that liberal democracy has not delivered in ways that people consider important.[10] As these regimes' power grows, often buoyed by strong domestic support, doubts about liberal democracy's global legitimacy raise important questions for a range of stakeholders, including scholars, policymakers and donors. What does an alternative to liberal democracy look like, and what are the markers of such a model? What are the implications of regionally specific models of democracy, both for policy development and democracy assistance, as well as for scholarly conceptions and theories of democracy and democratization? Who decides (and how do they decide) what kind of democracy makes the most sense in a particular context?

Despite the criticisms of liberal democracy, certain aspects of it are thriving in some African countries. The African regional average for measures of civic engagement (reflecting the extent to which people engage in political and non-political associations and trade unions as well as civil society traditions) surpasses, if only slightly, the global average.[11] Several African countries—such as (but not limited to) Cabo Verde, Ghana, Senegal, Kenya, South Africa, Botswana and Namibia—also perform above the global average with regard to multiple factors of the quality of democracy. Importantly, several countries also exhibit especially strong performance in metrics of participation (which reflect voter turnout, the space for civil society to operate and public engagement in associations and trade unions, the latter noted above).[12]

In this article, we examine the emerging shape of a model for African democracy. Specifically, we argue that three distinct levels of inputs, including from citizens (via survey data), national elites (via the preambles of constitutions) and regional elites (via normative frameworks) suggest that African ideals of democratic governance focus primarily on popular participation, prioritize consensus and unity and value the ways in which unique sociopolitical contexts give rise to varying democratic priorities.

B. The Normative Framework

I. The Infrastructure of Democracy in African Normative Frameworks

Though scholars and policymakers have offered and debated multiple definitions of democracy, recent mainstream English-language discussions have shifted from what constitutes the "core" of democracy to an exploration of models that might exist outside of liberal

9 See *Mustafa Kutlay* / *Ziya Onis*, Liberal Democracy on the Edge? Anxieties in a Shifting Global (dis)order, Alternatives 48 (2022), pp. 20-37; Sansad TV, EAM: Don't preach us on democracy, 15 March 2021, https://www.youtube.com/watch?v=y17LZ-JIaYU (last accessed on 7 March 2025).

10 *Kwangu Liwewe,* South Africa's 'Born Frees' are Disillusioned with Democracy, New Lines Magazine, 28 May 2024, https://newlinesmag.com/reportage/south-africas-born-frees-are-disillusioned-with-democracy/ (last accessed on 7 March 2025).

11 International IDEA, The Global State of Democracy Indices v8, Stockholm 2024.

12 Ibid.

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democracy. This way of thinking is apparent in initiatives that range from the Varieties of Democracy project, which articulates five principles and indices of democracy, to the "lexicon of democracy" and research on post-liberal democracy.[13] Given relatively low levels of popular satisfaction with democracy around the world, such a turn in the research is a positive response to the needs of the moment.[14]

Regardless of the exact definition, popular participation—either through elections or more direct citizen participation—is central to all conceptions of democracy. This centrality is evident in even the most minimalistic definitions, like that of Joseph Schumpeter, who argued that though democracy is merely an "institutional arrangement for arriving at political decisions", it does not exist without "the means of a competitive struggle for the *people's vote*."[15] It is the people's participation that gives life to institutions.

Thicker definitions also focus on participation, whether it is one part of a broad conceptual framework,[16] or it is framed as a democratic freedom,[17] or as a right on its own.[18] Indeed, a common point among various arguments regarding the inherent weaknesses of the democratic model has long revolved around the obstacles to effective and equal participation for all those who dwell within the governed territory, both in ancient times and today. Growing frustration with the insufficiency of elections as a mode of participation, for example, has sparked a renewed interest in participatory forms of democratic governance in recent decades.[19]

13 *Philippe C. Schmitter*, 'Post-Liberal' Democracy: A Sketch of the Possible Future?, Florence 2018; *Jean-Paul Gagnon*, 2,234 Descriptions of Democracy: An Update to Democracy's Ontological Pluralism, Democratic Theory 5 (2018), pp. 92–113.

14 See *Christian Haerpfer* / *Ronald Inglehart* / *Alejandro Moreno* / *Christian Welzel* / *Kseniya Kizilova* / *Jaime Diez-Medrano* / *M. Lagos* / *Pippa Norris* / *E. Ponarin* / *Bi Puranen* (eds.), World Values Survey: Round Seven – Country-Pooled Datafile, Madrid / Vienna 2020; *Richard Wike* / *Janell Fetterolf*, Satisfaction with democracy has declined in recent years in high-income nations, Short Reads, 18 June 2024, https://www.pewresearch.org/short-reads/2024/06/18/satisfaction-with-democracy-has-declined-in-recent-years-in-high-income-nations/ (last accessed on 7 March 2025).

15 *Joseph Schumpeter*, Capitalism, Socialism and Democracy, New York 1942, p. 269 (emphasis added).

16 See, for example, *David Beetham*, Democracy and Human Rights, Cambridge 1999; see also *David Beetham et al*., Assessing the Quality of Democracy: A Practical Guide, Stockholm 2008.

17 *Freedom House*, Marking 50 Years in the Struggle for Democracy: Freedom in the World 2023, Freedom in the World Report, 9 March 2023, https://freedomhouse.org/report/freedom-world/2023/marking-50-years (last accessed on 7 March 2025).

18 Office of the United Nations High Commissioner for Human Rights, Guidelines for States on the effective implementation of

the right to participate in public affairs, https://www.ohchr.org/sites/default/files/Documents/Issues/PublicAffairs/GuidelinesRightParticipatePublicAffairs_web.pdf (last accessed on 7 March 2025).

19 *Marit Hammond*, Democratic innovations after the post-democratic turn: between activation and empowerment, Critical Policy Studies 15 (2020), pp. 174–191. See also *Adrian Bua* / *Sonia Bussu*, Reclaiming Participatory Governance: Social Movements and the Reinvention of Democratic

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Participation is also central to African normative frameworks on democracy. These include the Constitutive Act of the African Union, which lists the protection and promotion of democratic institutions and culture in its preamble,[20] the African Charter on Human and Peoples' Rights (ACHPR) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). There is also the African Charter on Democracy, Elections and Governance (ACDEG), an instrument devoted solely to setting common standards for democratic governance across the continent. It is only the Americas that has a comparable framework devoted to democracy in this way (the Inter-American Democratic Charter). Though they are not central to the argument here, it is noteworthy that several other African regional frameworks include democracy as a guiding principle, objective or goal.[21]

In some ways, these normative standards reflect global norms and language on these topics; indeed, they are partially modelled on discourse in the UN Human Rights Committee and in international civil and political rights treaties.[22] At the same time, however, certain provisions stand out for reflecting distinctly contextualized priorities. These include articles that specify the family as the natural unit of society, grant colonized or oppressed peoples the right to be free, request states to eliminate foreign economic exploitation and that specify people's duty to respect their families, parents and to strengthen positive African values.[23] Also relevant are provisions that prioritize consensus and recognize the role of traditional institutions and authorities.[24]

II. The Centrality of Participation

The centrality of participation stands out across these frameworks. The AU's Constitutive Act, for example, includes participation among its objectives and among the principles upon which the Union functions.[25] ACDEG references the inclusion of participation in the AU's Constitutive Act as an inspiration for its own articles.[26] The ACHPR also includes

Innovation, Abingdon-on-Thames 2023; *Carole Pateman*, Participatory Democracy Revisited, Perspectives on Politics 10 (2012), pp. 7-19.

20 Preamble of the Constitutive Act of the African Union.

21 See, for example, the African Charter on the Values and Principles of Decentralisation, Local Governance and Local Development; the African Charter on Values and Principles of Public Service and Administration; African Union Convention on Preventing and Combating Corruption; the New Partnership for African Development (NEPAD).

