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**The Pains of Democratisation: Uneasy Interface Between
Elections and Power-Sharing Arrangements in Africa**

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Introduction

Right from the onset, it is important to recognize that African countries have a long history of holding elections, in earnest since attaining their political independence in the late 1950s and early 1960s. Thus, the wave of the late 1980s and early 1990s is simply a myth. However, what is indisputable, though, is that the inculcation of a culture of more inclusive and genuine multi-party electoral contest is a new phenomenon that has been progressively institutionalized by the re-democratisation wave of the 1990s. It actually began to take root as part of both the end of the Cold War (external stimulus) and concerted popular pressures by African peoples themselves at home (internal stimulus). In fact, a plausible argument can justifiably be made that the so-called Arab Spring, which has been marked by popular uprisings in North Africa and the Middle East in general and specifically in Tunisia, Egypt and Libya, among other African states, in 2011 is the belated manifestation of accelerated democratization wave which much of Sub-Saharan Africa experienced more forcefully in the 1980s and 1990s. Put another way, whereas Sub-Saharan Africa made the transition from authoritarian regimes of both military and civilian varieties in the 1990s, North Africa was shielded from the transition largely by powerful internal and external interests. The popular uprisings that began in Tunisia and spread to Egypt and Libya, among others, exposed the lack of democratic foundations of these interests laying bare the incompatibility between economic growth and stability on one hand and democracy and freedom on the other.

The current problem facing the African continent with respect to elections is simply this: between the 1990s and 2000s, the re-introduction of multi-party elections was greeted with enthusiasm and optimism which was predicated merely on the regularity and frequency of electoral contests with more focus on the mere fact that electoral competition was taking place. There was an erroneous sense that elections equal democracy and vice-versa. Any country holding elections was celebrated as victory for democracy irrespective of the quality or lack thereof of such electoral contests. This is why even in situations of no-party plebiscites such as in Swaziland, the King would make an argument that simply because elections take place, his country qualifies as a democracy. However, since the 2000s to date, the initial optimism has been tempered by more concerns that transcend mere frequency and regularity of electoral contests. This critique reminds us that equating elections and democracy is tantamount to the fallacy of electoralism to borrow's Terry Karl's notion (1986). The current critique of elections in

Africa probes further into questions that go beyond regularity/frequency and digs deeper into the very democratic essence of elections themselves. This concerns inquire into the quality of electoral competition for democratic consolidation. While regularity and frequency of elections are crucial, in and of themselves, the quality of elections is even more fundamental for sustainability of multi-party and participatory democracy on the continent. This ideation recognizes the intrinsic and instrumental value of elections namely that (a) elections, in and of themselves, have value as avenues for expression of people's choice; and (b) elections are a means to other ends, namely sustainability of democracy, inculcation of a culture of peace, security, stability and attainment of human development.

One single factor that is a clear indicator regarding the quality (or lack of it) of electoral competition is surely election-related violent conflict. Needless to point out, a more peaceful electoral contest has a higher premium of democratic quality compared to a highly conflict-ridden electoral competition. Violent conflicts not only trigger instability, undermine peace and security, but also postpone socio-economic development and the achievement of Millennium Development Goals (see also Matlosa et. al, 2010; Matlosa and Zounmenou, 2011). This is the concern of this paper. It grapples with this problem of electoral violence in Africa and probes into the utility and efficacy of some of the solutions that have so far been crafted to address this problem. These have included power-sharing arrangements in which key belligerents in electoral violence have come together and constituted transitional governments of national unity. These will be contrasted with a different type of power-sharing where following protracted armed struggles and/or civil wars constitutionally guaranteed power-sharing formulas have given rise to power-sharing which has subsequently been reinforced by elections. Available evidence suggests that post-election power-sharing constitutes one of the multivariate perils of Africa's democratization process.

Following the introductory remarks above, the paper is divided into four sections. The first section sets the context for the subsequent discussion. The second section explores some theoretical propositions around the twin-concepts of consociationalism and power-sharing. The third section scrutinizes Africa's experience with power-sharing with special references to four case studies namely Burundi, South Africa, Kenya and Zimbabwe. The fourth section sums up the main findings of the study, highlighting our conclusions and policy recommendations.

Democratisation, Elections and Conflict in Africa: The Context

The on-going democratization process in Africa has had its own twists and turns. It has been marked by exciting moments of progress in some countries and depressing retrogression in others. This in part explains some element of pessimism by some scholars regarding prospects for sustainable and consolidated democratic governance on the continent. Some, like Larry Diamond and Plattner, have decried what they describe as 'democracy in retreat' (2010). Others, like George Sorenson bemoan what they perceive as a 'shift from democratic transition to standstill' (2008). Even right at the beginning of the third wave of democratization in Africa, African scholars had already predicted that the environment for sustainability of democracy left a lot to be desired (see Ake, 1996; Ake, 2000). They have been proven right because as the saying goes 'old habits die hard'; many of Africa's multiparty systems bear all the hallmarks of the one-party system of the yesteryear. Almost all African countries, with few exceptions, have embraced the dominant party system; this a major indicator of the nostalgia of African leaders for the good old days of the one-party and military regimes which were comfortably shielded by repression at home and their respective external Cold War patrons.

Thus, it should not be surprising that today many keen observers of Africa's political scene speak with less enthusiastic voices regarding the continent's current record of democratization. You encounter two main approaches regarding Africa's contemporary democratization trend: (a) guarded optimism and (b) outright pessimism. The analysis in this paper is informed more by guarded Afro-optimism and less by Afro-pessimism, which the authors of the paper do not subscribe to as illustrated by their recent edited volume (Matlosa et. al. 2010). Afro-optimism recognizes the modest progress that the continent has made thus far towards democratic governance. However, it does not gloss over the remaining challenges ahead. It is however distinct from Afro-pessimism in that it does not perceive these challenges as insurmountable. In respect to elections and democracy in Africa two recent works illustrate the distance between Afro-optimism and Afro-pessimism. One of the most prominent Afro-pessimists of our times, Paul Collier, in his recent book, instructively entitled 'Wars, Guns and Votes: Democracy in Dangerous Places', has little faith, if any, that in places like Africa prospects for democracy exist given the combined effect of greed and grievance that propel unending violent conflicts (2009). He wraps up his pessimism by societies like Africa, which he terms the bottom billion "are

structurally insecure and structurally unaccountable.... Security and accountability are either provided by government or they are not provided. Their absence produces socio-economic conditions the bottom billion have lived through for forty years. During that period, they have become the poorest people on earth.... Far from being on a steady progression from political violence to accountable and legitimate democracy, the bottom billion have headed into a cul-de-sac: competitive elections without restraints will frustrate internal cooperation, and presidential sovereignty will frustrate external cooperation" (pp229, 230 & 231). Given this pessimism, Collier does not see a way out of this impasse from within African states themselves, but rather from the presumed benevolence of the international community through inter alia development aid, peacekeeping, democracy promotion etc.

Among others, Staffan Lindberg (2006; 2009) is one of Afro-optimists when it comes to the role of elections in Africa's democratisation path. Propounding his 'power-of-elections' thesis, Lindberg advances a plausible idea that regular elections gradually improve respect for civil liberties, human rights and democratic culture, practices and institutions, and concludes provocatively by stating that 'the more successive elections, the more democratic a nation becomes' (Lindberg, 2009: 149). For Lindberg, therefore, elections are

an institutionalised attempt to actualise the essence of democracy: rule of the people by the people. Every modern definition of representative democracy includes participatory and contested elections perceived as the legitimate procedure for the translation of rule by the people into workable executive and legislative power. Elections alone are not sufficient to make democracy, yet no other institution precedes participatory, competitive and legitimate election in instrumental importance for self-government (2006:1).

