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Moving Beyond Africa's Crisis of Institutions

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ABSTRACT

This paper explains the dysfunctional state of African institutions and suggests possible interventions for effective and resilient institutions at the national, regional and continental level. It argues that institutional failure in Africa can be diagnosed at the conceptual and operational level. Conceptually, most African institutions are largely Western imports that do not reflect the socio-economic and cultural realities of modern African states. This mismatch not only results in institutional subversion by powerful interests but also accounts for the tension between formal state institutions, on the one hand, and informal and traditional institutions, on the other. In some cases, however, institutional dysfunction reflects the prevailing philosophy about political authority, espoused mostly by the old guard of African leadership, which is a carryover from Africa's colonial past and essentially at odds with the mechanisms of modern democratic governance. At the operational level, the dysfunctionality of African institutions can be explained by the dearth of responsible and ethical leadership on the continent, growing political alienation on the part of the African citizenry, inadequate state capacity to enforce rules, and limited economic opportunities, which encourages individuals and groups to subvert state institutions for rent seeking and the illegal accumulation of wealth. Against this backdrop, the paper makes the case for institutional designs that are responsive to local contexts, are adaptable to changing circumstances, and reflect a shared consensus and aspirations. Additionally, addressing the institutional malaise on the continent requires efforts to engender a new generation of African leadership that is not only skilled in the mechanics of modern democratic governance but also ethical and transformational. Safeguarding the integrity of Africa's political institutions will also benefit from encouraging greater civic engagement and harnessing the power and influence of civil society in its role as watchdog and ethical guardian of society.

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ABBREVIATIONS AND ACRONYMS

APSA	African Peace and Security Architecture
ASF	African Standby Force
BDP	Botswana Democratic Party
CEWS	Continental Early Warning System
DRC	Democratic Republic of the Congo
ECCAS	Economic Community of Central African States
NCPs	National Contact Points
OAU	Organization of African Unity
OPDS	Organ on Politics, Defence and Security
PSC	Peace and Security Council
RECs	regional economic communities
RMs	regional mechanisms
SADCC	Southern African Development Coordinating Conference
SCUs	Sector Coordinating Units
SNCs	SADC National Committees

INTRODUCTION

Recent studies have established a strong link between the quality of Africa's political institutions and the poor state of governance and socio-economic development on the continent.¹ This is hardly surprising given that, theoretically, institutions, understood as systems of established and prevalent rules and norms that structure social interactions,² are fundamental to the organisation of human life in all its dimensions. Institutions structure behaviour and promote social order and trust, which in turn facilitate co-operation for social and economic progress. Prior to European colonisation, political and social life in Africa was underpinned by a diversity of institutional systems that reflected the different circumstances and political philosophies of the continent's many socio-cultural groups. Despite certain imperfections, political institutions in traditional African societies were functional and resilient enough to engender peace, social cohesion and economic development. This was mainly because they were rooted in the indigenous values and social conditions of the respective polities, but also because they embodied a shared political philosophy that placed checks and balances on the exercise of political authority.

However, the advent of colonialism and the birth of the post-colonial state have introduced a crisis of institutions in Africa. Most African states are today characterised by weak and dysfunctional institutions, a predicament that is also reflected in the slow progress towards regional integration and continental unity in Africa.

This paper draws on the theoretical and conceptual literature on institutional development, together with examples from selected African states and intergovernmental organisations, to explain the dysfunctional state of African institutions and suggest possible interventions for effective and resilient institutions on the continent. It argues that institutional failure in Africa can be diagnosed at both the conceptual and operational level. Most African institutions are largely Western imports and do not reflect the socio-economic and cultural realities of modern African societies. This accounts for the general tension between formal and informal institutions, which often results in institutional subversion by powerful interests in society. At the operational level, institutional dysfunction can be attributed to the lack of sufficient capacity to implement and enforce rules, weak incentive structures to encourage compliance with institutions, and the poor quality of leadership on the continent.

This paper therefore makes the case for institutional designs that are responsive to local contexts, are adaptable to changing circumstances, and reflect a shared consensus and aspiration. Moreover, a new generation of African leaders are needed to address Africa's institutional malaise, as are greater civic engagement and the harnessing of civil society as the watchdog and ethical guardian of society.

INSTITUTIONS, INSTITUTIONAL DYSFUNCTION AND INSTITUTIONAL CHANGE

Institutions can be defined as rules and procedures that structure social interaction by shaping and constraining actors' behaviour.³ A distinction is generally made between formal and informal institutions.

Helme and Levitsky provide a synthesis of the main perspectives on this distinction:⁴

Informal institutions [are] socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels. By contrast, formal institutions are rules and procedures that are created, communicated, and enforced through channels widely accepted as official.

According to North, informal institutions in the form of norms, routines and political processes tend to be more persistent than formal rules.⁵ There is no single perspective on the origins of institutions. Likewise, there are many explanations as to why institutions fail to function efficiently and under which conditions institutional change can take place. The two dominant perspectives of rational choice institutionalism and historical institutionalism provide valuable insights that can help to diagnose Africa's institutional malaise. From a rational choice perspective, institutions are exogenous constraints that are designed to shape human interactions.⁶ Put differently, institutions are the rules of the game that serve to both co-ordinate and constrain the strategic choices of rational political players, and therefore become instrumental in resolving collective action problems.⁷ This perspective presumes that the rational choices of self-interested actors acting voluntarily on the basis of their individual preferences would result in the design of functional institutions that represent an acceptable way of doing things. However, as Miller points out, there is no guarantee that the institutions that emerge from the interaction of rational actors would be optimal and efficient. The strategic choices of rational individuals can result in inefficient outcomes, owing to the cognitive limitations of the actors involved. The inability of actors to foresee and appreciate the long-term consequences of their actions may result in the establishment of institutions that prove to be inefficient in the long run. Equally, rational actors representing powerful interest groups can choose to maintain dysfunctional or sub-optimal institutions as a strategy to protect their interests in the political system.⁸ Institutional change is interpreted by rational choice theorists as a transition from one equilibrium order to another, which occurs from exogenous shocks that challenge existing institutions in a particular domain of human interaction.⁹