22 *Mutua*, note 3.

23 ACHPR, Articles 18, 20, 21, 29.

24 ACDEG, Articles 10, 35 and 39.

25 Constitutive Act of the African Union, Articles 3(g) and 4(c).

26 ACDEG, Preamble.

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participation, and the Maputo Protocol lists the full participation of women "as equal partners" in its preamble, also refencing the Constitutive Act of the AU.[27]

One reason why participation features so centrally across these frameworks is because it is broadly conceived, touching multiple aspects of governance. The ACHPR offers a useful starting point, stating, "Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law."[28] Here, the Charter recalls the concepts of direct and representative democracy, emphasizing that citizens should have recourse to both. Notably, the ACHPR makes no specific mention of democracy or elections, suggesting instead that participation in government may legitimately take place through other mechanisms.

1. Electoral Participation

It is ACDEG, however, that does prioritize elections as a key form of participation. Article 17, in particular, focuses on states' "commitment to regularly holding transparent, free and fair elections," marked by independent and impartial national election authorities, national mechanisms that redress election disputes, "fair and equitable access" for parties and candidates to the media and a binding code of conduct for political stakeholders requiring acceptance of the results or challenges to results only through legal channels.

In the case of *Actions pour la Protection des Droits de l'Homme v Cote D'Ivoire*, an Ivorian NGO filed suit at the African Court on Human and Peoples' Rights (African Court), for violation of Articles 10(3) and 17 of ACDEG, as well as Article 3 of the Economic Community of West African States (ECOWAS) Protocol on Democracy and Good Governance. The NGO took issue with a law that provided for the composition of the Independent Electoral Commission, the IEC. This law specified that the IEC was to be composed of eight members of the executive, legislature and the party in power, four members from opposition parties, one representative of the judiciary and four representatives of civil society. The petitioners argued that this imbalanced composition was more advantageous to the ruling party and government than it was to the opposition. Petitioners showed that this imbalance resulted in a violation of the requirement for independent and impartial national electoral bodies.[29] The African Court agreed, ruling that the violation of Article 17 ultimately impacted Article 13, which guarantees the right of every Ivorian citizen to participate freely in the conduct of public affairs of her country. The Court did not expound on its point that the violation of Article 17 also impacted respect for Article 13. One interpretation, however, is that an unbalanced authority may suffer from a lack of checks on potential biases, which could have knock-on effects on many aspects of the electoral cycle. In fact, the Court also ruled that ACDEG's provision on equality before the

27 Preamble of the Maputo Protocol.

28 ACHPR, Article 13(1).

29 ACDEG, Article 17.

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law was violated, because an imbalanced authority skewed in favour of one party will not be able to guarantee all candidates a level playing field.[30]

Electoral participation is also taken up by the African Court in *Marie Aikoue Ajavon v Benin*. In that case, the petitioner alleged that his right to non-discrimination had been violated by a requirement that native Beninese (as opposed to naturalized Beninese) be resident in the country for a minimum of one year prior to elections to be eligible for candidacy. Here, the Court noted that residence could be important for candidates, because it may denote direct or continuous engagement/familiarity with the daily problems in a country. Additionally, however, the Court explained that in the African context, exiled opponents who have justified fears do often continue to be interested in the affairs of their home countries, even from afar. "A distinction must be made between those who voluntarily left their country and those who did so under duress."[31] The Court ruled that the residency requirement was not justified, because remaining in the country would have been perilous and would have made it impossible for the petitioner to exercise his political rights.[32] Though this ruling was in relation to Article 13, which deals not directly with participation but instead with political and social dialogue, trust and transparency between political leaders and the people, it raises significant questions related to what might be an emergent "African" vision of democracy. If residence is less relevant for electoral candidates who face conditions that warrant (self-imposed) exile, perhaps certain forms of African democracy could integrate officially exiled as well as diaspora communities more systematically. This may lead to greater attention to mechanisms such as overseas voting, but it could also raise questions about the need for transnational campaigning or even transnational participatory fora (such as citizens' assemblies).

This topic was also addressed by the African Commission on Human and Peoples Rights in *Open Society Justice Initiative v Cote d'Ivoire*, a case in which the petitioners alleged that the Ivorian government passed a restrictive law about nationality in order to purposely exclude a particular candidate from contesting the presidential election. In its judgment, the Commission focused on why citizenship in the African context requires special consideration, explaining the importance of understanding the historical, legal and political background that went into the creation of modern-day African countries. It explained that African states have had to work hard to "create national entities out of several entities dismantled by colonization."[33] The judgment detailed migration patterns into modern-day Cote d'Ivoire and explained,

> *"In the light of this prior clarification, the Commission believes that in many African States, any legal creation of nationality must essentially take its main source from*

30 Actions pour la Protection des Droits de l'Homme v Cote D'Ivoire, paras. 149-150.

31 Sebastien Germain Marie Aikoue Ajavon v Republic of Benin, p. 51.

32 Ibid., p. 52.

33 Open Society Justice Initiative v Cote d'Ivoire (Communication No 318/06) [2016] ACHPR [99].

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> *a sociological and political understanding but also from the historical source of nationality. Considering the foundations recalled above, an alternative approach would constitute not only a denial of history but also an open door for dismantling new national entities, which people who were constrained by a wrongful demarcation of boundaries, have striven to build in several decades or even centuries."*[34]

This position articulates a uniquely important aspect of the way participation is understood in the African context. Specifically, the Commission's argument is that nationality, for the purposes of determining who is eligible to represent the people of a country, must be thought of holistically and as the child of a particular historical experience. When determining whether the rules for candidate eligibility are fair or not, the Commission argues that citizenship itself must reflect an understanding of a country's particular context and history, which is a unique requirement, one that strives to contextualize the nuances within which elections in the region take place. The ruling raises questions about how to define citizenship, which then impacts who can and cannot participate (and where). In this case, credible elections require a set of rules that accurately acknowledges and integrates unique aspects of national identity into electoral rules.

2. Participation and Consensus

Second, participation in the African context elevates diversity of all kinds, including ethnic, cultural and religious, as well as women, youth and people with special needs.[35] In fact, ACDEG considers ethnic, cultural and religious diversity to strengthen both democracy and participation.[36] ACDEG also considers the "full and active participation" of women in decision-making processes at all levels to be a fundamental element in the promotion and exercise of a democratic culture. The document takes this point further by requiring that member states "take all possible measures" to ensure gender parity at all levels of governance.[37] It is noteworthy that the ACDEG takes yet another step to emphasize the importance of participation, stating that "State Parties shall ensure systematic and comprehensive civic education in order to encourage full participation of social groups with special needs in democracy and development processes."[38] This point is reiterated elsewhere in the document, as member states are directed to integrate civic education into broader education curricula. Civic education is described as a prerequisite for not just the promotion of democratic principles but to "consolidate a culture of democracy and peace."[39]

34 Ibid. [100].
35 ACDEG, Articles 8(3), 29(2), 29(3), 31(1) and 31(2).
36 ACDEG, Article 8(3).
37 ACDEG, Article 29(2).
38 ACDEG, Article 31(2).
39 ACDEG, Article 12.

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ACDEG also integrates consensus and inclusion into key provisions. Specifically, ACDEG stipulates that a constitutional amendment "reposes on national consensus, obtained, if need be, through referendum."[40] In this way, ACDEG provides specific instructions regarding how to realize the principle of participation.