Interesting and refreshing as Lindberg's power-of-elections thesis may be, it has been challenged as it seems to over-privilege elections more than other factors in democratization, almost at the risk of falling into the trap of Terry Karl's notion of 'the fallacy of electoralism' (Karl, 1986). While agreeing with Lindberg that elections are an important factor in Africa's contemporary democratization path, Goran Hyden adds that other institutional arrangements besides elections are critical too. He makes a compelling case for the centrality of political parties and political movements in our understanding of the current trajectory of Africa's democratic moment. In

this regard, he draws our attention to the party systems, party-movement distinction, party regulation, internal functioning of parties as well as their democratic ethos/culture as some of the important elements in assessing Africa's democracy project over and above elections per se (2011).

The two decades of democratization in Africa have brought about re-introduction of multi-party systems accompanied by regular multi-party elections. This, in and of itself, is worth celebrating as a democratic breakthrough. However, enormous challenges still remain, including a deliberate shift from personalization or informalisation of power to institutionalization or formalisation of politics. This point confirms the significance of Goran Hyden's emphasis on parties and movements and their role in influencing both elections and the democratization path. Of the multivariate challenges facing Africa's elections and democracy today, two particularly loom larger namely (a) the problem of manipulation of constitutions by incumbent presidents to prolong their stay in power, thereby circumventing popular will through elections; and (b) the problem of cobbling elite pacts following contested electoral outcomes, thereby subverting people's popular sovereignty resulting in laughable twist of irony whereby losers of elections become winners and winners become losers. This irony validates Thandika Mkandawire's perceptive assertion that during elections "one of the problems we are faced with in Africa is that many leaders seem to think the issue is not voters choosing leaders, but rather leaders choosing voters" (Mkandawire, 2008, cited in Kanyinga and Okello, 2010:1). One could, in fact, stretch this irony to its limit: in Africa, elections these days seem to provide an opportunity for leaders to choose themselves disregarding the voting preferences of the electorate; this is, at its extreme, what post-election power-sharing seems to imply, if the cases of Kenya and Zimbabwe are anything to go by.

In a fascinating article on the first problem above, Shola Omotola demonstrates that between 2000 and 2010 the trend of sitting African presidents manipulating constitutions to prolong their stay in state house is widespread and prevalent. As table 1 below vividly illustrates.

Table 1: The Outcome of Third-Term Politics in Africa, 2000-2010

	Countries	Incumbent President	Mechanism/Date	Outcome
1	Algeria	Abdelaziz Bouteflika	CA*-12 November 2008	Successful
2	Cameroon	Paul Biya	CA-10 April 2008	Successful
3	Chad	Idriss Deby	CA	
4	Djibouti	Ismael Omar Gulleh	CA-19 April 2010	Successful
5	Gabon	Omar Bongo	CA	Successful
6	Guinea	Lansana Conte	CA	Successful
7	Malawi	Bakili Muluzi	CA- July 2002	Failed
8	Namibia	Samuel Nujoma	CA- December 1998	Successful
9	Nigeria	Olusegun Obasanjo	CA- 2006	Failed
10	Togo	Gnassingbe Eyadema	CA	Successful
11	Tunisia	Zine el-Abidine Ben Ali	CA- 2002	Successful
12	Uganda	Yoweri Museveni	CA	Successful
13	Zambia	Frederick Chiluba	CA- April 2001	Failed

*CA-Constitutional Amendment

Source: Omotola, 2011: 129.

However, our concerns in this paper is less with this type of manipulation of the rules of the political game, but a slightly differently different manipulation through elite pacts that are often entered into following post-election violence and mediation that then lead to power-sharing or what others prefer to term Governments of National Unity (GNUs). The GNU phenomenon in Africa has been linked to either the resolution of protracted violent conflict (either armed struggles and/or civil wars and (mis)management of post-election crises.

Although elections are a critical hallmark of democratic governance, on their own they do not make democracy as other elements (constitutional, legal frameworks, institutional, historical, socio-economic, political and cultural) have to exist and complement the democratic value of elections. However, the most prominent aspect of Africa's democratization project since the last couple of decades has been the holding of regular elections, some perfect while others imperfect.

Given this, in many instances, the political elite in Africa has come to assume that elections, in and of themselves, are synonymous with democratic governance and have played the election game largely in response to donor preferences/pressure as part of their external accountability to powerful/hegemonic forces in today's world political economy and less as an internal accountability mechanism to their own citizens.

Besides their external focus on elections, the elite also perceive elections as war by other means (a do or die battle, a zero-sum game, a cut-throat contest) in their political calculus for the control or capture of the highly prized state power in the context of poor or non-existent prospects of wealth accumulation in the private economic sphere. In this vein, the state is a site of wealth creation for elites and elections are a vehicle to this 'promised land' for which they would use all available means (fair or foul) to get to or stay in perpetuity in state house. At the very heart of electoral integrity is the now popular notion of procedural certainty (clear and predictable rules of the game) and substantive uncertainty (unpredictability with certainty of election outcomes/results before they are officially announced by the election management body). There is no gainsaying that many of Africa's democratic transitions, including election experiments, have been marred by violent conflict most of which have bordered, worryingly, on the verge of civil war claiming large numbers of human life, destroying property, battering already minuscule economies and diminishing political legitimacy of regimes.

Although responses to this conflict situations have varied from one region or country to another, by and large, it is interesting to note that there has been a prevalent trend towards power-sharing model as a way out of this conundrum. In this regard two main approaches are observable: (a) pre-election power-sharing models anchored on elite negotiation resulting in appropriate constitutional/electoral engineering (e.g. South Africa-1994 and Burundi-2003 and (b) post-election elite pacts meant to redress political crises occasioned by imperfect (read fraudulent) elections which have in turn tended to nullify election results and in the process undermining popular sovereignty replacing the power of the people with the power of elites. The latter approach has been followed by constitutional review processes (as in Kenya 2010 and Zimbabwe 2010-2011) whose outcomes are yet to manifest in terms of their long-term value to peace, security and democratic consolidation in these countries.

The first model above has gained enormous popularity and legitimacy for its great potential to add value to both peace-building and accelerated democratization in post-conflict African societies. The second model has been greeted with an avalanche of criticism as it denudes the potential of sustainable peace and democratic governance in countries concerned. In a report prepared for the African Union Panel of the Wise by a group of three African governance experts including one of the authors of this paper (Matlosa) which was adopted by the African Union Summit of Heads of State and Government in 2009, we observed as follows:

In the recent past, a growing trend of postelectoral crisis power-sharing arrangements has been evident. There is a sense in which issues of justice and peacebuilding could justify this trend in some instances. However, there is a serious concern that if not well managed, it may spiral out of control and become a political tool abused for manipulation of the democratic process and the annulment of the people's democratic vote during elections. If this is the case, then an undesirable development is likely to be the decline of public trust in democratic institutions and elections which may lead to the withdrawal of people's participation in the democratic process and especially in elections where voter turn-out is low (AUC, 2010: 65).

The authors of this paper concur with the prognosis above. This article, therefore, aims to deepen our understanding of the pains of Africa's democratization which manifest in the uneasy interface between elections and power-sharing models so far applied in various parts of the continent. The article presents a critical analysis of these models and proposes possible policy and institutional reform measures for ensuring sustainability of Africa's peace, democracy and development. Whether these new politics of accommodation in Africa come by way of settlement of armed struggles of civil wars or as a result of post-electoral violence, they are partly explicable, at least in theory, by reference to discourses on consociationalism and/or power-sharing as the next section will elucidate.