However, there are other rational choice perspectives on the origins and development of institutions that do not only question the exogenous interpretation of institutions but also bring to the fore the role of power dynamics in institutional analyses. In what could be described as the endogenous view of institutions, actors are as important as, if not more important than, rules. Employing the analogy of a sporting game, Shepsle notes that in this view of institutions the rules of the game are provided by the players themselves and simply reflect the ways in which the players want to play. From this perspective, 'institutions do not compel observance, but rather reflect the willingness of (nearly) everyone to engage with one another according to particular patterns and procedures (nearly all the time)'.¹⁰ This understanding of institutions brings us a step closer to Moe's thesis that political institutions are not just structures of co-operation but also structures of power.¹¹ Without necessarily discounting the emphasis that rational choice theorists place on co-operation in explaining how and why institutions are created, designed and function, Moe argues, as does Shepsle,¹² that institutions also reflect and sometimes reinforce certain power dynamics. In other words, an understanding of the choice, design and functionality of specific institutions cannot be divorced from considerations of the

distribution of power among the major stakeholders, and the nature of the incentives used by those whose preferences shape the rules to induce the co-operation of all other actors.

Considerations of power dynamics in the choice, design and functionality of institutions help shed light on the role of people in institutional development, and bring to institutional analysis the classical social science debate on structure versus agency. Whereas earlier rational choice theories of institutions emphasised the constraining effect of institutions on the choices and behaviour of individuals, recent perspectives have highlighted the role of powerful and resourceful actors, or so-called institutional entrepreneurs, in institutional change. The concept of institutional entrepreneurship is used to explain endogenous institutional change. It suggests that actors with an interest in particular institutional arrangements can mobilise their resources and serve as catalysts for the creation of new institutions or the transformation of existing ones.¹³ However, this perspective is also not without controversy, given the dialectic nature of the relationship between institutions and human agency. Ascribing a central role to human agency in institutional transformation raises questions about the conditions under which actors who are supposed to be institutionally embedded are able to distance themselves from institutional pressures and act strategically. In this respect, Battilana has proposed the individual's social position as a key variable in understanding how actors are enabled to act as institutional entrepreneurs despite institutional pressures.¹⁴

While rational choice theories help us appreciate the importance of the individual or organisational agency in institutional dynamics, historical institutionalism holds significant insight into the relationship between specific institutions and the political, economic, social and cultural contexts in which they exist. Historical institutionalists see institutions not as the designs of rational actors seeking to promote their self-interests in an orderly manner, but as the legacy of specific historical processes and constellations, which go on to influence the way in which political actors define their interests and objectives. In other words, as Thelen notes, different institutions are seen to embody the logic of different temporal, political and social orders.¹⁵ Central to the theorising of historical institutionalists is the argument that historical contexts and dynamics play an important role in the origin and evolution of institutions, an idea that is captured in the notions of path dependency and critical junctures. Fioretos summarises the relationship between both concepts as follows:¹⁶

Path dependency refers to a process in which the structure that prevails after a specific moment in time (often a critical juncture) shapes the subsequent trajectory in ways that make alternative institutional designs substantially less likely to triumph, including those that would be more efficient according to a standard expected utility model.

It follows from this understanding of institutions that one of the major sources of institutional dysfunction or inefficiency is the absence of political will to transform institutional arrangements that are embedded in particular historical processes to make them responsive to prevailing social conditions. Similarly, because various institutional arrangements within a given polity emerge at different times and speak to different social and political logics, institutional inefficiency or failure may equally result from conflicts between different institutional orders.

A good example here is the inefficiency that results from the tension between formal institutions and informal rules or norms. Although informal rules and norms can sometimes play a reinforcing role for the proper functioning of formal institutions,¹⁷ as North argues, these often take time to adapt to changes in formal rules. As the analysis below suggests, the persistence of informal rules and norms that do not embody a similar social and political logic as the new formal institutions can seriously undermine the functioning of the latter.¹⁸

Although historical institutionalism emphasises the role of the broader political and social context in institutional analysis, it does not discount the role of individual agency and power dynamics in institutional development. Steinmo, for example, argues that ideas, values and beliefs are central to institutional change. He makes the case that institutions evolve when powerful actors have the will and ability to change these institutions in favour of new ideas, understood as creative solutions to collective action problems.¹⁹ From this perspective, institutional change is seen not as a transition from one equilibrium to another, but rather as a process of transformation that results from the interaction of different social and political logics within a given society.²⁰

The discussion so far can be summarised as follows. From a governance point of view, institutions can be understood not only as societal constraints that structure the interaction of rational self-interested actors but also as expressions of the beliefs, preferences and expectations of a society, or at least its most influential actors, at any given point in time. Institutions therefore serve both as mechanisms for facilitating co-operation and promoting the collective interests of society, and as major sites for the contestation of political power by different interests in society. The dual interpretation of institutions as both constraints on society and arenas where different societal interests and preferences are expressed has significant implications for understanding the origins, functioning and evolution of specific political institutions. In particular, it suggests a multilevel approach to institutional analysis, which is sensitive to the fact that political actors are not just passive rule followers but dynamic agents who are constantly seeking to maintain or transform existing rules in line with their interests and preferences. Additionally, a multilevel approach to institutional analysis takes into consideration that both actors and institutions are embedded in specific historical, political and social contexts, and that their interactions cannot be understood in isolation from these settings. These and other insights are used to diagnose and explain the dysfunctional state of political institutions on the African continent. Before turning to that, the next section provides a brief survey of the institutional terrain in Africa.

