



Law, Democracy and Good Governance in Africa: Is Democracy a Panacea to Good Governance?

COLEMAN ONYENAJUA, GLORY OZURU
University of Port Harcourt, Rivers State, Nigeria

Abstract. The democratization of the world is said to be an imperative to stability and human fulfilment. Many African nations joined this trend immediately after gaining their independence. However, the more democratic African nations become, the less the rule of law and good governance seem to elude them. Africa is plagued by bad governance, human right abuses, underdevelopment, corruption and poverty. People are no longer sure whether to insist on democracy or accept autocratic leadership if that can give them good governance and development. This paper looks into the synergy of the abused triangle of law, democracy and good governance in Africa. It discussed briefly the democratic experience of some African countries *vis-a-vis* Republic of Niger, Nigeria and Mali; and wonder whether democracy is the only way to good governance. It employed the doctrinal approach through the use of primary and secondary materials and concludes that the good governance shown by some Asian countries like China who care less about democracy is a clear evidence that democracy is not *sine qua non* to good governance and recommends that Africans should adopt any model of governance that fits into their cultural, economic and political history and which can guarantee them a better living condition.

Keywords: Democracy; good governance; bad governance; military; Constitution; Nigeria; Niger; Mali.

1. Introduction

Law, democracy and good governance are separate but related and complementary terms. (Nwekeaku, 2014). They are intertwined to produce a common goal, which is growth and stability in a ny human society but the fact that any two of them may not effectively

achieve growth and stability poses the question as to whether each must be present for the other to stand. These three terms also, may not necessarily be an imperative for the existence of the 'ideal state' referred to by Plato. (Plato, 1943). This explains Plato's later confession that it is difficult to achieve a perfect state (Plato, 2015). Africa is burdened with the problem of rule of law, democracy and good governance. It is believed that democracy provides an enabling environment for the rule of law and that both sustains the other. It is also believed that good governance encourages the rule of law and democracy and *vice versa* (Nwekeaku, 2014). Experience all over the world and especially in Africa has shown that though these three concepts are indispensable but they are not a complete solution for good governance (Antai et al., 2024). This paper strives to study the relationship of these three concepts in the African continuous disillusion of good governance as compared to some other parts of the world like parts of the Asian Continent, who do not believe in democracy and yet are doing far better in governance and their people are happier than most African countries who believe that democracy will provide the needed nirvana (Aidonojie et al., 2024; Budiyanto et al., 2024). The more Africans believe in democracy and the rule of law, the more peace and stability seem to rescind from the continent as seen in the picture of corruption, poverty, insecurity and political rape of the people (Ojo, 1999). To achieve its goal, the paper is divided into six Parts, thus; Part 1 is this introduction; Part 2 gives some clarifications of the three major terms of this discourse; Part 3 studied the synergy among these abused triangle in Africa; Part 4 looks at democracy and the nuisance of bad government in the African continent pointing out the case of the Republics of Nigeria, Niger and Mali; Part 5 debates whether democracy is a cure to good governance drawing

example from some Asian countries who care less about democracy and yet are doing well in terms of governance and development; and Part 6 is the conclusion and recommendation.