Consociational Democracy and Power-Sharing in Africa: Some Theoretical Propositions

The discussion of power-sharing experiments in Africa cannot avoid the rich discourse on consociational democracy. Both notions of consociational democracy and power-sharing have a common denominator namely the emphasis on inclusive governance. Be that as it may, it is worth emphasizing that in both theory and praxis, consociationalism and power-sharing are not

synonymous, the same way that democracy is not synonymous with elections. In the same way as elections is an ingredient of democracy, power-sharing is just one of the key ingredients of consociational democracy. While elections can be held even without democracy in existence, power-sharing can prevail even under conditions where consociational democracy is non-existent. In a word, whereas democracy cannot exist without elections, elections do not need democracy. This logic applies neatly to the relationship between consociationalism and power-sharing: Consociationalism, perforce, requires power-sharing, whereas power-sharing, in and of itself, does not need consociationalism. Although in his classical work, Arend Lijphart conceives of both concepts as synonymous, consider, for instance, the fascinating distinction between power sharing and consociationalism provided by Rene Lemarchand: “although the latter refers to a fairly elaborate technique of constitutional engineering, power sharing can best be seen as involving ad hoc concessions intended to give opposition groups a stake in transitions to democracy” (2006:3). Whereas consociational governance is long-lasting and permanent, power sharing experiments are, by their very nature transitory. The former ought to be the life-blood of participatory and inclusive democratic governance, while the latter forms part of temporary measures aimed at facilitating transition from war to peace and from authoritarianism to democracy. In order to further clarify this distinction, the logical step then is to provide our working definitions of these concepts in this paper drawing on the works of Lewis, Lijphart and others.

This said, It is important, therefore, to kick-off this section with a conceptual understanding of these two concepts and to do this, we will take a detour and visit two classical, if seminal, works by Arthur Lweis (1965) and Arend Lijphart (1969; 1977) who both make a strong case for consociational democracy as the most suitable governance framework in divided societies. If readers are not able to lay their hands on these seminal works, we recommend that they refer to a fascinating review of these works by Ian Spears (2000; 2002;) and recent works by Carl Le Van (2011). One of the authors of this paper has also reflected deeply on Lijphart’s notion of consociationalism (Shale, 2010) in a recent volume edited by Matlosa, Shale and Khadiagala (2010) appropriately sub-titled ‘*When Elephants Fight*’.

In his *Politics in West Africa* (1965) Arthur Lewis propounds a powerful rationale for power-sharing in plural societies such as in West Africa, and by extension the entire continent, by

proposing a two-pronged meaning of democracy: (a) everyone affected by a decision should have the opportunity to participate in making that decision, either directly or through representatives; and (b) the preferences of the majority should prevail (cited in Spears, 2002:2). He suggests that in ethnically diverse societies attempting to weave together national unity and harmony, failure to accommodate all key political interests can spell a political fiasco which could degenerate into unrest. As Spears reminds us, in such situations, what is required is a coalition government “ that all major parties are free to join without being compelled to do so. By offering representation to all, African can enjoy democracy and avoid the political conflict that would take place between a government based on one ethnic group and an essentially disenfranchised opposition based on one or more other ethnic groups” (Spears, 2002:2).

Lijphart, in his later treatise, *Democracy in Plural Societies* (1977) extended the above argument further within the framework of consociational democracy as his main organizing logic. To be sure, consociational democracy is a term coined by Arend Lijphart himself in 1969 to “ denote an institutionalized form of democratic conflict management for divided societies.... Lijphart defines consociationalism in the following way: ‘ consociational democracy means government by elite cartel designed to turn a democracy with a fragmented political culture into a stable democracy’ “ (cited in Jarstad, 2009:45). Thus, at the very heart of consociationalism are three principles, broad-based inclusion and representation of key political players in government; national unity/loyalty of cooperating political actors and more importantly, ‘ deliberate effort by the elite to stabilize the system’ (cited in Spears, 2010:107).

In Lijphartian terms, consociational democracy has four main features as follows:

- Grand coalition in which rival groups are included in government (political pact);
- Autonomy for each ethnic group all matters not of common concern (devolution/self-government)
- Proportionality in political representation, civil service appointments and allocation of public funds (equity); and
- Minority veto on most vital issues (minority rights) (see Shale, 2010; Jarstad, 2009; Maphai, 1996; Lemarchand, 2006)

Lemarchand reminds us of the underlying simple logic of consociationalism as follows:

Its underlying rationale can be simply stated. Rather than contemplate secession or partition, neither of which are without major drawbacks, or let conflicts burn themselves out, at great cost in human life, the aim is to bring about a major restructuring of power relations through a more inclusive participation in policy making, accompanied by corresponding spheres of autonomy for the groups concerned. Incorporation rather than exclusion is seen as the key to conflict resolution (Lemarchand, 2006:1).

LeVan, clarifies the distinction between consociationalism and power sharing further as follows:

Power sharing is therefore taken here as merely one variety of political inclusion (read consociationalism here), understood as a purposeful distribution of government posts among most powerful political parties or groups. Power sharing, thus distributes rights to make decisions according to formally defined procedures (2006:6).

Given the theoretical propositions above relating to the twin-notions of consociational democracy and power-sharing, we now turn to an evaluation of the extent to which selected African case studies approximate the theory in praxis. These cases are of two genre: (a) countries emerging from protracted violent conflict (Burundi and South Africa) and (b) countries that have been bedeviled by post-electoral political violence (Kenya and Zimbabwe). Table 2 below sums up the power-sharing arrangements in the four countries under review including the dates and the types of legal framework that gave rise to them.

Table 2: Power Sharing Experiments in Burundi, South Africa, Kenya and Zimbabwe

Country	Power-Sharing Arrangement
Post-War Countries	
Burundi	2006 Comprehensive Ceasefire Agreement 2003 Pretoria Protocol on Political, Defence and Security Power Sharing 2001 Power-Sharing Agreement, President Buyoya and Hutu Parties 2000 Arusha Peace and Reconciliation Agreement
South Africa	1993 Interim Constitutional Agreement
Post-Election Crisis Countries	
Kenya	2008 National Accord and Reconciliation Act
Zimbabwe	2008 Global Political Agreement

Source: Adapted from Jarstad, 2006: 15, Vandeginste, 2009: 73 and A. Carl LeVan, 2011:33-35.

In both sets of countries (post-war and post-election crisis) some form of power-sharing has been used in addressing long-standing political crisis and conflicts. Lemarchand argues that given exclusion, more than greed, “is the key factor behind most of African conflicts, it is easy to see why power sharing commends itself as a recipe for peaceful cohabitation” (2006:2). But how have the above four cases fared in relation to the theoretical foundations and essence of power-sharing and consociationalism? Do they validate Lemarchand’s depressing conclusion that the African continent “has become the graveyard of consociational experiments” (2006:2)? While we share Lemarchand’s frustration above, we however suggest that there are signs of human life in the ‘graveyard’, as the cases of South Africa and Burundi will show. We also concur with Carl LeVan’s perceptive conclusion that post-election power sharing experiments in Africa, especially the two cases of Kenya and Zimbabwe, “allow stubborn incumbents or electoral losers to negotiate their way to power, and they bestow external legitimacy on elite bargains that drive the wedge between politicians and citizens” (2011:3). In the next section below, we will demonstrate that while South Africa and Burundi are certainly not ‘graveyards’ of consociational and power sharing experiments, Kenya and Zimbabwe present cases of ‘stubborn incumbents or electoral losers negotiating their way to power’. In a nutshell, South Africa and Burundi are classical African cases of relatively successful war-termination power sharing experiments from which other African countries could learn valuable lessons. On the other hand, Kenya and Zimbabwe are monumental failures of emergency power sharing experiments following botched electoral contests.