OVERVIEW OF THE INSTITUTIONAL ENVIRONMENT IN AFRICA

There seems to be near consensus that the enduring challenge of bringing about sustainable development in large parts of Africa owes much to the poor state of governance on the continent. As Hamdok notes, even the few African countries that have made significant progress in economic growth and development over the past few decades have often found their changing fortunes threatened by governance shortcomings. These shortcomings are characterised by, among other things, civil strife, exclusionary politics

and the absence of transparent administrative processes, accountability and the rule of law.²¹ Reflected in this unstable governance environment is the absence, in most African countries, of effective domestic institutions. These, as outlined in the previous section, are central to addressing the sort of collective action problems that are implied in efforts towards economic development and social progress. In this regard, Acemoglu *et al.* argue that 'the reason why African countries are poorer is not due to cultural or geographic factors, but mostly accounted for by the existence of worse institutions in Africa'.²²

In many African countries, the basic institutions that are supposed to structure and regulate political and economic activities are generally weak or, in some instances, in a state of dysfunction. For instance, few African countries have effective property rights regimes or independent judiciaries that can promote respect for the rule of law, guarantee security and stability, and ensure that contracts are honoured. As Ellett writes, it has become commonplace for the judiciary to be politicised in African countries such as Uganda and Zambia, with the effect that the legitimacy of the courts as institutions of governance and the rule of law have become seriously weakened.²³ Likewise, although most African states formally subscribe to the principle of separation of powers, in many countries parliaments are so weak in their representative, oversight and legislative functions that executive excesses, administrative malfeasance and political alienation are common characteristics of their governance processes. This is the case in Ghana, where, even in the context of a relatively successful democratisation process, the performance of the legislature in terms of its oversight and legislative functions has steadily declined as a result of executive co-optation.²⁴

However, the argument about the poor state of institutions in Africa needs to be qualified, taking into account the existence of significant variations in institutional performance both within and across different African states. In response to internal and external pressures for democratisation and better governance, many African states have embarked on institutional reform since the early 1990s. In some countries these reform initiatives have produced relatively functional institutions, benefitting in varying degrees from favourable conditions such as strong and inspiring leadership, an expanding private sector, a vibrant civil society and governments with a significant degree of legitimacy. As a variable that partly explains intra-African disparities in institutional quality, state legitimacy is particularly important because, as discussed in the next section, institutional weakness in most African countries stems largely from attempts by the ruling elite to compensate for the deficit in state legitimacy by resorting to neo-patrimonial politics in order to retain power.

EXPLAINING INSTITUTIONAL DYSFUNCTION IN THE AFRICAN CONTEXT

The challenge of building viable institutions in Africa can be understood at the conceptual and operational level – consistent with the theoretical insights generated above, which accord equal importance to the role of human agency and social/historical dynamics in the origins, functioning and transformation of institutions.

Colonial legacy of authoritarianism and institutional dysfunction in Africa

As historical institutionalists would argue, the poor quality of governance institutions on the continent cannot be explained outside the historical context of the modern African state. From this perspective, the encounter between European colonialists and African societies constitutes a critical juncture in the process of institution building in Africa, to the extent that it established a governance path on which future efforts at institutional development would more or less be dependent. Because the colonial system in Africa was driven by the double logic of subjugation and exploitation, the governance framework that underpinned it was as exclusionary as it was arbitrary and tyrannical. This means that the rules and structures of government were designed without taking into consideration the interests of the local population. These could also be altered at any time to serve the needs of the colonial administration.²⁵ As Weingarth and Wiederer argue, the European colonial system did not only adulterate or, in some instances, completely obliterate traditional African institutions of governance but also left behind artificial states with frail identity, legitimacy or administrative capacity. Without the ability to exercise its authority over different groups in society, some of which wielded more power than the government and were seen to pose a threat to national unity and state security, the postcolonial African state resorted to internalising the governance philosophy of the colonial era.²⁶

In most African countries, the democratic ideology that propelled the struggle for independence soon gave way to authoritarian and centralising logics in the immediate postcolonial era, driven to a large extent by the imperative to preserve political power. According to Okoth, the political culture of the new African rulers was strongly influenced by their belief in elitism, statism and nationalism, which reflected the socialising influences of both the traditional African society and the colonial period. Immediate postcolonial African leaders did not only see themselves as possessing a monopoly on wisdom and legitimacy but had also been socialised by the colonial system to see the state and its bureaucracy as the engine of society. Because of the artificial nature of the states that they inherited, these rulers also revered national unity and nation building, and tended to associate any form of political dissent with subversion.²⁷

This attitude towards political authority accounts for the prevalence of one-party systems or military regimes in the immediate post-independence period in Africa, all of which came at the expense of the development of democratic institutions of governance. For example, Frank and Ukpere contend that the institutional deficiencies that define the democratisation process in Nigeria stem partly from the long years of military dictatorship to which the country was subjected. They argue that military norms and values have permeated and continue to influence the political culture in Nigeria, undermining the emergence of resilient democratic institutions in the polity.²⁸ However, rather than one-party or military dictatorship per se, it is the neo-patrimonial character of the modern African state that has endured as the political legacy of the colonial period,²⁹ and which to a significant extent accounts for the institutional crisis that Africa faces.

Neo-patrimonialism combines rational–legal authority and patrimonial rule to produce a system of governance that is characterised by patronage, clientelism and a significant blurring of the line between the public and private sectors. In the words of Engelbert and College, ‘neo-patrimonial policies are ... the equilibrium outcome of illegitimate postcolonial statehood, a condition which entails a dichotomization of power and

state structure'.³⁰ Neo-patrimonialism emerged as the dominant institutional form in Africa because of the artificial nature of the postcolonial state, which originated outside domestic social relations and had limited power foundations in pre-colonial societies. Neo-patrimonial policies therefore constitute a political strategy used by the ruling elite to secure support for the state by entering into informal alliances with dominant social forces, albeit at the expense of formal state institutions, which are turned into resources to maintain extensive clientelistic networks.³¹ Given the personalised nature of politics in neo-patrimonial systems and their preoccupation with preserving the power base of the ruling elite, such systems generally feature low levels of accountability, transparency, participation and predictability. Thus, although internal and external pressures have forced many African states to subscribe to the tenets of democratic governance, and some countries have succeeded in building relatively functional institutions, the political institutions that are put in place to support processes of democratisation in many African countries have often fallen victim to the logic of neo-patrimonial politics.³²