2. Clarification of Terms

2.1 Rule of Law

This concept has been dealt with in many legal and non-legal write ups. According to Dicey, the rule of law is governance by law and not governance by man (Dicey, 1999). In the same vein, Locke observed that tyranny begins from where the law ends (Gbemudu and Ajabor, 2019). The law reflects the spirit of the citizens and they are bound to respect their own law. The rule of law protects the basic rights of the citizens against abuse and also ensures that their needs are met (Gbemudu and Ajabor, 2019). It accepts the law as supreme (Nwekeaku, 2014) and depicts that both the sovereign and the subjects are subject and equal before the law (Nwekeaku, 2014). It upholds the social contract philosophy, which gives absolute power to the governed and forbids the sovereign from oppressing the common man. According to Jean Rousseau's social contract theory, government derives its right to exist and to rule by the consensus of the governed (Jean-Jacques, 1762). The failure of many Africans to live in accordance with the rule of law is the root of the bad governance, which is prevailing in the Continent. The non-conformity with the rule of law is seen in bad leadership; abuse of power; corruption; faulty electoral system; lack of freedom of speech; biased judiciary; faulty Constitution; poor legislative system; human right abuses; inequalities and poor human development (Okoroafor, 2010). Rule of law is a non-arbitrary governance and is not based on an unqualified leader or on a democratic leadership (United Nations, 1997). The concept of rule of law is now entrenched in the United Nations charter which provides in its preambles that part of its goals among other things is to maintain international peace and security in conformity with justice and international law (Okoroafor, 2010). The Universal Declaration of Human Rights provides equality before the law; (Article 7) human rights are protected by law (Article 8); the right to democracy; (Article 21); etc. The Charter states that rule of law starts with the written or unwritten Constitution of each state as the ultimate law of the land. Therefore, there should be a clear and reliable legal framework with strong institutions of justice, good governance, well-structured security and economic mechanisms, a civil society that contributes to strengthen the rule of law and public officers and institutions who are accountable and patriotic. At the international level, the United Nations entrenched the

principle of rule of law in all dealings involving states (Nurus et al., 2024; Muwaffiq et al., 2024). Besides the UN Charter, the Declaration of Principles of International Law Concerning Friendly Relations and Co-operation Among States also states its commitment to international law, the basic philosophies of the UN, respect for the UN Charter, equal sovereignty of States and non-use of force; the use of peaceful means to resolve disputes; respect for human rights and fundamental freedoms; protection against crimes against humanity, genocide, ethnic cleansing and war crimes (Article 21). These are not just obligations of State towards its citizens but also to the international community (Article 21). None is exempted from the duty of complete obedience to the law (Munro-Nelson, 2010). For there to be a functional economy, a good political coordination, a developed civil society, the public must have confidence in and respect the rule of law (Munro-Nelson, 2021). Joseph Raz summed it up that even in a non-democratic legal system, if all should obey the rule of law, even a very bad legal system will excel. Legitimacy of the power does not depend on the respect for human rights but on the respect for the law.

2.2 Democracy

Like many concepts, there is no precise definition of democracy. Some ancient Greek philosophers gave a more popular definition of democracy as the government of the people by the people and for the people (Sabine and Thorson, 1995). The emphasis is on the citizens. They have the power to freely choose who will serve them. Euripides observed that a democratic state is one governed by the citizen's representatives (Sabine and Thorson, 1995). Plato supported this opinion when he defined a democratic state as one ruled by sovereigns who make policies for the good of the people (Plato, 375 BC). He later updated his view that democracy is the government of the people where law is supreme and both ruler and the subjects are bound by it (Plato, 375 BC). Rousseau on his part, defined democracy as the government of the masses determined by the masses. Lenin argued on democratic centralism (Sabine, 1995). According to him, democratic centralism is the government of the masses because they are the majority. In a democratic centralism, the masses cannot be deprived their human liberties. Despite the differing definitions of democracy, there are some fundamental principles that are common to them, like the sovereignty of the law, liberty for all, equality of all persons before the law, equitable distribution of wealth and equal opportunities for every member of the society, etc. Democracy is the government of the people to uphold their social contract between them and their

government (Haruna et al., 2024; Ekpenisi et al., 2024). It guarantees an equitable distribution of the national wealth, equal opportunities and the rule of law.

2.3 Good Governance

Governance is making anticipated decisions. It is a leadership process involving power and decision making (Governance Models, 2009). Good governance is a concept which could be challenging to define. This is because it could be different things to different people. However, from some social contract theorists like Jean Jacques Rousseau, John Locke and Thomas Hobbes, it is established that since the contemporary state is a human formation, it would not be out of place to institute what could amount to good governance in a human society. Thus, in view of the social contract theory, it is believed that it is the uncertain, ferocious and volatile state of the natural environment that forced humans to collectively yield their rights, and entrust their lives and property to the state (Safi' et al., 2024; Mukhlis et al., 2024). It is their expectation that the state being a vague entity, concedes this supremacy to a pre-emptive organization named 'government.' It is the progressions and achievements of this government to the realization of the social contract expectations of the people that is termed a 'good' or 'bad' governance (Mutawalli et al., 2024; Aidonjio et al., 2023). Good governance encompasses the installation of a democratic government which encourages equality, rule of law; protection of the fundamental human rights; freedom of the press; ensuring a transparent, participatory and accountable governance; free and fair elections; provision of basic amenities like electricity; good drinking water, quality education, good roads, good health care, adequate security, etc.