South Africa

The 1990 release of Nelson Mandela from prison after 27 years as well as the unbanning of all liberation movements in South Africa marked one of the major steps in political transition in the country, the Southern Africa Development Community (SADC) region and Africa as a whole. While all and sundry enthusiastically welcomed this development, South Africa’s first test was to navigate its way from a human tragedy that apartheid system was to a democratic multiparty dispensation. A prerequisite to this was that all the relevant political players and sectors of society had to commit to a lasting peace. These parties had little or no time to celebrate the opening of a political space as they had to face the burning and potentially explosive issues head-on in order to safe guard the democratic gain. These issues included the role of the army in this transition particularly against the background of decades of armed conflict where the army and other security agencies were used to maintain racial polarisation and to enforce punishment

to descending voices. Linked to this was the question of the future of the armed formations of the parties to the conflict, but more centrally the army of the African National Congress (ANC) and the South African Defence Force (SADF). The other issues were the return of the exiles, the release of the political prisoners and the overall decision on the form and nature of the new dispensation for South Africa (Huntington 1991:157; Hoeane 2009:98).

All these issues were addressed through a multiparty negotiation process, the Convention for a Democratic South Africa (CODESA) which was carried out in two phases referred to as CODESA I and CODESA II. The CODESA talks on the transition to a constitutional democracy, their collapse and resuscitation have been extensively covered in the extant literature (see Carpenter and Bewke 1992; Smith 1992; Harshe 1993; Ajulu 2009; Hoeane 2009). We, however, would like to point out that an important aspect of the South African negotiation process is that it involved on the one hand the belligerents to the conflict particularly the ANC with other liberation movements and the ruling National Party (NP) and on the other hand those who were to benefit from the negotiation process namely, the broader civil society. According to Huntington (1991:157), the stakeholders to the democratic reform were extremely polarised. These included “parliamentary and non-parliamentary groups, Afrikaner and English, black and white, and among black ideological and tribal groups”. So, put otherwise, the strength of the process in South Africa was that it was expanded outward to include all the ethno-linguistic and racially diverse stakeholders. As a rule of thumb, power-sharing negotiations should include all the parties ranging from hardliners, moderates and extremists in order to succeed. This ensures that the extremist politicians and members of the public who mobilise on the basis of divisive ethnicity are restrained. It also ensures that the agreements that are reached through this process enjoy popular consent (Harris and Reilly 1998; Spears 2000).

Our main interest in this paper is therefore not so much on the negotiation process but on its outcome of the process which is the transitional government of national unity. As Hoeane reminds us, the process which had been characterised by arguments and counter arguments as well as pull outs by some parties to the dialogue due to extremely opposing views, an agreement was finally reached where the negotiating parties, having gone through a laborious but necessary exercise of give and take, agreed that;

A newly elected government was to take a form of a government of national unity (GNU). Parties winning 5 per cent or more of the national vote would form part of the government under a president of a majority party, and this arrangement would not last indefinitely- to satisfy the ANC concerns- but rather for a period of five years, after which the incumbent government would then decide whether to continue with the arrangement or not. The National Assembly (NA) was to act as a constituent assembly tasked with drafting the final constitution (2009:100).

From the foregoing we can isolate two important aspects which are intrinsic in negotiating a power-sharing agreement. Firstly, it is the electoral system. Given its conflictual political past, South Africa agreed on an electoral system that would hold the fragile peace together. In the spirit of consociational democracy whose main features include among others, decision making by consensus and proportionality in terms of representation, the proportional representation system (PR) was adopted. This was despite the fact that the ANC was confident that it would garner enough voter support to become a majority winner of the 1994 elections. As a result, many of the parties which contested the first democratic elections in 1994 were represented in the legislature irrespective of their size. Moreover, the stakeholders shared power at the executive and presidential levels. President Nelson Mandela had two Vice Presidents, Thabo Mbeki and Frederik Willem *de Klerk* from the ANC and NP respectively.

Secondly, the negotiating parties in South Africa agreed on a time frame for the power-sharing arrangement. As Hoeane indicates above, this was one of the major concerns of by the ANC. Spears (2000:114) poignantly underscores the importance of time limits to power-sharing. He avers that;

Having limitations on the length of time parties are required to share power means that political leaders are less likely to see the arrangement as permanently compromising their right to power. In other words, there is less disincentive to making such an agreement... the importance of time-limited power-sharing is that it can be an incentive for the more extreme elements to sign on.

But, even where there are no extreme elements, evidence points to the fact that power sharing only works best if it is a temporary arrangement to stabilise the political situation and build confidence. This does not however mean that once an agreement is reached there are no

challenges. To borrow from Spears (2000), power-sharing agreements are not only difficult to reach but also difficult to implement to the extent that they rarely stand the test of time. It is because of this reality that in 1996 Vice President *de Klerk together with six cabinet ministers of his party withdrew from the unity government two months after the adoption of the new constitution mainly due to disagreements with the ANC on a number of issues. de Klerk is reported to stated;*

We are not taking this decision in a negative spirit. . . . We are not sour. We believe that the development of a strong and vigilant opposition is essential for the maintenance and promotion of genuine multi-party democracy. . . . We have reached a natural watershed in the transformation of our society... The new constitution contains no provision for any form of joint decision-making in the executive branch of government. The ANC is (also) acting more and more as if they no longer need multi-party government (Raghavan, 1996)

Interestingly, the Inkatha Freedom Party (IFP) and its leader Mangosuthu Buthelezi stayed on as part of the unity government despite huge differences with the ANC and both parties' stiff competition for the control of the Kwazulu-Natal Province. A conclusion that can be made out of this brief discussion of the South African power-sharing arrangement is that firstly, the process was internally driven and owned by both the political players and broader civil society. This is a fundamental ingredient short of which the belligerent parties are likely to resort to their positions once the external mediator gets out of the picture. This then has the potential to create conditions for the resurgence of the conflict which the power-sharing agreement sought to address in the first place. Secondly, the electoral system choice ensured that big and small parties were accommodated in the first democratic parliament thereby limiting the potential for regression into a conflict situation. Thirdly, specific time frame for the power-sharing agreement was a good incentive to parties assuring them that they were still going to have the opportunity to gain power to govern on their own.

Burundi

Burundi is one of the most celebrated success stories of war-termination power sharing experiments in Africa (see Lemarchand, 2006; Mehler, 2008; Vandeginste, 2009; LeVan, 2011;). Burundi is a small landlocked country of about 8 million people comprising about 85 percent Hutu, 14 percent Tutsi, 1 percent Twa and a smaller proportion of Ganwa. It is important to grasp this ethnic mix of the Burundian polity for two important reasons. Firstly to highlight the

point that Burundi is a highly diverse society, with its major cleavages rotating around ethnicity. Secondly to observe that while such diversity ought to be a wealth and treasure of the country for purposes of development and democratic governance, over the years, the reverse is true, namely that ethnic diversity has been politicized by the Burundian power elites leading to protracted violent conflicts and massacres of tens of thousands of people while many others fled the country into neighbouring states as refugees. Not only has the ethnic violence in Burundi between 1993 and 2003 claimed massive human lives estimated in the region of 300 000, but it has also had a devastating effect on both the economic development and governance (Lemarchand, 2006). Around 80 percent of rural Burundians live in abject poverty (Lemarchand, 2006). In respect of governance, between independence from Belgium in July 1962 and 2003 when peace returned to the country, Burundi had experimented with embryonic democracy, military rule, one-party rule, transitional democracy and back to military rule. Throughout this period, Burundi was governed through an iron fist of the minority Tutsi ethnic group, either through the one party mechanism - Union for National Progress (UPRONA) or the military route.