Zimbabwe is one of the most glaring African cases of how an authoritarian logic derived from the colonial experience has co-existed for decades with a faltering democratisation process, resulting in the emergence of a neo-patrimonial institutional design. Borrowing from the historical institutionalism perspective, the struggle for liberation from white minority rule in the 1960s and 1970s can be identified as the critical juncture in the history of Zimbabwe, which established the path that would shape the country's institutional development. The liberation struggle not only produced the future leaders of Zimbabwe and a centralised party structure but, more importantly, also gave rise to a political ideology of anti-imperialism, which reveres war veterans and has remained the most efficient source of legitimate rule in the country.³³

Soon after assuming the reins of power in 1980, President Robert Mugabe and his ruling party, ZANU-PF, embarked on a systematic process of consolidating their grip on power. This was achieved by concentrating political power in the office and person of the president, while bringing virtually all state institutions under the control of the party. To safeguard the ruling elite's absolute control over the machinery of the state, an elaborate system of patronage, which primarily took the form of an alliance between ZANU-PF and the military, came into being and has been used to reward military and political loyalists.³⁴ In such a system, the institutions of governance become subordinate to the authority of the president and the party, and have been either rendered redundant or misused to further the interests of the latter. As Compagnon argues, 'For ZANU-PF leaders, the institutions, values, and procedures of parliamentary democracy were alien and a potential impediment to their objective of fully controlling the postcolonial state.'³⁵

A similar neo-patrimonial framework can be used to explain what has been described as the 'triple evils of excessive governance, bad governance and non-governance' in Cameroon.³⁶ As Gabriel argues, Cameroon's governmental institutions are only public in name. In character they are largely personal and by modern standards inefficient.³⁷ This is the outcome of decades of dictatorial and personalised rule employed by Cameroon's postcolonial rulers to exercise authority over a country that at the time of independence was characterised by significant ethnic, linguistic and cultural diversity. Since independence, politics in Cameroon has been defined by the concentration of power in the person and institution of the president, allowing both presidents Ahmadou Ahidjo and Paul Biya to build extensive patronage networks, using state resources to secure the

political loyalty of powerful groups across the country. Although this neo-patrimonial practice has been credited with the exceptionally high levels of stability that Cameroon has enjoyed in a generally volatile central African region, this institutional path has over the years been reproduced and reinforced at the expense of a thriving economy, a democratic culture and a functional public administration.³⁸

Institutional dysfunction at the operational level

The poor quality of institutional performance in Africa cannot be explained solely on the basis of the authoritarian outlook of the political systems in postcolonial African states. At the operational level, the dysfunctional state of African institutions can be attributed to three main factors – the lack of sufficient capacity to implement and enforce rules, weak incentive structures to encourage compliance with institutions, and the poor quality of leadership on the continent, or put differently, the shortage of institutional champions or entrepreneurs. The effect of these factors on institutional performance tends to be compounded by the political and conceptual issues discussed above.

Weingarth and Wiederer have identified four capacities that a state should possess for it to be able to design, implement and enforce quality institutions. The first is a regulative capacity, which speaks to the ability of the state to establish, codify and enforce rules. This should be complemented by an administrative capacity to manage the state's resources, both material and human, in the interest of an effective, transparent and rules-based public service. Strong state capacity also assumes that the state possesses the knowledge and expertise to evaluate technical problems and implement solutions, as well as the extractive abilities to generate public revenues to finance its activities. They argue that African states are generally found wanting in most if not all of these indicators of state capacity, blaming this deficiency on the pervasiveness of the neo-patrimonial system on the continent, the shortage of qualified human capital in the public service, and the effects of the civil service reforms imposed on the continent by foreign donors in the 1980s and 1990s.³⁹ In the context of weak bureaucratic capacity, 'the creation of new rules in Africa is not very transparent, there is hardly any possibility for participation and the enforcement as well as the ways of interpreting those rules by public officials are hardly predictable'.⁴⁰ For example, although Cameroon has put in place an elaborate institutional framework for conserving and promoting sustainable biodiversity, the country continues to experience significant biodiversity loss largely because of weak state capacity to implement and enforce conservation laws.⁴¹

The nature of the economies in most African states also contributes to weakening their institutions of governance. Few African countries have been able to transform the colonial structure of their economies, to the effect that the private sector remains largely underdeveloped. With limited economic opportunities outside the public sector, the state and its bureaucracy have become the most lucrative vehicles for the accumulation of personal wealth.⁴² In the process of enriching themselves by using the power and resources of the state, politicians and civil servants end up corrupting and subverting the same institutions that they are charged with enforcing. Nigeria perhaps provides the best expression of this practice and its destructive effects on institutional development in Africa. In his seminal analysis of the rise and fall of the second republic in Nigeria, Joseph coined the concept of 'prebendal politics'⁴³ to describe the dominant political culture in

Nigeria, whereby holding public office provides officials and their identity groups with access to state resources. According to Joseph, this system, which has reproduced itself over the years and remains deeply entrenched at all levels of the Nigerian polity, has resulted in dysfunctional governance in all areas of life in Nigeria.⁴⁴

Related to the capture of state machinery for personal wealth in explaining institutional dysfunction in Africa is the poor quality of political leadership on the continent. According to Schoeman, 'the importance of leadership [in the public sector] stems from leaders' ability to exert a far greater influence than most other people by virtue of the greater authority, power and visibility, and the easier access to resources which their more senior role affords them'.⁴⁵ Consistent with the notion of an institutional entrepreneur, the vision, inspiration and example of the leader are critical not only for institutional innovation but also to encourage positive behaviour among his/her followers. However, as Ngambi notes, such leadership is currently in short supply in Africa. In its place is what has been described as toxic leadership, which speaks to leaders who are self-interested, have no vision or integrity, lack concern for their people, and are generally driven by a grandiose sense of self-importance.⁴⁶ Throughout the continent, such leaders have presided over the emasculation of the institutions of governance of their countries through unrestrained acts of corruption and political manoeuvring.