Indeed, Kwasi Wiredu expounds upon the idea of consensus and takes it as the basis for an alternative model of democracy. He argues that elections can result in a situation in which the decisions of the governing body do not reflect the consent of all or even a large proportion of the citizens.[41] The focus on elections results in a political system that is a "perpetual struggle for power among political parties" and one in which representation does not guarantee substantive citizen involvement in decision-making. In parallel, the quest for power can be corrupting, resulting in the sacrifice of "objectivity in discussion or fairness in human relations…human life is also lost, sometimes in numbers too grievous to recount."[42] A consensus-based system, on the other hand, is not only "kinder, gentler and more rational" but also known to societies in many parts of the world, including African groups "with a pre-colonial history of government by consensus."[43] Wiredu argues for what he calls decisional consensus, the idea that universal agreement on competing agendas can be reached by the "targeted pruning" of differing points so that a workable compromise can be achieved.[44]

Two cases demonstrate the importance of the idea of consensus, which is dependent on participation. In *Houngoue Eric Noudehouenou v Benin*, the African Court ruled that Benin violated the principle of national consensus by amending the constitution without sufficient popular input and participation. While the Court does not go as far as to require the unanimity of Wiredu's decisional consensus, it does define consensus to mean a solution that "satisfies a greater number of people through an appropriate channel."[45] The Court explained that this greater number of people applied not only to the people at large but to the representatives of the people if they "truly represent the different forces or sections of society." The Court noted that since all parliamentarians were "part of the presidential camp", this requirement was not satisfied in this case. Ultimately, the Court ruled that a consensual revision of the constitution would have required consultation with all stakeholders in the country and "people of various opinions." This could have been followed by a referendum, though not necessarily so.[46] The Court argued and ruled similarly in *Sebastien Germain Marie Aikoue Ajavon v Benin*.[47]

40 ACDEG, Article 10(2).
41 *Wiredu*, note 5, p. 157.
42 Ibid., p. 159.
43 Ibid., p. 159.
44 Ibid., pp. 162-163.
45 See Houngue Eric Noudehouenou v Republic of Benin, p. 16.
46 Ibid., p. 17.
47 *Sebastien Germain Marie Aikoue Ajavon v Republic of Benin.*

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These cases raise important points about the democratic model of governance in use today. If electoral politics and the relatively antagonistic (or at least competitive) environments they produce are antithetical to "traditional" African decision-making, perhaps models in which participation is more ongoing could have deeper resonance. In thinking about African democracy, though, it is important to ask about how relevant a "traditional" norm may continue (or not) to be. Often, pushbacks against the universal legitimacy of liberal democracy involve arguments that the model was imposed on non-western communities in ways that overlooked or purposely supplanted traditional systems. While that may be true, the question today is whether what is considered "traditional" continues to have widespread legitimacy. Perhaps it is more important to understand what values and norms are widely supported today and may one day become "traditional." This question is taken up further in subsequent sections of this article.

3. Participation for Peace, Culture and the Environment

Third, the regional frameworks posit that participation is linked to several important outcomes, including peace and development. ACDEG states, "State Parties shall promote peace, security and stability in their respective countries, regions and in the continent by fostering participatory political systems with well-functioning and, if need be, inclusive institutions."[48] It also includes participation, specifically with regard to development processes, in its preamble, and later instructs states to promote citizen participation in the development process.[49] This position arguably demonstrates a belief that people's involvement in decision-making can help mitigate conflict and contribute to better long-term outcomes.

While it is not necessarily a core framework with regard to democracy, the African Charter for Popular Participation in Development and Transformation (ACPPDT), adopted in 1990, deals with participation and development. It specifically criticizes governments for maintaining an overly narrow social base of power and decision-making, exhorting them to yield space to the people and to galvanize and tap into people's energy and commitment.[50] It defines participation thus as:

> *"… the empowerment of the people to effectively involve themselves in creating the structures and in designing policies and programmes that serve the interests of all as well as to effectively contribute to the development process and share equitably in its benefits."*[51]

48 ACDEG, Article 38(1).

49 ACDEG, Articles 30 and 3(7).

50 United Nations Economic Commission for Africa, African Charter for Popular Participation in Development and Transformation, UN Doc E/ECA/CM.16/11 (1990), Article 16.

51 Ibid, Article 11.

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In fact, instead of making it incumbent only on states to facilitate public participation, the ACPPDT emphasizes people's responsibility to "seize the initiative" and establish genuinely grassroots, voluntary, democratic and self-reliant organizations that are rooted in the tradition and culture of society. People also have a responsibility to establish consultative machinery with governments at various levels and to forge links across borders.[52] The first chapter of the ACPPDT blames an over-centralization of power for the constraint and curtailment of the motivation of a majority of people to contribute to development and to the betterment of their own well-being.[53] Kufuor argues that since the definition does not specify particular fora for participation, this conception of participation has the potential to be far-reaching, opening up space for inclusion in everything from school governing boards to national parliaments.[54]

African leaders further developed and articulated priorities with regard to democracy and participation in the Maputo Protocol, which went into effect in 2005. Most of the rationale behind the Protocol was the clear demand and need for greater respect for women's rights and the unique struggles they face in all spheres of life. More participation in the conceptualization of rights in the African context was critical: mainstream international human rights instruments are defined in relation to men's experiences and that the ACHPR's emphasis on traditional African values sometimes obfuscated the ways in which some customary practices may be threatening to women and girls.[55]

At the same time, however, the Maputo Protocol can also be seen as a reflection of broader beliefs about participation and serve to elucidate African priorities for democracy. While ACDEG already made it clear that popular participation is an integral part of development processes, the Maputo Protocol specifies what such participation entails. The protocol requires that women be a part of the conceptualisation, decision-making, implementation and evaluation of development policies and programmes.[56] It goes further by stating that this is part of what it means to "fully enjoy" the right to sustainable development.[57]

The case law with regard to participation and the Maputo Protocol is limited, focusing mostly on ascriptive indicators of women's representation in legislatures and other government bodies. In *Centre for Rights Education and Awareness & another v Speaker of National Assembly & Others*, for example, a High Court in Kenya (Nairobi) held that the Kenyan Parliament failed in its obligation to uphold the constitution by not enacting

52 Ibid., Articles 11 and 13.

53 Ibid., Preamble.

54 *Kofi Oteng Kufuor*, The African Charter for Popular Participation in Development and Transformation: A Critical Review, Netherlands Quarterly of Human Rights 18 (2000) pp. 7, 13.

55 *Mary Wandia*, Rights of Women in Africa: Launch of petition to the African Union, Pambazuka News, 3 June 2004, https://www.pambazuka.org/gender-minorities/rights-women-africa-launch-petition-african-union (last accessed on 7 March 2025).

56 Maputo Protocol, Article 18(b).

57 Maputo Protocol, Article 19.

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legislation to operationalize the constitutional requirement that no more than two-thirds of the members of elective or appointive bodies be of the same gender. It ordered Parliament and the Attorney General to take steps to enact the required laws within sixty days and report progress to the Chief Justice.[58] In another case dealing with similar facts, the Court ruled against petitioners. In *National Gender & Equality Commission & Another v Judicial Service Commission & Others*, the High Court at Nairobi held that Kenya's Judicial Service Commission was not in violation of the law when it failed to recommend a female Chief Justice. Since the new bench was made up of five men and two women, the Court opined that two-thirds of seven is 4.66, which can be rounded up to five men.[59] These judgments do not provide deeper discussions of participation.