A turning point seems to have been a military coup of September 1987 by Pierre Buyoya which deposed President Jean-Baptiste Bagza. A combination of both exogenous and endogenous factors prompted the Buyoya regime to embark on reforms in Burundi since the late 1980s. Although ethnicisation of politics and politicization of ethnicity continued to a large extent under Buyoya, there was visible moderation of sorts. For instance, as Vandeginste reminds us, "the government army's ruthless suppression of a Hutu uprising in the North of the country (Ntega and Marangara communes) in the summer of 1988 was, contrary to earlier massacres, strongly condemned by Burundi's international partners. This pushed President Buyoya to embark on a process of political liberalization" (Vandeginste, 2009:66). In fact, as early as the late 1980s, Buyoya began toying with the idea of power sharing.

It should also be noted that besides external pressures, internal pressures and political agitation for political moderation forced President Buyoya onto the path of moderation and politics of accommodation. For instance, in October 1988, "he created a National Commission in charge of studying the question of national unity composing of twelve Hutu and twelve Tutsi members. He also established a government of national unity, composed of an equal number of Hutu and

Tutsi and led by a Hutu prime minister from the central province of Muramvya. In Buyoya's own words, this historic initiative 'inaugurated a policy of power sharing'" (Vandeginste, 2009:66). A new constitution was adopted in March 1992, providing for, inter alia, multi-party politics and laying the foundation for elections of June 1993. Thus, in 1993, Burundi underwent a transition from iron-fisted rule of one part and one ethnic group, bullet rule of the military dominated by one ethnic group to ballot politics predicated on accommodation of all major ethnic groups in society. However, it should be remembered that at times elections and ethnicity can become bitter enemies. This is so when ethnicity is mobilized during elections and when elections are deliberately ethnicised by the power elite (see Matlosa and Zounmenou, 2011).

Vandengiste corroborates the observation above by observing that, like water and oil, elections and ethnicity could mix in Burundi in those early days of the country's transition. This, in part, explains why following the defeat of Tutsi-dominated UPRONA at the June 1993 polls by the Hutu-dominated Front for Democracy in Burundi (FRODEBU), and the capture of state house by the latter's presidential candidate, Melchor Ndadaye, there was an attempted *coup de d'etat* on 21 October 1993. Ndadaye was assassinated together with the speaker and deputy speaker of the national assembly, developments that put paid to earlier attempts at politics of accommodation, leading to "a power vacuum and institutional imbroglio. The country was in turmoil with some 50 000 civilian killed and hundreds of thousands displaced or forced into exile in the immediate aftermath of the coup, making the organization of new elections impossible" (Vandeginste, 2009:67). Between 1993 and 2003, Burundi experienced the worst ethnic violence as observed earlier.

Yet much as the country experienced the worst form of ethnic violence, concerted efforts were also underway to find a lasting solution. And in the end, this solution happened to come by way of power sharing. Table 3 below sums up Burundi's peace process between 2000 and 2006 vividly.

Table 3: Burundi's Peace Agreements and their Main provisions, 2000-2006

Signatories	Date and Place of Signature	Title and Components
<p>The Government (of President Pierre Buyoya)</p> <p>The National Assembly</p> <p>A total of 17 political parties</p>	<p>28/08/2000</p> <p>Arusha</p>	<p>Arusha Peace and Reconciliation Agreement for Burundi made up of:</p> <ul style="list-style-type: none"> • <i>Protocol I: Nature of the Burundi Conflict, Problems of Genocide and Exclusion and their Solutions</i> • <i>Protocol II: Democracy and Good Governance</i> • <i>Protocol III: Peace and Security</i> • <i>Protocol IV: Reconstruction and Development</i> • <i>Protocol V: Guarantees on Implementation of the Agreement</i>
<p>The Transitional Government (of President Domitien Ndayizeye)</p> <p>CNDD-FDD (of Pierre Nkurunziza)</p>	<p>16/11/2003</p> <p>Dar Es Salaam</p>	<p>Global Ceasefire Agreement (GCA), including as integral parts:</p> <ul style="list-style-type: none"> • The Ceasefire Agreement (of 2/12/2002) • The Pretoria Protocol (of 27/1/2003) • The Pretoria Protocol on political, defence and security power-sharing (of 8/10/2003) • The Pretoria protocol on outstanding issues (of 2/11/2003) • The Forces Technical Agreement (of 2/11/2003)
<p>The Government (of President Pierre Nkurunziza)</p> <p>Palipehutu-FNL (of Agathon Rwasa)</p>	<p>07/09/2006</p> <p>Dar Es Salaam</p>	<p>Comprehensive Ceasefire Agreement (CCA), including as its integral parts:</p> <ul style="list-style-type: none"> • The Dar Es Salaam Agreement of Principles towards Lasting Peace, Security and Stability (of 18/06/2006)

Source: Vandeginste, 2009:73.

Burundi's relatively successful power sharing model is traceable to the Arusha Peace and Reconciliation Agreement above, which was hammered through negotiations first mediated by Tanzania's former President, Julius Nyerere who was succeeded by former president of South Africa, Nelson Mandela, himself also later succeeded by the then Deputy President of South Africa (current president of South Africa), Jacob Zuma. As clearly demonstrated in the country's post-transition constitution of 2005, the Burundi model approximates the Lijphartian consociationalism in many respects. Lemarchand illustrates how:

The president is to be assisted by two vice-presidents, a Hutu and a Tutsi, and the government will include 60 percent Hutu and 40 percent Tutsi. The same proportions will hold in the National Assembly, whereas the Senate will have an equal number of Hutu and Tutsi. The security forces, likewise, will include as many Hutu as Tutsi. At the communal level, no more than 67 percent of the mayors are to belong to either group. Women are expected to represent at least 30 percent of the members of the National Assembly. Should the polls fail to produce the required quota of 60/40, the constitution allows 'the rectification of the imbalances through the co-optation mechanism provided by the electoral code (Article 164)' (Lemarchand, 2006:8).

Vandeginste concurs with Lemarchand that Burundi is one of the closest power sharing experiments that has major elements of Lijphart's consociationalism. He reminds us that part of Burundi's success is explicable by three conditioning factors namely (a) the reform process initiated under President Pierre Buyoya; (b) the Constitution of 13 March 1992, which introduced multi-party system; and (c) the deals struck between political parties in the aftermath of failed *coup d'etat* of 21 October 1993 (Vandeginste, 2009:65). The footprints of South Africa are all over the Burundi power sharing model given the central role played by Nelson Mandela, Thabo Mbeki and Jacob Zuma in the mediation process. We conclude this section with two interesting quotes from an interview of Pierre Nkurunziza, then minister for good governance (and current President of Burundi) by United Nations Integrated Regional Information Network (IRIN) on 23 August 2004, which in many ways shows that CNDD-FDD already had a vision for power sharing as a means for achieving peace and democracy hence its full support and endorsement of the Arusha Peace Agreement and its four protocols:

When asked a question about the manifesto of his party-CNDD-FDD, he responded that “we want to unite all Burundians and all political parties. There should be no more fighting. We stand for equality for all. We believe in a strong, united and prosperous Burundi where everybody lives in harmony” (IRIN, 2004:3). His response to another question on what type of government he envisioned for Burundi, he argued that “if we win, we will form a coalition government; a government of national unity. Our party congress already approved this decision. In fact, all political parties want to form a coalition with the CNDD-FDD.... We will surprise everybody by incorporating all parties and all tribes into our government” (IRIN, 2004:3).

Kenya

Power-sharing agreement in Kenya followed one of the most violent election-related conflicts ever seen in the African continent in December 2007. That Kenya experienced conflict post the 2007 elections did not come as a surprise given the intense competition between parties represented by the two major blocks, the Party for National Unity (PNU) and the Orange Democratic Movement (ODM) in the run up to the elections.¹ What took everybody by surprise was the magnitude of the conflict that left about 1 300 people dead between the period 27th December 2007 and 29th February 2008 (Waki Report 2008). The election results dispute escalated into an almost civil war igniting the country’s deep rooted ethnic divisions which have always been a contentious issue in Kenya since its independence in 1963 (Ajulu 2008; Leonard, Owuor and George 2009).