A major manifestation of this toxic leadership is the current trend whereby African leaders have sought to cling to power by manipulating their constitutions in order to bypass presidential term limits. Between 2000 and 2015, 15 African presidents have tried to remain in power by changing their country's constitutions to remove presidential limits, with 11 of these attempts succeeding in countries such as Cameroon, Chad and Uganda.⁴⁷ This practice has not only strengthened dictatorship and undermined constitutional democracy in many African countries but has also posed a challenge to the emerging continental security and governance regimes. Although both the Constitutive Act of the AU and the African Charter on Democracy, Elections and Governance prohibit unconstitutional changes of government, African leaders often fail to act decisively against those of their peers engaging in this practice.

The decimation of Africa's governance structures by selfish and corrupt political leaders has been abetted to some extent by the growing political apathy and alienation among the African citizenry. A strong civil society sector, built on a politically conscious and engaged citizenry, is central to strengthening the institutions of democratic governance, because it can serve as a watchdog to foster respect for transparency, accountability and the rule of law. However, as Mentan points out, the persistence of patrimonial power structures in many African countries and the damaging effect that this has had on the economic and social development of the continent has brought about widespread disillusionment with democratisation.⁴⁸ Coupled with socio-economic hardship and, in some countries, the traumatic legacy of oppressive rule and violent conflict, frustration with the democratic impasse in Africa has forced large sections of the African population, including a significant proportion of the middle class, to either withdraw from the political space or resign themselves to the politics of the day. In some African countries such as the Democratic Republic of the Congo (DRC), this despondency and sense of betrayal has encouraged the emergence of a fractured and fragile civil society sector that, for the most part, is as opportunistic and self-seeking as the ruling elite.⁴⁹

Institutional weakness at the regional and continental levels

The institutional crisis that Africa faces is not limited to the domestic level. There has been a corresponding challenge to construct viable institutions to support aspirations for regional and continental co-operation and integration. At the regional level, the example of SADC is telling. In the late 1990s, SADC embarked on an elaborate process of institutional reconfiguration to bring the structure and operations of the organisation in line with its ambitious integration and development agenda. As elaborated below, the restructuring of SADC was necessary to align the organisation's institutional framework with the regional integration model that was promoted in the 1991 Windhoek Treaty, and which was founded on a combination of a human security paradigm and neo-liberal economic ideology. At the heart of this new institutional arrangement is the logic of shared and popular sovereignty, which inspired efforts to strengthen the SADC Secretariat to become the central organ for strategic planning and management of regional initiatives, alongside the creation of SADC national committees (SNCs) as mechanisms for integrating local voices into the regionalisation process. However, after a decade and a half, the key institutions at the centre of this regional governance framework, including the SADC Secretariat, SNCs and the SADC Tribunal, have struggled to remain relevant and in some instances have simply fallen into disuse.⁵⁰ As the example of the disbanding of the SADC Tribunal suggests, the rules-based integration model underpinning SADC's current institutional framework is inconsistent with the prevailing political culture in most of its member states.⁵¹ The most functional institutions and processes within the SADC system, such as the Organ on Politics, Defence and Security (OPDS), are those that safeguard the sovereignty of the organisation's member states.

At the continental level, it is perhaps the difficulty to successfully operationalise the AU's African Peace and Security Architecture (APSA) that best epitomises Africa's institutional challenges. Similar to SADC, the Organization of African Unity (OAU) underwent significant normative and institutional transformation at the turn of the millennium, which resulted in the birth of the AU. With the end of apartheid and colonialism, it was felt that Africa needed an organisation that was better suited to address the new challenges of poverty, underdevelopment and violent conflicts. Underpinning this shift is the idea that peace, stability and good governance are a prerequisite to the development and regeneration of Africa, and that a human security perspective and not narrow state security concerns should inform continental co-operation. Consequently, there has been a normative breakaway from the non-intervention ethos of the OAU to a policy of non-indifference in the internal affairs of AU member states. Corresponding to this new normative framework is the emergence of an institutional arrangement that is as interventionist as it is elaborate, and which in principle should contribute to the promotion of good governance and stem the tide of conflict and instability on the continent.⁵² As Van Nieuwkerk argues, the emerging APSA should be interpreted as embodying a regime with rules, norms and principles that provide a framework for co-operation among AU member states in pursuit of their common interests.⁵³

There is no gainsaying that the normative and institutional shift that characterised the transformation of the OAU to the AU has been accompanied by some improvements in continental governance, including in the domain of peace and security. In fact, it can be argued that compared to its predecessor, the AU has been rather proactive in

processes of conflict prevention, conflict management and post-conflict peacebuilding and reconstruction. For example, the AU has been credited with not only contributing to bringing relative peace to Burundi but also stabilising large parts of Somalia at a time when the UN was not prepared to engage in the war-torn country.⁵⁴ Even so, as Landsberg correctly observes, the AU has been embroiled in an institutional crisis as it struggles to implement and operationalise its newly articulated norms and policies.⁵⁵ Key institutions that either make up or support APSA, such as the AU Commission, the Panel of the Wise or the Continental Early Warning System (CEWS), have not been able to function optimally because of capacity and resource constraints, while others such as the African Standby Force (ASF) are yet to see the light of day. What is more, APSA suffers from institutional imbalance and fragmentation – both horizontally in terms of synergy between its different pillars, and vertically in terms of its interface with regional economic communities (RECs) and regional mechanisms for conflict prevention, management and resolution (RMs). Interestingly, while the organs and institutions of some RECs such as the Economic Community of Central African States (ECCAS) are too weak for the AU to rely on, those of other regional organisations such as ECOWAS have developed far more than the institutions of the AU.⁵⁶

Institutional weakness at the regional and continental level can also be explained as a function of the political culture bequeathed to Africa's ruling elite by the colonial experience. Soon after African countries obtained political independence, narrow nationalism deployed to consolidate political power and protect the integrity of colonial-era borders quickly replaced the pan-African impulses of collective self-reliance and co-operation that drove the struggle for decolonisation. Non-interference and respect for national sovereignty therefore became the most cherished principles that underpinned relations between African states. As Ikome suggests, the embrace of these principles by the African elite worked to frustrate the effective implementation of successive institutional arrangements designed to promote regional integration on the continent during the 1980s and 1990s, including the Lagos Plan of Action.⁵⁷ The unwillingness of most African leaders to cede part of their sovereignty, a process that could jeopardise their largely authoritarian grip on power, remains a major impediment to the development of effective regional and continental institutions even today. In this respect, the profession of new norms and values, and the design of new pan-African institutions, have to contend with the unreformed political culture of the ruling African elite.