The rule of law, democracy and good governance are related, complex and complimentary one to the other but not quite dependent one on the other. The rule of law is ultimate and far more important. Good governance cannot be achieved without regard for law (Governance Models, 2009). The rule of law is an assurance to the realization of fundamental human rights. It encourages a good platform for any government to perform its duties effectively. It effectively lays down the nature, type, choice of government and the correlation amongst the organs of government (Laski, 1925). Democracy is a mere wish without the rule of law. Democracy spells out the fundamental human rights of the citizens, but it is the rule of law that will ensure these rights are obeyed and enjoyed. Where the citizens cannot vote in their leaders or have the power to regulate the activities of

the government, then the system is not democratic. A situation where people are not allowed to vote in or vote out their leaders where they are not meeting up with the expectations of the people by virtue of the social contract they all signed for, then such society is not democratic. Democracy without rule of law is worse than a military rule (Nwekeaku, 1989). The fundamental characteristics of good governance is the rule of law (Nik and Nik, 1989). Without the rule of law, the clamor for democracy and good governance will not be realised.

3. Law, Democracy and Good Governance in Africa: The Synergy among the abused threesome

The rule of law, democracy, good governance and progress in Africa have become a stimulating international and continental discussion in recent times. The more light is shown on these three subjects; the more events show the uncertainty surrounding them. The confusion that hangs around these theories suggests their multidimensional and valued nature (Essien, 2012). Governance is a key concept haunting African. Governance is a concept which functions at every level of the social strata. It touches every home, community, state, nation and the world at large (Essien 2012). But the continent is lacking a system of governance that promotes, and sustains human development. There is a wide gap between the rich and the poor; and between the political elites and the masses. According to Essien, governance is the background through which power is used for the common good of the people (Essien, 2012).). It includes the process of making and implementing sound policies by the leaders (World Bank World Development Report, 2006). It goes beyond the capacity to choose, monitor and replace the leaders to include the capacity of the leaders to effectively manage the resources bestowed upon them by making effective policies (World Bank World Development Report, 2006). It includes security of lives and property, rule of law, political and civic freedoms, quality and affordable health care, quality and free education, environmental health, effective banking systems and lots more (Besancon, 2003). The exercise of governance is also run by the people's values and standards (Plumptre, 2004).

The much appeal for democracy in most parts of the world presently is plausible. This is because many people are convinced that a true democracy is capable of transforming the society for the better (Osaghae, 1999). It is a political crusade from a less competitive election to a fairer anticipated civil and political rights; (Potter, 2000) which lays less emphasis on the

economy but more importance on good governance, political rights and autonomy (Ottaway, 1995). Hence, Ihonvbere concludes that democracy operates on certain vital principles (Ihonvbere, 1996). Concurring with this view, Osaghae, identified these principles as pluralistic and multi-party system, which encourages a free and fair competitive politics in a relatively autonomous society (Osaghae, 1999). Democracy is believed to be the answer to Africa's numerous problems but it does not reflect the realities of many democratic African states. Democracy is not a guarantee for good governance (Rotberg, 2005). Good governance is a normative principle, which indulges the state or its organs to carry out its roles in a way that upholds the values and responsiveness of the society (Conable, 1991). Building democratic institutions involves some reformation in governance (Cheema, 2005). Good governance indorses gender equality, encourages personal freedom, makes policies to alleviate poverty, sustains the environment, enhances security and reduces violence (Cheema, 2005). Good governance strengthens democratic institutions by maintaining regular free, fair and credible elections, allowing the people's will to count in choosing their representatives (Cheema, 2005). Good governance is development, which is pivotal to human existence. No wonder the United Nations (UN) in its Millennium Development Agenda (MDA) during the UN General Assembly held in New York (United Nations, 2000), proclaimed that development is a multi-dimensional and value loaded idea, which must involve every stakeholder (Lane and Ersson, 1990). Being a multi-dimensional process, it goes beyond political, economic and social heights to involve major changes in social structures, general assertiveness, and national institutions, faster economic growth, and the extermination of poverty (Todaro, 1989). It means providing the basic needs of majority of the people. It recognizes the choice and self-actualization of the people while respecting their values (Ogwu, 2002).