The country was literally “saved from disaster by the mediation process organised by the Panel of Eminent Africans led by former UN Secretary General Kofi Annan” (Khadiagala 2009). But, this was not before the government of President Mwai Kibaki which had clearly lost a mandate to govern filibustered the intervention by the international community particularly the African Union (AU) whose efforts were snubbed by the government. Abuya quotes the government spokesperson, Dr Alfred Mutua, as having stated that the AU chairperson, President Kuffor had ‘come to have a cup of tea’ in Kenya (Abuya 2009:156). In mediating the conflict, Khadiagala

¹ Both the PNU and ODM consisted of a number of affiliated parties. The PNU affiliated parties were Democratic party (DP), FORD-Kenya, FORD-People, KANU, NARC-Kenya, New Ford Kenya, Shirikisho and 20 other parties operating as single party. The ODM on the other side was in coalition with the national Rainbow Coalition and the United Democratic Movement (UDM) (Adar 2008).

(2008) reminds us that at the beginning, Kofi Anna consulted widely with the various non-state actors including religious, human rights and business bodies as well as the media and welcomed submissions and briefing papers from civil society organisations although these were not represented in the actual talks. The outcome of the Kenyan mediation under Annan was power-sharing agreement, which was crafted to accommodate all the belligerents through the principle of 'portfolio balance' (Harowitz 2008; Waki Commission Report 2008, Le Van and Assenov 2009). Both the ODM and the PNU agreed to;

Establish a wide array of commissions to study the electoral process, a truth and reconciliation process, the causes of the post-election violence and a constitutional review. The linchpin of the National Accord is the grand coalition government composed of the president, vice-president, prime minister, two deputy prime ministers, and a cabinet of 40 members appointed from both the PNU and ODM... both sides made significant concessions in attempts to prevent a further deterioration of the situation... although the coalition was anchored on the two key players- the ODM and PNU- soon after the inauguration of the new government turbulence began to emerge in both camps with regard to the future of the coalition. This turbulence is related to the jockeying for power in the 2012 elections particularly as Kibaki is serving his last term.... (Khadiagala 2008a; 2008b; 2009).

The contest for power and jostling ahead of the 2012 elections is not limited to the ODM and PNU only but also applies to the parties which who although making these two groupings, have ambitions to contest presidential elections outside of the umbrella organisation. That is, characteristic of coalitions, the coalescing parties as Spears tells us, "are constantly strategising, and strategic choices depend in large measure on the respective and relative power positions of the adversarial groups...."

Although political stability was achieved following the Annan mediation, we argue that the power sharing agreement in Kenya cannot be credited for bringing peace in the country as would have been expected. It has instead benefited the politicians because it they accessed power. Hence, the government of national unity has never enjoyed popular support. The lack of support owes to a number of factors the most important of these being firstly that; the

government of national unity was a result of the elites refusal to alternate power. Adar (2008:56) is even more brutal by arguing that it is a result of sheer undermining “of the right to popular sovereignty exercised by the electorate on 27 December 2007 in conformity with the constitution and the constitutionally established laws”. Secondly, and confirming Adar’s argument, it has been stated by one of the authors (Shale 2010) elsewhere that there was no citizen participation in the Kenya power-sharing negotiations so that the whole exercise was a only formal diplomatic affair whose priority was to contain violence and create political stability. Thirdly, as can be seen from Khadiagala’s account above, the agreement produced a bloated cabinet and parliament that has put unnecessary financial strain on the economy already weakened by the violence.

Zimbabwe

The aftermath of the Zimbabwean Presidential, House of Assembly, Senatorial and Local Council elections (harmonised elections) was violence and general political instability as opposition parties, the two formations of the Movement for Democratic Change known as (MDC-T and MDC-M) rejected the inconclusive election results released by the electoral commission. These results were contrary to their own unofficial tabulations which suggested that the MDC-T had won the House of Assembly elections and gave its leader, Morgan Tsvangirai an outright victory for the presidential elections against President Robert Mugabe of the Zimbabwe African Union-Patriotic Front (ZANU-PF). According to the electoral commission, there was a need for a presidential run-off between Tsvangirai and Mugabe but the latter boycotted the run-off citing violence and intimidation by Mugabe and his party against MDC supporters. In a striking twist of irony, the presidential run-off become a one-horse race in which Mugabe contested the elections (ostensibly against himself) and the government-controlled Zimbabwe Electoral Commission (ZEC) predictably declared him a winner in what was to all intents and purpose a political charade. This is classical example of what we have earlier described as political leaders choosing themselves irrespective of the popular opinion expressed in election outcomes. It was this schizoid move that led to a political stalemate which warranted the intervention of the Southern African Development Community (SADC) as a mediator.

The South African Development Community (SADC) led by its then chairperson and South African President Thabo Mbeki, succeeded in bringing the belligerent parties to the table and convincing them to enter into a power-sharing agreement. Spears' description of power-sharing below aptly captures the atmosphere under which the Zimbabwean agreement was reached. For Spears;

Power-sharing requires otherwise incompatible individuals and groups to co-operate something which is almost never envisioned by political leaders or incorporated into their political strategies. By definition, power-sharing requires frequently demagogic and mutually hostile leaders to collaborate on an ongoing basis (2000:109)

In other words, although both ZANU-PF and MDC agreed to a power-sharing deal, the vitriolic character assassination by the leaders of the two parties against one another prior to, during and after the agreement suggests that there is no way the two could ever work together. So why was the agreement signed in the first place? We submit in this paper that, firstly, this was merely to comply with external pressure from both the SADC and other forces like the United States of America and Britain. The result of this is that because the agreement is not endogenous and participatory, it suffers from legitimacy crisis. The situation in Zimbabwe now is that the people who voted for these parties (on both sides) regard the leaders as having betrayed them.

Secondly, the agreement was nothing more than a mechanism for the political elite to access power even if it meant circumventing the will of the people. As Mehler (2008:6) rightly points out, "...peace roundtables usually involve top politicians and military leaders, who negotiate, sign, and/or benefit from the agreement. What is usually and conspicuously absent from peace negotiations is broad-based participation by those who should benefit in the first place: citizens. More especially, the local level of security provision and insecurity production is rarely taken into account'. It is therefore our contention in this paper that the people's view did not matter to those who were in the Zimbabwean negotiations hence the Zimbabwean civil society was excluded from the dialogue despite its pressure to be allowed to take part in the talks so that whatever agreement was reached at the negotiations would reflect the true will of the people. As Matlosa (2009:3-21) has observed elsewhere, the post-election negotiations in Zimbabwe have created an elite pact in which, 'state power has been won by losing elections'. He adds that:

Instead of empowering people, post-election negotiated elite pacts tend to disempower them, empowering the political elites. The popular votes of the Zimbabwean people have been set aside and the political whims and caprices of the political elite have loomed larger. The dialogue agenda remained secret; the dialogue venue remained secret outside the borders of Zimbabwe and the deal on the new government remained secret until the public pomp and ceremony that marked the signing of the Global Political Agreement (GPA).