The institutional challenge confronting APSA illustrates this point. As an institutional system, APSA reflects a supposed normative shift in African diplomacy, which embraces a human security paradigm, and seeks to replace the dogmatic adherence to respect for national sovereignty with the right of the African collective to intervene in member states for purposes of human protection. Accordingly, the peace and security architecture of the AU is designed to make the organisation more proactive than its predecessor, recognising that conflict prevention and democratic governance are two sides of the same coin. The operationalisation of this novel institutional framework, however, continues to reflect the old political logic that gives primacy to national sovereignty. For example, as the 2011 Libyan crisis revealed, the Peace and Security Council (PSC), which in practice is the principal decision-making body of APSA, often fails to pronounce itself effectively on issues that have an impact on peace and security, including human rights, the rule of law

and governance. This is mainly because at any given time its membership is made up of autocratic regimes that show little respect for constitutional governance.⁵⁸

Perhaps more revealing of the negative effects of the political culture of the African ruling elite on the continent's institutions for maintaining peace and security is the unwillingness of most AU member states to provide the resources and political support required to develop the capacity of the institutions of APSA. For example, Williams argues that the effectiveness of the CEWS tends to be undermined by the tenuous relationship that the institution has with the member states and political organs of the AU. He notes that in addition to the difficulty faced by the CEWS in using its intelligence to influence the decision-making of the PSC, 'some member-states have actually requested that the commission not report on events affecting them; in effect, asking the commission to "turn off" the CEWS when embarrassing situations arise'.⁵⁹

In the context of the observed contradictions between the new pan-African normative and institutional frameworks on the one hand, and the attitude of the ruling elite towards political authority on other, the logical question that arises is why these institutions emerged in the first place. Attempting to answer this question takes one back to the conceptual issues behind institutional dysfunction in Africa. It has already been established that the nation state in Africa was a colonial construct imposed on traditional African societies. Given that the postcolonial state did not possess sufficient capacity or legitimacy, its bureaucracy has had to share the political space with a variety of informal groups and networks. As illustrated by the examples of Zimbabwe and Cameroon, the system of neo-patrimonialism that emerged from the cohabitation of a legal-rational order and patrimonial rule has generally worked against the emergence and consolidation of democratic institutions and a democratic political culture in most African countries. As Lodge argues, what parade as democracies in most African countries today can actually be described as neo-patrimonial multi-party systems.⁶⁰ Against this backdrop, the logic of inter-governmentalism, which sees interstate co-operation as a bargaining exercise driven by national interest considerations, has been the basis of regional integration efforts in Africa. The institutional choices of regional organisations have also reflected the desire of member states to preserve their sovereignty and promote their national interests.

In Southern Africa, for example, the Southern African Development Coordination Conference (SADCC), the predecessor of the present-day SADC, adopted a decentralised model of regional co-operation and integration, which recognised Sector Co-ordinating Units (SCUs) within member states as the key institutional drivers of regional co-operation. Under this system, each member state was assigned responsibility over a specific sector or subsector, and was expected to provide leadership in the initiation and adoption of sector policies and strategies, while also mobilising funding and co-ordinating the implementation of specific projects. Regional oversight for the activities and performance of the different sectors was provided by Ministerial Sector Commissions, to which SCUs reported.⁶¹ Technically, National Contact Points (NCPs) linked member states to SADCC regional organs, which included (but were not limited to) a relatively small and weak Secretariat with largely administrative functions, the SADCC Summit of Heads of State and Government, which served as the supreme policymaking body, and the SADCC Council of Ministers.⁶²

According to Schoeman, the decentralised approach and loose institutional structure that defined early regional co-operation efforts in Southern Africa reflected the fact that

co-operation was motivated first and foremost by politico-security rather than economic development concerns. In other words, as in other parts of Africa, post-independent Southern African countries were drawn together by the imperative to preserve and strengthen their individual statehood. This would encourage a project-based model of regional co-operation in which commitment to the regional good was subject to the need to safeguard national sovereignty, hence the reluctance to create and cede authority to strong regional institutions.⁶³ While displaying a number of weaknesses, in the context of the prevailing political culture, this state-centric institutional arrangement encouraged a greater sense of ownership and commitment, as each member state felt responsible for the success of the specific sector it was put in charge of. Second, by recognising the contribution of all states, both big and small, the horizontal/sectoral approach encouraged a sense of equality and collective self-reliance in the region, helping to forge a regional identity and a sense of common destiny among member states.⁶⁴

SADC initially adopted the same institutional concept. However, following pressures from its European financiers, this was later replaced with a structure that approximates the supranational model of the EU. The logic behind the current institutional design of SADC is that member states would cede some of their policymaking powers to the SADC Secretariat, which was to become the central organ for strategic planning and management; co-ordination and harmonisation of member states' policies and strategies; and monitoring and evaluating the implementation of regional policies and strategies. However, in a region where concerns with state sovereignty and regime security continue to shape both domestic and interstate politics, the notion of 'pooled sovereignty', which is implied in the current SADC structure, has yet to have a natural appeal to SADC member states. Thus, although well intended, the centralisation of functions in the SADC Secretariat has had the unintended consequence of fragmenting and weakening the institutional structure of SADC. Despite entrusting responsibility for regional policymaking and co-ordination to the SADC Secretariat, member states have been unwilling to empower the institution either politically or technically to carry out these functions. The decision-making powers of the organisation continue to be exercised by its member states through the Council of Ministers, and the SADC Summit of Heads of State and Government and its troika system.⁶⁵ Without any enforcement capacity or adequate resources, the SADC Secretariat has been described as a powerless bulldog that is incapable of monitoring, co-ordinating or facilitating the implementation of the organisation's decisions and programmes. Some observers have even established a link between the narrow-mindedness of SADC member states in relation to the organisation and the competence and commitment of the staff serving in the Secretariat. There is a sense that most of the top officials of the Secretariat have been appointed and essentially act to champion the agenda of their respective member states. Concerned primarily with safeguarding their national political careers, these officials demonstrate little dynamism, innovation or vision that challenges the status quo and promotes the regional interest.⁶⁶