The Maputo Protocol also develops the links between participation and peace, specifying that participation in the promotion and maintenance of peace includes participation in educational programmes and in conflict prevention structures. Importantly, it also explicitly states that women's participation is necessary in the "local, national, regional, continental and international decision making structures to ensure physical, psychological, social and legal protection of asylum seekers, refugees, returnees and displaced persons, in particular women" as well as in the structures related to the management of camps and settlements for these communities.[60] The inclusion of non-citizens is an important point, raising questions about how mobility and migration (both voluntary and forced) could impact rights and democracy in the African context. It also recalls the *Open Society* case mentioned above, which articulated the reasons for understanding nationality in a holistic way. The Maputo Protocol is significant for its approach, which does not make a judgment about the reasons for migration but accepts it as fact. In doing so, it shifts attention to the role of participation as a key way to manage migration and the consequences it may have in various contexts.

The Maputo Protocol also makes important points about the importance of public participation in the development of culture and the preservation of the environment. Specifically, Article 17 stipulates that states must take "all appropriate measures to enhance the participation of women in the formulation of cultural policies at all levels." In terms of the environment, Article 18 requires states to make sure that women are more involved in the planning, management and preservation of the environment and that they participate in the control of new energy sources and relevant technologies.

C. Constitutional Visions of Democracy

Moving from the international level down to the national level, we can turn to constitutions to better understand how African countries express their democratic commitments. While

58 Centre for Rights Education and Awareness & another v Speaker of National Assembly & Others 2017 eKLR (High Court, Kenya).

59 National Gender & Equality Commission & Another v Judicial Service Commission & Others 2017 eKLR (High Court, Kenya).

60 Maputo Protocol, Article 10.

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treaties and international covenants and protocols reflect the views of governments and international elites, constitutions reflect the views of national elites (claiming to speak for the people). As Jeff King has argued, constitutions can be understood to be national "mission statements"—"a set of core values and commitments that constitute or form part of the purpose of the state and are meant to guide its decision making."[61] As such, they provide valuable data on national views of democracy across the African continent.

For our purposes, the most valuable part of the constitution is the preamble. While the operative articles of the constitution make any democratic commitments a legal and institutional reality, the preambles often convey a sense of the state's constitutional identity.[62] To be sure, preambles include phrases that are widely used, and frequently reference international treaties.[63] Yet even with these international elements, preambles provide the drafters of constitutions with an opportunity to make evocative statements about the model of democracy that the constitution is intended to guarantee.

We therefore collected the text of the preambles of African constitutions. These texts were sourced in English (official texts or translations) from the Comparative Constitutions Project's *Constitute* website. From the 54 African states, we have 47 preambles from constitutions that were in force in November 2024.[64] It would be preferable for some reasons to analyze these texts in their original languages, but our empirical approach requires us to have all the texts in the same language.

Our specific empirical approach follows one of the many "text as data" methods used by empirical legal scholars,[65] namely topic modelling. The specific model we use is an unsupervised form of machine learning called latent Dirichlet allocation (LDA).[66] This method allows us to group words that are commonly found together across the documents (preambles) in the corpus (the 47 preambles), and from there to estimate the probability that each topic is discussed in each document. Each document is understood to include a mixture of the several topics in the model, and each topic is a mixture of the words in the corpus.

61 *Jeff King*, Constitutions as Mission Statements", in: Denis J. Galligan / Mila Versteeg (eds.), Social and Political Foundations of Constitutions, New York 2013, p. 73.

62 *Gary Jeffrey Jacobsohn*, Constitutional Identity, Cambridge 2010.

63 *Tom Ginsburg* / *Nick Foti* / *Daniel Rockmore*, 'We the Peoples': The Global Origins of Constitutional Preambles, George Washington International Law Review 46 (2014).

64 Constitute does not have the text for the current (December 2024) constitutional documents of Guinea and Mali. The constitutions of Botswana, Lesotho, Mauritius, Sierra Leone, and Somalia do not have preambles.

65 *David S. Law*, The Global Language of Human Rights: A Computational Linguistic Analysis, Law & Ethics of Human Rights 12 (2018), p. 111–150; *Daniel N. Rockmore / Chen Fang / Nicholas J. Foti / Tom Ginsburg / David C. Krakauer,* The Cultural Evolution of National Constitutions, Journal of the Association for Information Science and Technology 69 (2018), pp. 483–494.

66 *David M. Blei* / *Andrew Y. Ng*. / *Michael I. Jordan*, Latent Dirichlet Allocation, Journal of Machine Learning Research 3 (2003), p. 993–1022.

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Pre-processing of the text is required for LDA, including removing common words that convey no unique substantive meaning (such as conjunctions and articles). Words are often "stemmed" so that the ending of the word is removed (meaning that both constitution and constitutional would become "constitu"). We have opted not to stem the words so that we can retain more nuance in the interpretation. However, we de-nationalized the texts by removing country names and demonyms. In our pre-processing we also allowed for two-word pairs that are frequently found together to be treated as one unit (for example, this allows the inclusion of "justice", "equality", and "justice_equality" as terms in the model).

One of the key points where a judgement call must be made in the use of an LDA model is in determining the number of topics in the model. We tested the performance of models with 1 to 20 topics, and determined that the model with the best balance of mathematical coherence and substantive interpretability was the one with 12 topics. The model of course treats each group of words as mere mathematical relationships, and it is up to us to give some substantive meaning to the associations. In our analysis of the topics, we understand them to deal with the following general themes: (1) Principles, (2) Mechanisms, (3) Values, (4) Declarations, (5) Institutions, (6) Sovereignty, (7) Good Governance, (8) Closing Statements, (9) International Treaties, (10) Liberation History, (11) Peace, (12) Revolutionary History.

These 12 topics reveal the mix of national and international concerns and influences that scholars have identified as being a common part of the approach to preambles the world over.[67] In our model, topic 9 captures the invocation of international treaties, most notably the African Charter on Human and Peoples' Rights, which appears in 16 of the preambles. Topic 10 has a national (or at least regional) focus, including terms often used in the recounting of liberation struggles that feature in several of the preambles, particularly in North Africa. The top 10 words in each topic (those that have the strongest association with the topic) are graphed in Figure 1. The importance of the words to the topics is illustrated in Figure 2.

67 *Ginsburg / Foti / Rockmore*, note 65.

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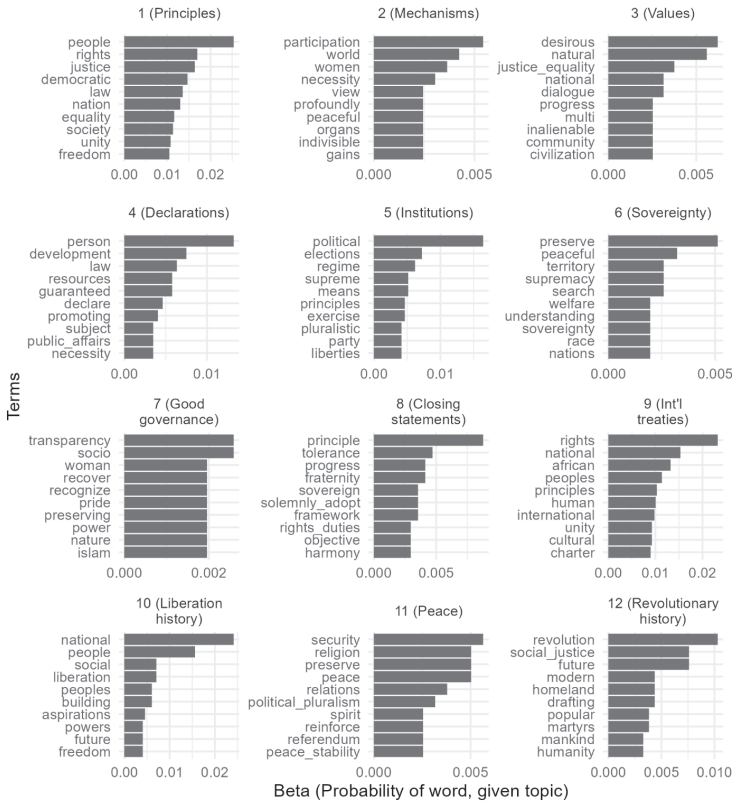