4. Democracy and the Menace of Bad Governance in Africa

According to a research carried out by the World Bank, the six indicators of governance in the world are political stability; accountability; government effectiveness; rule of law; control of corruption; and regulatory quality (Worldwide Governance Indicators- Wikipedia' 2021). Africa is lacking in all six. The greatest challenge to Africa's development since after the independence of its states is that of governance. No political system seems adequate to curb this menace. Neither the military, democracy, one-party nor multi-party system has changed the narrative (Essien, 2012). It all boils down to the ethical

foundation of governance already established (Madhav, 2007). Good governance therefore is evaluated by the ethical standard of the various stakeholders and beneficiaries of a society. For a society to produce good governance, it must first possess a firm ethical and moral values (Madhav, 2007). Though, governance is related to democracy, but while one is firmly rooted in culture and values, the other is politically rooted. Governance largely leans on the historical practices or antiquities of a people, their cultural values, social norms, aspirations, personal and collective inclinations, expectations, ideologies, religious outlooks, etc. (Essien, 2012). Bad governance in Africa could be attributed to its colonial aristocracy and some misplaced priorities of the people of Africa. There is an irrefutable connection between the governance system of the colonial rule and the post-colonial leadership experience (Ekeh, 1975). The colonial ideologies are so deep-rooted and the outcome is the bad governance experienced in the post-colonial and neo-colonial Africa. Upon attainment of independence, the focus of African leaders was not on development and good governance but on accumulation of personal wealth and control of power (Luckham, 1995). The aftermath of this is the absence of democracy, good governance and develop. Bad governance and under development in Africa has become so ingrained and remarkable compared to the rest of the world. For example, as at 2022, the debt burden in Africa stood at USD 1.8 trillion, which is roughly four times higher than its growth rate of GDP in dollars (UNCTAD, 2023). The reasonably low interest rate of these loans in the 1970s mostly encouraged African countries to engage in heavy borrowings to effect public projects (Mukhlis et al., 2023; Imoisi & Aidonojie, 2023). However, shortly after that era, there was a substantial rise in both the minimal and actual interest rates causing an immediate rise in debt service requirements (CBN, 2023). The burden of these debts is measured by the cost of interest paid on them, which is quite heavy (Debt Burden Ratios-Economics, 2015). According to Africa news, Ghana, Kenya and Democratic Republic of Congo top the list of African countries with the highest IMF debt (IMF, 2023). Nigeria is no better with a total public debt of N87.918tn as at December, 2023 and is still borrowing ('Nigeria's debt jumps by 75% in three months, hits N87tn.). This debt burden is encouraged by rising borrowing costs, sluggish growth, limited access to funding, and currency devaluations, among others (UNCTAD, 2023). The effects of the debt burden include reduction in GDP growth, decreased assets from investments and profits, increase in tax rate to service these debts, and hardship. These debts were incurred to encourage a speedy growth of public expenditure but mostly ends in individual pockets of