The mismatch between SADC's institutional concept and design on the one hand, and the political psyche of its member states on the other, also explains the dysfunctional state of SNCs and other structures that make up the organisation's new institutional framework. Without a sense of commitment to a shared vision for the region, and feeling disempowered by the dismantling of the SCUs, most member states have been unwilling to commit resources or provide political leadership for the effective functioning of the

new institutions of SADC. This largely explains the indifference displayed by the political leadership in most member states towards the weak state of SNCs and related national structures of SADC. Importantly, it is also from the perspective of the dissonance between the new organisational concept and the unreformed political mentality in the region that the non-participatory nature of SNCs can be fathomed. The concept of popular ownership of SADC processes, as implied in the consultative functions ascribed to SNCs, runs contrary to the political culture in the region. It is worth highlighting that most SADC member states remain averse to popular consultation in their political and development processes, and have traditionally defined ownership of the SADC agenda in narrow state-centric terms. It therefore comes as no surprise that SNCs in most member states have been structured and operate as inter-ministerial committees that feature little or no participation from non-state actors.

As pointed out earlier, weak organisational capacity also accounts for the inefficiency displayed by some regional institutions. In the case of SADC, for example, most member states cannot muster the necessary financial, administrative and technical capacity to establish and operate functional SNCs, which are designed to serve as a link between regional and national processes. The institutional fragmentation that arises from ineffective and sometimes non-existent SNCs is made worse by capacity constraints at the level of the SADC Secretariat itself. Ideally, the Secretariat should be able to provide regular orientation and guidance to SNC officials responsible for SADC matters in member states, a function that if properly undertaken should compensate for the weak capacity in member states. However, like its national counterparts, the SADC Secretariat is not in a position to regularly engage with member states in a meaningful way because of inadequate capacity. The SADC Secretariat only has two staff members responsible for monitoring the performance of and supporting SNCs in the 15 member states of the organisation.⁶⁷

MOVING BEYOND AFRICA'S CRISIS OF INSTITUTIONS

Against the backdrop of the preceding diagnosis, what options are available for building resilient institutions in Africa? This paper uses the example of Botswana, an African country that has been able to defy the odds to develop relatively strong institutions, to argue that the key to strengthening Africa's institutions of governance lies first and foremost in addressing the socio-political and economic dynamics that reproduce the prevailing neo-patrimonial logic. Such interventions would, of course, have to be buttressed by efforts to engender a new generation of responsible African leadership and a strong civil society to serve both as institutional entrepreneurs and as guardians of the continent's institutions of governance.

Botswana's relative success in building resilient institutions of governance can be explained by at least three factors. Firstly, institutional development converged with the economic interests of politically powerful groups in the polity, which created strong incentives for compliance. In the wake of independence, cattle farmers were the most influential interest group in Botswana, both politically and economically. The institutions in which the government invested, such as the creation of a marketing board and the strengthening of property rights legislation, greatly benefitted this elite and therefore made them stakeholders in the larger statebuilding process.⁶⁸ Weingarh and Wiederer note that

because of the prevalence of cattle farming in Botswana, the government's decision to invest in developing this sector encouraged the emergence of a broad rural capitalist class that served both as a constraint on the power of the ruling elite and as a disincentive to engage in patrimonial and rent-seeking behaviour, even when diamonds were discovered in the country. Moreover, because the government invested mining proceeds to benefit the larger population, the discovery of diamonds only reinforced institutional development, as 'no group wanted to fight to expand its rents at the expense of "rocking the boat"'.⁶⁹

Secondly, Botswana's success in institution building can be ascribed to what Acemoglu *et al.* have described as the political security of the ruling elite, which made them put in place good institutions of governance without fear of losing their grip on power.⁷⁰ As pointed out earlier, the fear of losing power to other societal interests has been a major impediment to effective institutional reform on the part of the ruling elite in many African countries. This is particularly so because the colonial system destroyed most traditional institutions of governance, resulting in the postcolonial state lacking both capacity and legitimacy, and not being effectively embedded in society. In the case of Botswana, however, limited colonial rule meant that well-developed pre-colonial institutions were still in place at the time of independence, and formed the basis for developing modern state institutions. For example, the first president of Botswana, Seretse Khama, was the son of a tribal leader and heir to the Bangwato throne.⁷¹ The effective fusion of traditional and modern institutions gave the Botswana political leadership sufficient legitimacy among the population, allowing the state to build an effective, meritocratic and largely autonomous bureaucracy, free from considerations and the influence of patronage politics. The continuing existence of relatively participatory traditional institutions such as the tribal councils or kgotla in the Botswana polity is also seen as an effective constraint on the power of the government, ensuring some degree of accountability from the political elite.⁷²

Finally, although historical and other structural factors played a significant role in determining Botswana's institutional trajectory, the agency of its political leadership cannot be overlooked. In this respect, Acemoglu *et al.* argue that the commitment and visionary choices of post-independence political leaders, including Khama, Quett Masire and Festus Mogae, were critical in putting Botswana on a sound institutional path. For example, they note that the decision by Khama to transfer the property rights over sub-soil minerals away from his own tribe to the government, as well as the decision to reduce the political powers of tribal chiefs shortly after independence, helped undermine tribal cleavages in Botswana and avert tribal conflict over access to diamond wealth. Likewise, when the political power of the Botswana Democratic Party (BDP) was threatened in the 1970s and 1990s, Botswana's leaders responded by changing their policies to boost their popularity rather than subverting the country's institutions to stay in power, as has become the norm in other African countries.⁷³