Figure 1: Top terms by topic

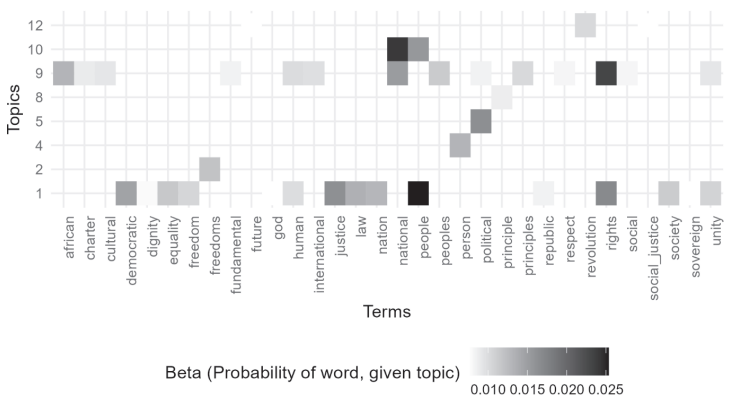

Figure 2: Heatmap of terms across topics

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Figure 3 illustrates the proportion of the text in the documents that is attributed to each topic. We can therefore see that topic 1 (Principles) and its discussion of the commitment of African states to fundamental principles of democracy and human (and peoples) rights covers a great deal of the content of the preambles across the corpus, and in some cases covers a large proportion of the text in individual documents. In six constitutions, more than a third of the text is on this topic, with Seychelles devoting 40 per cent of its preamble to this theme. Indeed, in the Seychellois preamble, there are solemn commitments to sovereignty, the rule of law, democracy, participatory development, individual rights, and a healthy environment. These are all themes that were evident in the analysis of continental norms above. In the same way, we should draw attention to the prominence of "participation" in the second topic, which also describes a commitment to gender equality.

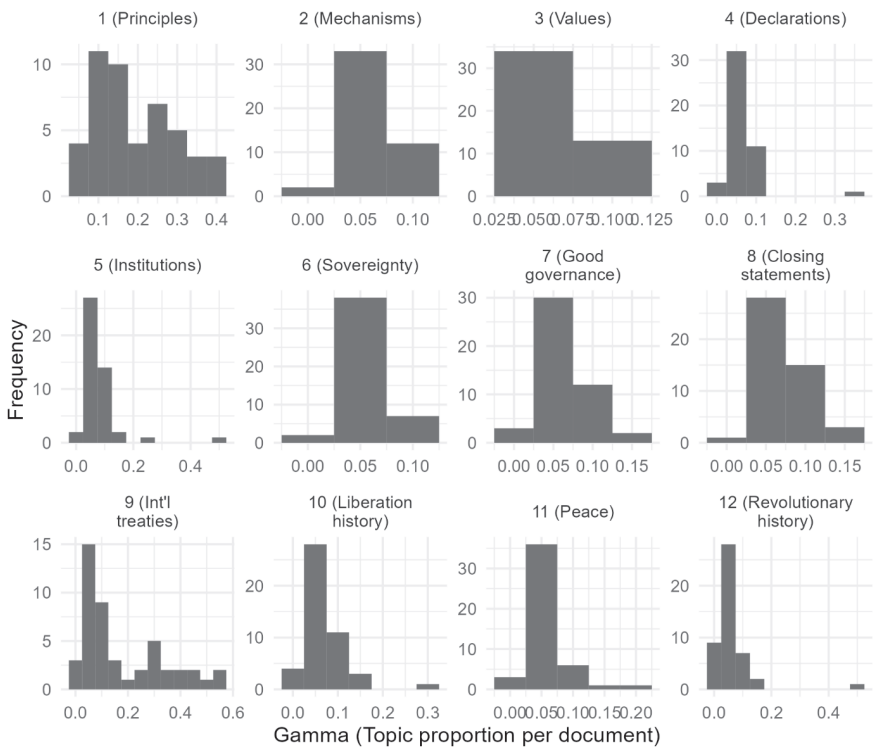

Figure 3: Distribution of topics across documents

The topic that deals with democratic institutions is fifth in the list, generally covering a low proportion of the text, but is mentioned in most of the preambles, featuring very heavily in that of Cabo Verde. That preamble describes the history of the country, devoting two

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paragraphs to a discussion of the first multi-party legislative elections that took place in 1991. Furthermore, the penultimate paragraph of the preamble takes the form of a robust list of democratic commitments touching upon many institutions:

> *"Assuming the principle of popular sovereignty, this Constitutional text consecrates a Democratic State with a vast list of rights, liberties, and guarantees to citizens, the concept of the dignity of the human being as the absolute value which is supreme over the State itself, a system of government with a balance of power between the various national institutions, a strong and independent judiciary, local authorities whose officeholders shall be elected by the communities to whom they are responsible, a Public Administration at the service of the citizens and conceived as an instrument of development, and a system of defence of the Constitution characteristic of a pluralistic democracy."*[68]

As another example, the third statement in the Ugandan preamble states that the country is "committed to" establishing a "socio-economic and political order… based on the principles of unity, peace, equality, democracy, freedom, social justice and progress."[69] There is a somewhat similar statement in the Ethiopian preamble, which speaks of a commitment to: "building a political community founded on the rule of law and capable of ensuring a lasting peace, guaranteeing a democratic order, and advancing our economic and social development."[70]

The association between democracy and development is clear in these latter two quotations, and indeed is substantiated in the topic model. There is no topic that can be understood to narrowly capture social or economic development. However, the term "development" has a strong association with topic 4 (termed Declarations), but also with topic 1 (Principles) and topic 5 (Institutions). Topic 7 (termed Good Governance) actually includes the term "harmonious development", a term found in the constitutions of the Central African Republic, Djibouti, Madagascar, and Sao Tome and Principe.

Fundamentally, constitutions are aspirational documents. In most cases, they seek to establish institutions and rights that will carry the country into a more just, prosperous, and democratic future. The larger picture that emerges from analysis of the dozen topics that are covered in the diverse constitutional preambles across the continent is one that places democracy at the center, often with national history (including liberation struggles) in the background, and a connection to international human rights alongside it. In many cases, democracy and development are discussed together, perhaps expressing a double ambition, or a close connection between two mutually reinforcing processes.

68 Constitution of the Republic of Cabo Verde, preamble.

69 Constitution of the Republic of Uganda, preamble.

70 Constitution of the Federal Democratic Republic of Ethiopia, preamble.

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D. People's Priorities for Democracy

The third leg of our empirical stool is data on the views of the people themselves. We have interrogated what continental treaties and other norms tell us about a concept of African democracy; we have inquired into the content of constitutional preambles from across the continent. But these have both been elite data sources. The various rounds of the Afrobarometer survey project provide an unparalleled set of data on public opinion about democracy across most countries on the continent, and it is to these data we now turn.

As a source for information about popular conceptions of democracy, the Afrobarometer Round 9 data provide us with several advantages. The data collection method involves in-person interviews with people across the 39 covered countries, using most of the local languages.[71] While not exhaustive, this is a remarkable level of country coverage in such deep survey data. However, the data do have some limitations, mainly stemming from the choice of questions and the wording used in describing democratic concepts.[72] No survey instrument can cover everything, but it also cannot exceed the frames of reference of the question writers. In sum, the survey responses allow us to identify the things African respondents prioritize in their concept of democracy—but only among the provided options. As we will see, this is not an insurmountable impediment to the use of these data for the purpose of understanding an African concept of democracy, but there could be more to learn from data that provides more open-ended response options.