The sheer size of the Cabinet shows that the deal was intended to benefit the politicians more than the people. Article XX section 20.1.6 of the power-sharing agreement (2008) says this about the composition of the executive:

- 1) There shall be a President, which office shall continue to be occupied by President Robert Gabriel Mugabe
- 2) There shall be two (2) Vice Presidents, who will be nominated by the President and /or Zanu-PF
- 3) There shall be a Prime Minister, which office shall be occupied by Mr. Morgan Tsvangirai
- 4) There shall be two (2) Deputy Prime Ministers, one (1) from MDC-T and one (1) from the MDC-M
- 5) There shall be thirty -one (31) ministers, with fifteen (15) nominated by ZANU-PF, thirteen (13) by MDC-T and three (3) by MDC-M. Of the 31 ministers, three (3) one each per party, may be appointed from outside the members of the House of Parliament. The three (3) ministers so appointed shall become members of the House of Assembly and shall have the right to sit, speak and debate in parliament, but shall not be entitled to vote.
- 6) There shall be fifteen (15) Deputy Ministers, with eight (8) nominated by ZANU-PF, six (6) by MDC-T and one (1) by MDC-M.
- 7) Ministers and Deputy Ministers may be relieved of their duties only after consultation among the leaders of all the political parties participating in the inclusive government.

Conclusion

This paper is a modest contribution to currently burgeoning literature on consociationalism and power sharing experiments in Africa. It is an attempt to pin-point some of the pains of Africa's contemporary democratization project. While these pains are many and varied, we have chosen to focus on only two namely electoral violence and dilemmas of power sharing. This is the main focus of the paper, although we have also introduced the problem of manipulation of constitutions by incumbent heads of state as another problem highlighting how African leaders perceive elections or democracy broadly as an opportunity for them, in Mkandawire's words, to select voters at best or select themselves at worst. It is within these context that we have evaluated the existing evidence regarding consociationalism and power sharing in four African countries namely South Africa, Burundi, Kenya and Zimbabwe. The case studies themselves exhibit interesting similarities and contrasting features thus making the comparisons fascinating. These concluding section sum up the main findings of this study.

First and foremost, war-termination power sharing experiments in South Africa and Burundi are two of the most celebrated success stories of the Lijphartian consociationalism in Africa todate. Their success is owed not so much to the technicalities of constitutional and electoral engineering as such, but more importantly to the conditioning political, socio-economic and cultural contexts in both countries. In South Africa a more facilitative factor was the stalemate of the liberation struggle in which both the ANC and the apartheid government realized that neither party would be able to win the war outright. In contrast, in Burundi, it was more a case of war fatigue, than stalemate as such. The new constitutions of both countries provided for power sharing at almost all layers of society, national (executive, legislature etc), regional (provinces) and local (community level) with the party-list proportional representation used as an important instrument for ensuring that elections steer the political system towards power sharing.

Secondly, post-election crisis power sharing models in Kenya and Zimbabwe are clear cases of the outright distortion of the Lijphartian model. For starters, they have not even brought about peace which is a fundamental pre-requisite for successful power sharing. To add pepper to an open wound, post-election power sharing arrangements in these two countries have led to a severe retardation of the democratization project in both countries; the value of elections has been severely denuded; authoritarian propensities of the power elite have continued; elite pacts have excluded the people; losers have become winners; opposition in parliament has become

non-existent; economic costs of the bloated bureaucracies and executive and legislative branches have been astronomic; the experiments themselves failed to be transitional mechanisms as they served the duration of a normal government; in a majority of cases both parties in the power sharing arrangements become reluctant to end the arrangement either through referendum (Zimbabwe more than Kenya here) and normalization through elections (again Zimbabwe more than Kenya here too); above all, these governments become dysfunctional as wide divisions among coalition partners disable effective policy-making and policy implementation. Governments in both countries have become lame ducks with each coalition partner pointing an accusing finger at the other for policy failures. Both become frightened of prospects for elections as they are scared of how the voters would judge them, as they know fully well that they are both responsible for policy gridlocks accounting for governance failure since the pacts assumed power.

Thirdly, the two cases of Kenya and Zimbabwe are a clear demonstration of reversal of democratization. While power sharing pacts in both countries have led to relative peace, security and political stability, they have done pretty little to advance democratization beyond the written letter of the power sharing agreements. This is so for one simple reason: democracy and especially elections rests firmly on the notion of procedural certainty and substantive uncertainty. However, post-election power sharing arrangements which are negotiated elite pacts, simply throw away this important democratic principle out of the window. Let us bring LeVan into this discussion right here:

The power of elections to serve as a democratizing agent evaporates... when political authority can be negotiated independent of institutions. Without the possibility of political turnover, leadership selection yields neither uncertainty about outcomes nor institutional credibility for the process. Power sharing pacts in Kenya and Zimbabwe offer a cautionary tale because they serve as substitutes for political liberalization rather than engines for it. In Kenya, critics of the agreement complain 'the impact has been to undermine the functioning of parliamentary opposition parties on the continent'; 'Africa is running away from free and competitive elections'. In Zimbabwe, skeptics complain that the pact... 'may be good for peace, but the casualty has been democracy... refusing to hand over power, even after election defeat may now become fashionable'. Quite apart from the question of quality, elections in these countries lose legitimacy as instruments of leadership selection at all. Elections become arbitrary bargaining processes,

where the rules of the game can be renegotiated to determine the winner and losers may reasonably demand power (LeVan, 2011:12)

Fourthly, one of the lessons from the four case studies is that the success or otherwise of the power-sharing agreements is not only determined by whether or not they preceded elections, but more fundamentally the conditioning endogenous and exogenous factors. Both endogenous and exogenous factors have contributed in no small measure to the success of power sharing in Burundi and South Africa. In these two countries, while the negotiations took place among the power elite, the people were also engaged along the way and the international community played a facilitative role nudging the parties towards a peaceful settlement that is inclusive and all-embracing. Interestingly, the disastrous fiasco of post-election power sharing pacts in Kenya and Zimbabwe can also be attributed to internal and external factors. For instance, we have indicated that part of the democratic deficit of power sharing in the post-electoral crises in Kenya and Zimbabwe is the glaring lack of popular consent and citizen participation. These power-sharing arrangements have been hammered largely against the general will of the people as expressed in their voting patterns and at their exclusion at the elite-driven negotiation processes. With regard to the external factors, both the African Union (AU), Regional Economic Communities and the international community are all responsible in one measure or the other for the mess in Kenya and Zimbabwe. They have all been quick to recommend this model and support it both politically, diplomatically and financially etc. Their major problem was to focus more on peace, security and political stability assuming erroneously that these will go hand in glove with democratisation. Sadly, this has not been the case. Political stability in these circumstances has sounded the death-knell of the democratisation process in both Kenya and Zimbabwe. Whether or not the democratisation process will be rekindled by constitutional referenda and pending elections in both countries, only time will tell.

Fifth and finally, power sharing experiments have been found guilty of the tendency to undermine both vertical (separation of powers, checks and balances) and horizontal (relationship between elected representatives and the citizens) accountability. As for vertical accountability, power sharing distorts separation of powers especially between the executive and legislature. Power gets concentrated in the executive and parliament becomes devoid of opposition benches. With respect to horizontal accountability, instead of leaders assuming state power through the popular vote which binds them to the constituencies that voted them, they

access state power through the negotiating table. They therefore feel less of an organic political connection to the people, but more to each other as a result of the deals they struck during the negotiations. They also feel more accountable to the international mediators-Thabo Mbeki and Jacon Zuma and SADC in the case of Zimbabwe-and Kofi Anan, EAC, AU, the UN and by extension, the ICC, in the case of Kenya than to their local constituency.

References

Agreement between the Zimbabwe African national Union-Patriotic Front (ZANU-PF) and the two Movement for Democratic Change (MDC) formations, on resolving the challenges facing Zimbabwe. 2008

Abuya, E.O. 2009. 'Consequences of a Flawed Presidential Elections', *Legal Studies* 29 (1), pp. 27-158

Adar, K. 2009. The Doctrine of Separation of Powers and the GNU Legal Framework: The Place of Kenya's national Legislative Assembly. Pretoria: AISA Occasional Paper No 3.