It must be underlined that Botswana's relative success in institutional development stems a lot from unique historical circumstances and socio-political dynamics that cannot be replicated in other African countries. Moreover, as Taylor notes, Botswana's democracy has always been elitist and there is a continuing trend of growing authoritarianism in Botswana politics, which may undercut its relative institutional success.⁷⁴ Even so, the experience outlined above highlights pertinent preconditions for institution building in the wider African context. First, strengthening the institutions of governance in Africa

requires strong incentive structures that bind the economic interests of different groups in a given polity to the institution-building project. In other words, the design of governance structures should form part of a larger statebuilding project that recognises and seeks to accommodate the legitimate interests of different societal groups, so much that even the most influential groups would have a stake in preserving the integrity of institutions. As the Botswana example suggests, this requires interventions to transform and diversify the economies of most African states away from the over-reliance on the public sector. Institutional reforms in Africa should thus be underpinned by state-sponsored measures to develop the private sector in order to create sustainable economic opportunities for different interest groups in society. This will not only raise the cost for any one group to attempt to destabilise the institutional set-up but also discourage predatory tendencies against the state and its institutions, thereby engendering a positive environment that is conducive for building state capacity.

Second, the Botswana experience brings to the fore the concept of 'embedded autonomy' and its applicability to the institution-building project in Africa. Conceived in the context of the discourse on the developmental state, embedded autonomy speaks to a state structure in which the bureaucracy of the state is shielded from the negative influence of powerful rent-seeking actors, and is embedded in broader social networks. This allows the state elite the autonomy to develop the capacity required to pursue development-oriented policies while being constrained by societal forces so that it does not simply promote its own interests.⁷⁵ As a precondition for successful institutional development, embedded autonomy suggests that the state should enjoy sufficient legitimacy among the population so the political elite can embark on building effective institutions without fear of eroding their power base. At the same time, there should be effective mechanisms within the polity to check the power of rulers. In this context, measures to safeguard the integrity of electoral processes, including the design of electoral systems, to ensure that occupants of political offices enjoy the support of and are accountable to the population become central to institution-building. Similarly, institutional mechanisms such as decentralisation and social compacts can help to distribute political power across the system and prevent one group from dominating the state. However, given the susceptibility of such systems to elite capture, a politically engaged citizenry and a strong civil society become indispensable to any efforts to protect the integrity of Africa's institutions.

Finally, institutional development in the African context will benefit from a new crop of ethical and visionary leaders who can serve as institutional entrepreneurs to champion the creation and implementation of good institutions. This is particularly the case at the regional and continental level, where even with the prospects of a reformed political culture at the domestic level the pan-African agenda still has to be carefully balanced with specific national interests, given the diversity of African states. The role played by African leaders such as former South African president Thabo Mbeki in transforming the normative and institutional landscape of the continent underscores the importance of responsible and visionary leadership in institution building. However, the challenges being experienced by the institutions initiated by Mbeki and his peers, including the New Partnership for Africa's Development and the African Peer Review Mechanism, suggest that leadership in this context needs to go beyond the intellectual dimension (offering fresh ideas, new perspectives, and creative ways of conceptualising problems) and the entrepreneurial dimension (selling the creative ideas of intellectual leadership by creating

and promoting the institutionalisation of new norms). Implementation leadership, which speaks to a commitment to lead by example or inspire and support others to live by rules, should also be part of the package.⁷⁶

CONCLUSION

This paper has used the theoretical lens of historical institutionalism to argue that the colonial experience is the single most important historical circumstance that has shaped the institutional trajectory of most African states. The state structure bequeathed to the postcolonial African leadership lacked both capacity and legitimacy, forcing the ruling African elite to resort to the authoritarian politics of their colonial masters in order to consolidate their grip on power. With rulers devoting much of their effort to building up client networks for political support, very little attention was given to strengthening the capacity of the state, to the effect that the formal institutions of the state came to coexist and, in most cases, be challenged by traditional and other informal sources of political authority. What is more, the failure of most African states to transform the extractive nature of the colonial economies made the state and its bureaucracy the target of and arena for rent-seeking behaviour. The resultant neo-patrimonial politics, with its logic of personalised rule and high levels of informality, accounts for the erosion and perpetual weakness of the formal institutions of governance in most African states. This thesis is extended to the regional and continental levels to argue that the challenge to construct effective governance frameworks at these levels owes much to the reluctance of the ruling elite in African states with questionable legitimacy to commit to a system of pooled sovereignty for fear of losing power to other domestic forces. This largely explains the lacklustre and sometimes hostile attitude of some member states towards regional and continental institutions that are perceived to undermine their sovereignty.

The paper contends that despite the many attempts at democratic reforms, and notwithstanding pockets of relative institutional success in a few African countries, the quality of institutions on the continent has largely been path-dependent on the neo-patrimonial logic and its mechanisms. This institutional trajectory has been reproduced and reinforced over time and to varying degrees across the continent by a set of unfavourable socio-economic and political conditions, which also account for institutional ineffectiveness at an operational level. Among these is the deteriorating state capacity in many African countries, which, among other things, works against the effective implementation and enforcement of official rules. In many African countries where the private sector remains largely underdeveloped and there are few economic opportunities outside of the public sector, state institutions have often been abused and misused for personal wealth accumulation. Such institutional subversion finds fertile ground in African societies with a dearth of ethical political leadership and a disillusioned citizenry that is largely disengaged from the political process.

The paper draws on the example of Botswana, an African country with relatively strong institutions, to argue that successful processes of institutional development in Africa need to be embedded in broader efforts at socio-political and economic transformation. This would require concerted interventions in African economies with the objective of developing the private sector and diversifying economic opportunities away from the public

sector. Together with political measures to strengthen the legitimacy of the state, successful economic diversification will increase the cost of patrimonial and predatory behaviour, resulting in greater institutional stability. The paper also underscores the importance of committed and visionary leaders at all levels of society who can act as institutional entrepreneurs to champion the creation and implementation of good institutions.

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