I. Questions from the Survey

There are many questions in round 9 of the Afrobarometer that relate to democracy. For our purposes, the questions that are most useful ask respondents to indicate their degree of agreement with one of two statements. For example, question 15 asks respondents: "Which of the following statements is closest to your view? Choose Statement 1 or Statement 2. Statement 1: The government should be able to ban any organization that goes against its policies. Statement 2: We should be able to join any organization, whether or not the government approves of it."[73] In this case Statement 1 has an anti-democratic or at least anti-pluralist valence, while Statement 2 is supportive of democratic or pluralistic society. The order of these statements (positive or negative first) varies across the questions.

71 *Carolyn Logan / Robert Mattes / Francis Kibirige*, Harmonization in the Afrobarometer, in: Irina Tomescu-Dubrow / Christof Wolf / Kazimierz M. Slomczynski / J. Craig Jenkins (eds.), Survey Data Harmonization in the Social Sciences, Hoboken 2023.

72 *Frederic Charles Schaffer*, Thin Descriptions: The Limits of Survey Research on the Meaning of Democracy Polity 46 (2014), pp. 303–330.; *Chad P. Kiewiet de Jonge*, Should Researchers Abandon Questions about 'Democracy'?: Evidence from Latin America, Public Opinion Quarterly 80 (2016), pp. 694–716.

73 Afrobarometer, Data - Afrobarometer, 2024, https://www.afrobarometer.org/data/ (last accessed on 7 March 2025).

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In our analysis, we include 16 questions of this type, covering matters such as media freedom, the relationship between citizens and the government, the role of women in democracy, multipartyism, desirability of elections, and accountability for political leaders. We also include three questions in which respondents were asked whether they approve or disapprove of one-party rule, one-man rule, and military rule.

We recoded all these questions such that they vary between 2 and -2, with positive values indicating support for statements that are generally consonant with common views of democracy in the academic literature (such as rejecting one-party rule), with refused, do not know, and missing responses coded as 0.

II. Principal Components Analysis

As a first, high-level, pass through the data, we used principal components analysis (PCA) to measure the degree of coherence in the responses and to identify which questions are most helpful in understanding the variation between respondents. As illustrated in Figure 4, the variation in the data is best explained with reference to three dimensions. That does not mean that there are three groups of respondents in the survey data, but that the variation between them is significantly explained with reference to three dimensions.

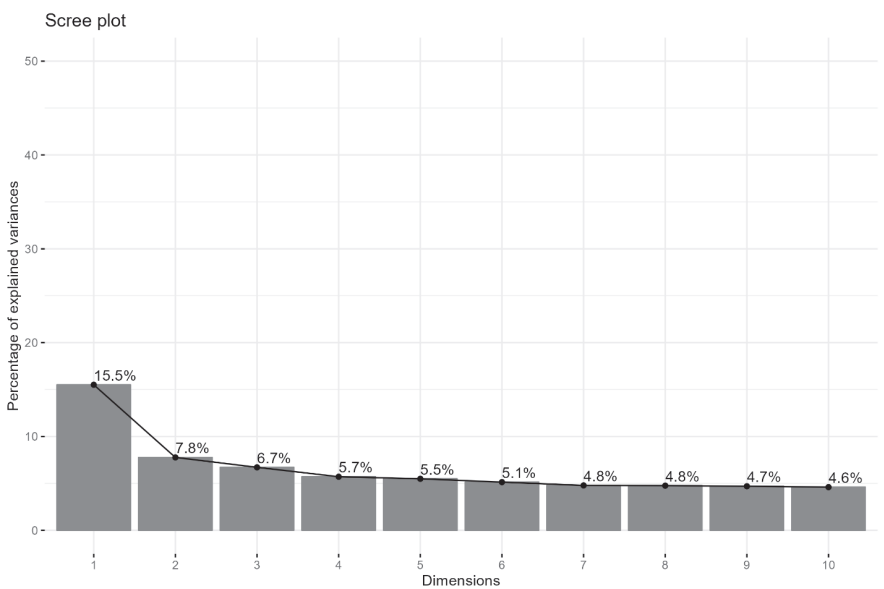

Figure 4: Variance explained by dimensions 1 through 10

The substance of these three dimensions can be understood in terms of the questions within the survey that contribute the most information to each dimension. These are graphed in

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Figure 5. Here we see that Dimension 1 addresses *pluralism* and is particularly informed by questions that address: (Q22C) rejecting one-man rule, (Q22A) rejecting one-party rule, and (Q27A) the roles of the president and parliament in passing laws. Dimension 2 addresses *accountability* and is informed by questions about: (Q19A) the subordination of the government to the people or vice-versa, (Q27C) the role of the opposition party in the legislature, and (Q18) the balance of efficiency and accountability in government. Finally, Dimension 3 addresses *authority* and is most prominently influenced by people's view about: (Q22B) rejecting military rule, (Q16) the extent of media criticism of the government, and (Q22C) rejecting one-man rule (like Dimension 1).

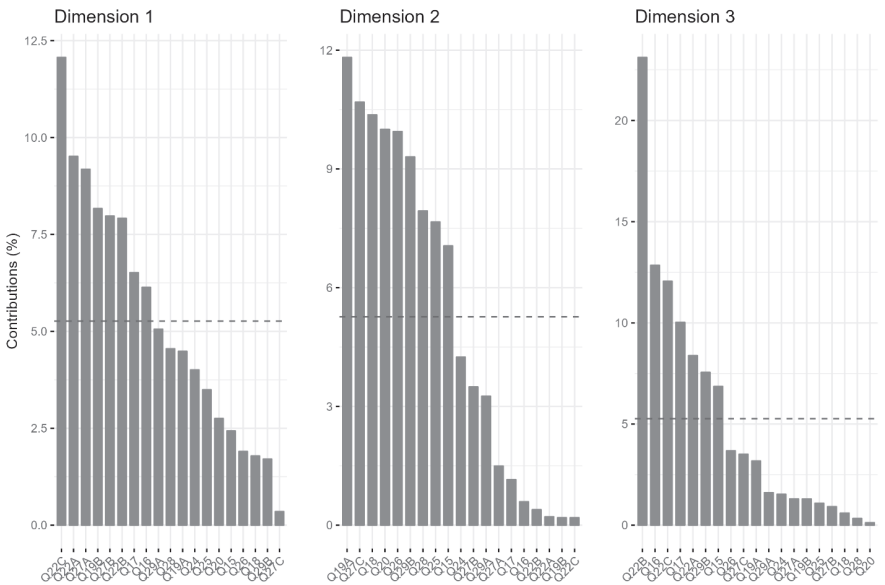

Figure 5: PCA dimensions and questions

III. Cluster Analysis

We can learn more about the extent to which the diverse responses to the survey establish groups with internally consistent views through k-means clustering over a random sample of 10,000 of the responses (the full sample of more than 50,000 responses was too large for processing on a standard laptop). The first thing to note about this analysis is that the best fit for these responses to 19 questions from 10,000 respondents has 10 clusters. The number of respondents in each cluster is relatively consistent, varying between 828 (cluster 8) and 1,244 (cluster 5). The individual respondents are identified in Figure 4 with codes that include a three-letter country code indicating the country in which the respondent lives.

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This figure plots the respondents with reference to the two dimensions that explain the greatest amount of the variation.

It is apparent that there are many respondents whose answers are far from the mainstream view on these two dimensions, but there is also no clear regional or national trend to these outliers. Rather, the larger picture that emerges is that these 10 clusters have very significant overlaps on these two dimensions.