Adar, KW. 2008. 'The Legal Framework of the GNU and the Doctrine of the Separation of Powers: Implications for Kenya's National Legislative Assembly', *Journal of African Elections* 7 (2), pp. 52-77.

Ajulu, R. 2008 Kenya's 2007 Elections: Derailing Democracy Through Ethno-regional Violence. *Journal of African Elections* 7 (2), pp.33-52

Ajulu, R. 2009. 'Rethinking the challenges of democratic consolidation in Kenya and South Africa: A conceptual overview', In R. Ajulu. (ed). 2009. *Two Countries One Dream: The Challenges of Democratic Consolidation in Kenya and South Africa*, Johannesburg: KMM Review Publishing Company.

Ake, C. 1996. *Democracy and Development in Africa*, Washington: The Brookings Institution.

Ake, C. 2000. *The Feasibility of Democracy in Africa*, Dakar: CODESRIA Books.

AUC. 2010. Election-Related Disputes and Political Violence: Strengthening the Role of the African Union in Preventing, Managing and Resolving Conflict, Addis Ababa, Ethiopia.

Baregu, M. 2009. Coalition governments: Parliamentary Democracy in a dilemma? Unpublished paper.

Carpenter, G and M. Bewkes. 1992. 'The Path to Constitutional Democracy in South Africa: An Update', *Journal of African Law*, 36 (2), pp. 168-174

Collier, P. 2009. *Wars, Guns and Votes: Democracy in Dangerous Places*, London: The Bodley Head.

Diamond, L. and Plattner, M.(eds). 2010. *Democratization in Africa: Progress and Retreat*, Baltimore: Johns Hopkins University Press

Jarstad, A. 2006. 'The Logic of Power Sharing After Civil War', Peace Research Institute in Oslo, Centre for the Study of Civil Wars, Norway (mimeo)

Harowitz, J. 2008. 'Power-Sharing in Kenya'. CSCW Policy Brief 3/2008.

Harshe, R. 1993. 'Understanding Transition towards Post-Apartheid South Africa', *Economic and Political Weekly* 28 (38), pp.1980-1983

Hoeane, T. 2009. 'Political Parties and party political organization in Democratic consolidation: The South African case', In R. Ajulu (ed). 2009. *Two Countries One Dream: The Challenges of Democratic Consolidation in Kenya and South Africa*, Johannesburg: KMM Review Publishing Company.

Huntington, S. 1991. *The Third Wave: Democratization in the Late Twentieth Century*, Norman: University of Oklahoma

Hyden, G. 2011. 'Barriers to Party Systems in Africa: The Movement Legacy', *Africa Review*, 3 (2), July-December, pp103-122.

IRIN.2004. Burundi: Interview with Pierre Nkurunziza, Leader of CNDD-FDD, 23 August, Dar Es Salaam.

Jarstad, A. 2009. 'The Prevalence of Power-Sharing: Exploring the Patterns of Post-Election Peace', *Africa Spectrum*, 44 (3), pp41-62.

Kanyinga, K. and Okello, D. (eds). 2010. *Tensions and Reversals in Democratic Transitions: The Kenya 2007 General Elections*, Nairobi: Society for International Development.

Karl, T. 1986. 'Imposing Consent? Electoralism versus Democratisation in El Salvador', in Paul Drake and Eduardo Silva.eds. *Elections and Democratization in Latin America, 1980-1985*, San Diego: Centre for Iberian and Latin American Studies.

Khadiagala, G. 2008 'Editorial'. *Journal of African Elections* 7(2), pp. 1-4.

Khadiagala, G. 2008 'Forty Days and Nights of Peacemaking in Kenya'. *Journal of African Elections* 7(2), pp.4-33.

Khadiagala, G. 2009. 'Political Parties in the Consolidation of Kenya's Democracy: Trends and Perspectives', In R. Ajulu (ed). 2009. *Two Countries One Dream: The Challenges of Democratic Consolidation in Kenya and South Africa*, Johannesburg: KMM Review Publishing Company.

Lemarchand, R. 2006. 'Consociationalism and Power Sharing in Africa: Rwanda, Burundi and the Democratic Republic of the Congo', *African Affairs*, 106, 422, pp1-20.

Le Van, A C & A Assenov. 2009. 'The Consequences of Political Inclusion in Africa, 1990-2008'. Paper prepared for a workshop on 'The Consequences of Political Inclusion in Africa', American University, Washington, D C, 24-25 April.

Le Van, A. 2011. 'Power Sharing and Inclusive Politics in Africa's Uncertain Democracies', *Governance-An International Journal of Policy Administration and Institutions*, 24 (1), January (Forthcoming).

- Lewis, A. 1965. *Politics in West Africa*, London: Oxford University Press.
- Lijphart, A. 1969. 'Consociational Democracy', *World Politics*, 21, January, pp.
- Lijphart, A. 1977. *Democracy in Plural Societies: A Comparative Exploration*, New Haven: Yale University Press.
- Lindberg, S. 2006. *Democracy and Elections in Africa*, Baltimore: The John Hopkins University Press.
- Lindberg, S. 'Democratisation by Elections: A Mixed Record', *Journal of Democracy*, 20 (3), July 2009, pp.
- Matlosa, K., G. Khadiagala and V. Shale.eds. 2010. *When Elephants Fight: Preventing and Resolving Election-Related Conflicts in Africa*, Johannesburg: EISA Books.
- Matlosa, K. and Zounmenou, D. 2011. 'Identity, Diversity and Electoral Violence: Dilemmas of Democratic Transformation in Africa', *Africa Review*, 3 (2), July-December, pp141-160.
- Maphai, V. 1996. 'South Africa: A Season for Power-Sharing', *Journal of Democracy*, 7 (1), pp67-81.
- Mehler, A. 2008. 'Not Always in the People's Interest: Power Sharing Arrangements in African Peace Agreements', German Institute of Global and Area Studies (GIGA), Working Paper No. 83.
- Mkandawire, T. 2008. Cited in Kanyinga, K. and Okello, D. (eds). 2010. *Tensions and Reversals in Democratic Transitions: The Kenya 2007 General Elections*, Nairobi: Society for International Development.
- Omotola, S. 2011. Third Term Politics and the De-Institutionalisation of Power in Africa, *Africa Review*, 3 (2), July-December, pp123-140.

Raghavan, S. May 1996 De Klerk to Pull Party Out of S. African Government. On line:
http://articles.latimes.com/1996-05-10/news/mn-2662_1_national-party. accessed 15/09/2011

Shale, V. 2010. 'Power-Sharing as Mechanism for Managing Post-Election Conflicts in Africa', in Matlosa, K., G. Khadiagala and V. Shale.eds. 2010. *When Elephants Fight: Preventing and Resolving Election-Related Conflicts in Africa*, Johannesburg: EISA Books.

Smith, M. 1992. 'Redistribution After Apartheid: Who Gets What Where in the New South Africa', *Area* 24 (4), pp. 350-358

Sørensen, G.2008. *Democracy and Democratisation: Processes and Prospects in a Changing World*, Third Edition, Boulder: Westview Press.

Spears, I.2000. 'Understanding Inclusive Peace Agreements in Africa: the problem of sharing power', *Third World Quarterly*, 21 (1), pp105-118.

Spears, I. 2002. 'Africa: The Limits of Power-Sharing', *Journal of Democracy*, 13 (3), pp123-136.

Vandeginste, S. 2009. 'Power Sharing, Conflict and Transition in Burundi: Twenty Years of Trial and Error', *Africa Spectrum*, 44 (3), pp63-86.

Waki Commission. 2008. *Report of the Commission of Inquiry on Post Election Violence (CIPEV)*. Nairobi: Kenya Government