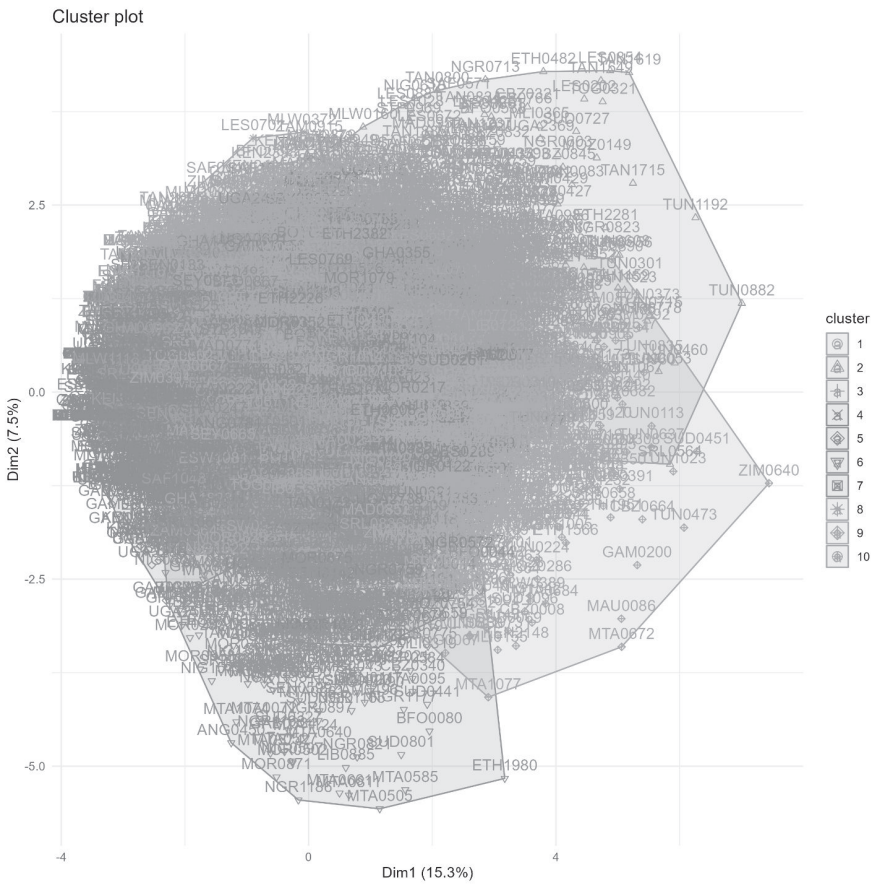

Figure 6: KMEANS cluster analysis of responses to 19 Afrobarometer questions

In the model presented in Figure 6, the cluster with the highest average score across the 19 survey questions (meaning they chose the statements with a pro-democratic valence) is cluster 5, which is not especially easy to pick up in this visualization, but respondents in this cluster have low scores on dimension 1 (thus are on the left of the figure) and

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mid-range scores on dimension 2 (thus being near the center vertically). The cluster with the lowest average score (meaning they more often chose the statements with the anti-democratic valence) is cluster 2. This cluster is found in Figure 6 with higher values on both dimensions (appearing at the top-right of the figure). However, there is overlap even between these two most extreme clusters.

The clusters can be even better understood through a closer look at the mean responses to each of the 19 questions. These are depicted in Figure 7. As noted above, the number of respondents in each cluster is relatively even, but cluster 5 is the largest. As noted above, it is this cluster that has the highest mean score across the 19 questions, indicating a preference for a more open and pluralistic society.

However, note that cluster 5 has a negative mean for the question that deals with the orientation of the opposition party (Q27C). This is an interesting question in the Afrobarometer. The full question poses a choice between these options: "Statement 1: After losing an election, opposition parties should monitor and criticize the government in order to hold it accountable. Statement 2: Once an election is over, opposition parties and politicians should accept defeat and cooperate with government to help it develop the country."[74] In our pre-processing, we had recoded the responses such that positive values are associated with statement 1 and negative values with statement 2. It would not be quite correct to say that negative values for this question are anti-democratic. Rather, they indicate a preference for two somewhat different things: loser's consent and a consensual orientation in the legislature. This preference in the population (which is consistent across all but one of the clusters) recalls Wiredu's argument for consensus as a definitional characteristic of African democracy that we referenced above and later described by Matolino as well.[75] Notably, respondents in cluster 5 (but also in clusters 1, 2, 3, 4, 7, and 10) have a preference for a multi-party system and the subordination of the government to the people, but generally oppose an adversarial orientation between the governing party and a critical opposition.

74 Afrobarometer, note 75, p. 22.

75 *Wiredu*, note 5; *Bernard Matolino*, Consensus as Democracy in Africa, Grahamstown 2018.

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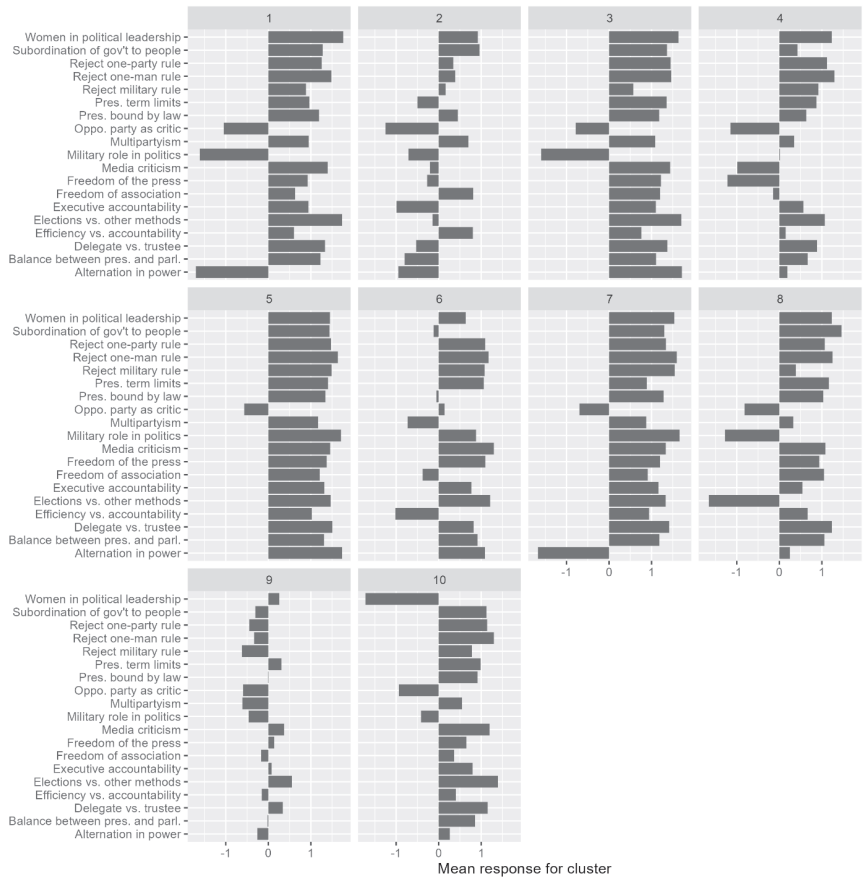

Figure 7: Mean responses to questions by cluster

Space does not permit a full explanation of the variation in responses, but there are a few more interesting points we can highlight. Note that in cluster 1, respondents have broad support for pluralism, gender equality and elections, but are at the same time favourable to a role for the military in politics and openness to the possibility that one party consistently wins the elections. Note also cluster 7, which is highly similar to cluster 5, except that respondents in this cluster share cluster 1's openness to one party staying in power through elections. Cluster 10 stands out negatively in terms of gender equality; respondents in this cluster express a belief that men are better political leaders than women. All the other clusters have more equitable preferences.

Most of the clusters express support for elections as a means of selecting political leaders, seeing this as superior to other methods. However, note that cluster 2 has a weakly

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negative view on this subject (alongside tepid support for several other points associated with democracy), and cluster 8 has a highly negative mean response to this question. Respondents in cluster 8 favour an open and pluralistic society in many ways but oppose a critical opposition and are open to a role for the military in politics and to non-electoral methods for selecting leaders. We should note that cluster 8 is the smallest of the clusters, 50 percent smaller than cluster 5.

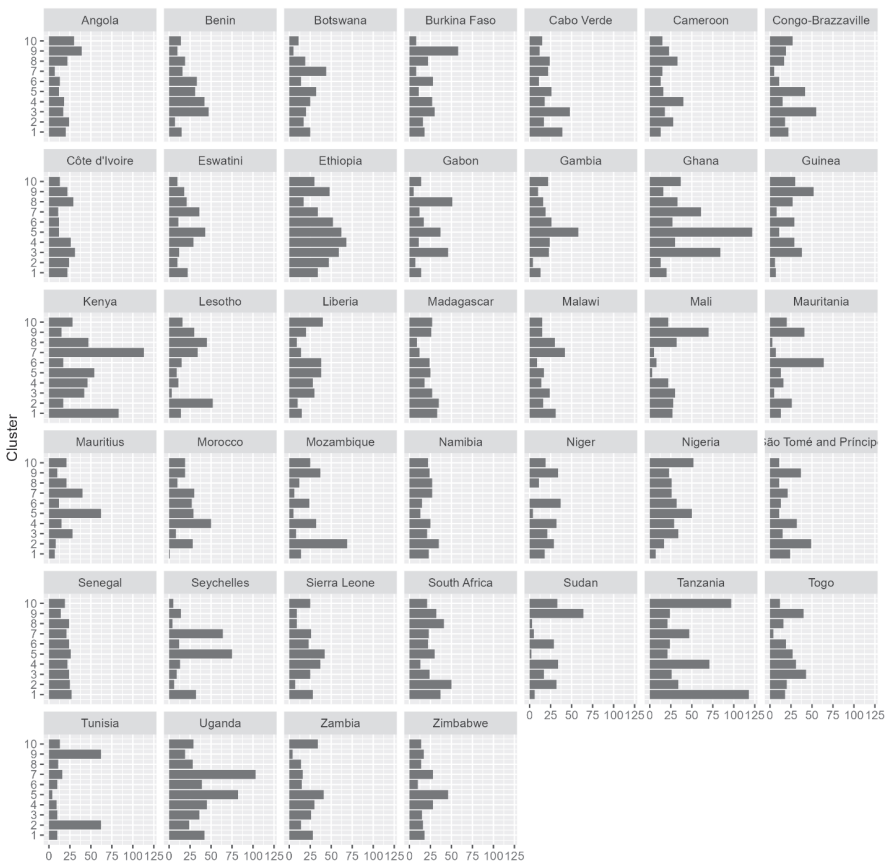

Figure 8: Number of respondents per country per cluster

As illustrated in Figure 8, there is also some variation between countries in the number of respondents that are in each cluster. Bear in mind that this is data from a random sample of the more than 50,000 respondents in round 9 of the Afrobarometer. However, we can note that a few countries stand out with reference to the clusters discussed above. Tunisians

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are mostly grouped in cluster 2 and 9 (those with the least clear support for democratic values). This contrasts with a country like Ethiopia, whose respondents are relatively evenly distributed across the clusters. Seychelles is well represented in clusters 7 and 5, consistent with what we found in that country's preamble, but note cluster 7's openness to one party consistently winning elections. Kenya is also notable in that many Kenyan respondents are grouped in clusters 7 and 1, which share this openness to an electorally dominant party. Tanzania's large number of respondents in cluster 10 is notable given the fact that this cluster is associated with lack of faith in women as political leaders, and the country's current leader is a woman (President Samia Suluhu Hassan), perhaps reflecting their views on current politics rather than an abstract view of gender and leadership.

We take from this analysis both an appreciation of the diversity of responses to these statements, and a broader sense that there is something approaching a common core concept of democracy across respondents from these 39 African countries. This common core values openness, pluralism, and equality (with some exceptions). Importantly, we note that the kind of adversarial politics that is common in some other regions of the world is largely rejected by Africans, with a preference for consensual relationships between governing and opposition parties emerging from these data.

E. An African Model of Democracy

In the analysis described in this article we have considered three very different kinds of empirical evidence about an African concept of democracy. These sources have included information about the preferences of continental elites as expressed in treaties and other continental norm-setting documents, the preferences of national elites and the narratives of constitutional identity found in constitutional preambles, and finally data on the views and preferences of the people themselves in 39 African countries through the Afrobarometer data. We find across these three data sources the level of diversity and variation that one should expect from a continent with 54 countries. There is, for example, disagreement between people about the role of the military in politics. However, a few key themes consistently emerge.

First, there is a consistent level of support for the value of unity and consensus. While liberal democracy prizes individual competition, African democracy may prefer mechanisms that facilitate less antagonistic dialogue and debate. A solution that allows all parties to feel some sense of buy-in to final decisions seems preferable. This implies responsibilities on the part of both the ruling party and the opposition. For the ruling party, accountability in the absence of adversarial investigations by the opposition must require a high commitment to transparency and perhaps also to public participation. It would also imply that the governing party does not deprive opposition supporters of resources or otherwise engage in self-dealing. For the opposition parties, this requires commitment to working with the governing party on matters of national importance, while continuing to represent their own constituencies.

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Second, the three types of data all reveal support for participation in politics, in both abstract terms and through elections. It is clear that neither elites nor the public perceive elections to be the ultimate form of participation, which opens the door for more innovation in participatory fora. This finding impacts scholars and practitioners, as it calls for further thought regarding what forms of non-electoral participation should be included (and measured) in theories and assessment of democracy. Participation is also presented as relevant not just to governance but to peace, culture, the environment and development. It is a broader value, one that strengthens a diverse array of outcomes and could—if taken seriously—result in the opportunity for a much smaller gap between the public and political, social and economic institutions.

Third, context matters: the history of the continent is a critical part of the continental frameworks and the national constitutions. Context thus plays a role in shaping what aspects of democracy have more or less weight. This finding is important, because it suggests that country or subregion-specific models of democracy may be more useful than "universal" ones. Additionally, while our broader goal has been to identify the core of an African concept of democracy, the cluster analysis identified national characteristics that in some countries may have something to do with recent political movements in those countries.

F. Conclusion

In this article we set out to conduct an inductive analysis of the core content of an African concept of democracy. This analysis was motivated by a recognition of the longstanding objections to any attempt to impose a liberal model of democracy on the continent, especially when that has been done in a manner that does not take the colonial experience into account. It was also motivated by the observation that though African countries tend to perform poorly in many assessments; it may be that this is partially because international assessments do not measure the things that African people prioritize when it comes to democratic governance. An African concept of democracy may give more importance to unifying practices rather than adversarial elections.

While much more can be done in this direction with these data and with other (more contextually enriched) sources, the disparate data sources consulted have allowed us to identify the centrality of consensus, participation, and context in an African concept of democracy. We recognize that research in this field will need to do more to reflect what people care about and are already doing: in neighbourhoods, households, workplaces, religious communities, and other areas of communal life.

In closing, we note that any outline of African democracy can be of only limited usefulness without implementation. This has long been a problem, as political institutions and practices in many African countries have fallen short of the legitimate expectations of the citizens the government should represent and serve. Our research here suggests that the

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next steps for this research agenda will involve thinking about what tangible reforms might be needed to reshape institutions.

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