political leaders through corruption and embezzlement of public funds (Gunawan et al., 2023; Aidonjje, 2023). To pay off these loans involves earning some foreign exchange, which is another obstacle facing African countries as they engage more in importation and not much of exportation of goods and services. The Continent has an estimated 60% illiteracy rate, 96% infant mortality rate; above 50% poverty rate; with a life expectancy at 52 years (Conable, 1991). Statistics from the United Nations Refugee Agency (UNHCR) 2023 Planning Figures provides that Africa represents more than a tenth of world's population; more than 44 million of world refugees; 18 million are of the Sub-Sahara Africa as a result of the ongoing emergencies in Nigeria, Burundi, South Sudan and the Central Africa Republic, as against the 38.3 million in 2021. There is no counter veiling power to make selfish and corrupt leaders accountable to the people. Public accountability, transparency, rule of law, and public sector management are all relevant to good governance even in a dictatorship regime (Nunnenkamp, 1995). Governance goes beyond political leaders to include non-state actors like private actors and civil society (Nunnenkamp, 1995). The 2012-2021 overall African governance score showed that the improvement recorded in 2012 and which showed slight but steady improvement was stalled in 2019 following the onset of Covid-19, and since then there has been no notable improvement in governance in the Continent of Africa. According to this report, the African average score for governance was 47.6/100.0 in 2012. This improved slightly with a slow pace over the years to 48.8 in 2019. This has not shifted in the last four years as there has been no known progress in Overall Governance score from 2019 till date. Many may attribute this stagnation to the Covid-19 pandemic, which merely exposed the underdevelopment in Africa (Aidonjje et al., 2022; Aidonjje, 2022). While the west learnt from the pandemic and saw it as a platform for further development, many African countries sunk further after the pandemic.

Democracy is believed to be the most morally justified way through which a society could develop (Owolabi, 2003). This reasoning shifts from a proper political structure to forced democratization. But good governance goes beyond the presence of democracy. A democracy full of corruption, lack of transparency and accountability, is far from good (Obadan, 1998). Good governance is where resources are judiciously managed for the socio-economic and political development of the people whether it be a democratic government or not (Obadan, 1998). Bad governance is the failure of the leaders to achieve the expectations of the people. Despite the democratization of many

African countries, bad governance persists. Whereas, some notable non-democratic countries of the world are depicting every trait of good governance (Human Rights Watch, 2023). The African political system is characterized by injustice, insecurity, crude elections, voiceless electorate, and narrow-minded leadership under the pretense of democracy (Nzor, Ernest, 2023). Justice is the bedrock of democracy (Etuk, 2003). A democracy without justice cannot encourage good governance or development. Many African Leaders express bad governance through their abuse of public office for their private gain. It is true that corruption is not peculiar to Africa, even developed countries practice corruption in various degrees (Global Integrity and Anti-Corruption Report, 2023), but the level of corruption in Africa is notorious as evident in its level of underdevelopment and degree of poverty. Massive corruption has been recorded in both military and democratic regimes (Business Insider Africa, 2022). Corruption has undermined all the foreign aids given to assist the Continent in many years of continuous assistance from Britain. Yet, the average African continues to (Zach-Williams, 2001) live on less than a dollar a day. The amount of foreign aids invested in Africa is estimated to be six times the economic recovery aid of \$13.3 billion (Approximately, \$150 billion today.) given by the United States under the Secretary of State, George Marshall to assist in the restoration of economic infrastructure of the post-war Europe (Aidonjje & Francis, 2022; Aidonjje et al., 2021). All the sixteen European countries who got the United States assistance after the World War II under the Marshall Plan are incidentally the economically well developed and politically stable countries of the world today (Sixteen European countries, including Belgium, Britain, France, Netherlands, Norway and West Germany got these aid from the United States after WW II.). Corruption is the root cause of poverty, which undermines nature's abundance of many African states and keeps the countries backward (Kelly, RM, 2014). African countries have continuously topped most corrupt countries of the world (Transparency International (TI), 2007). Democracy creates a conducive atmosphere for socio-economic, political, and institutional growth. However, it cannot realize these without the rule of law and good governance. But the rule of law and good governance can be achieved even in a non-democratic setting (Mazrui, 2000). For good governance and democracy to fit into the people's consciousness, there must develop a coherent political structure that has some significance to the people's history and cultural realities (Lawson, 1998). The people's culture is their way of life, their identity and what makes them who they are. Democracy is alien to the people and a purely

western ideology (Elaiwu, 2002). For democracy to succeed in Africa, it must reflect the peculiarities of Africans and the natural foundations and social arrangements upon which the African idea of good governance and development rests on (Ake, 1996). Below are instances of Democracy and Good Governance in some selected Africa Countries:

4.1 Nigeria

Nigeria had its political independence in 1960. Since then, successive governments had campaigned for leadership ideologies based on democracy and good governance as necessary for growth and development. These terms are represented in the Preambles of the Constitution of the Federal Republic of Nigeria, making the country a democratic State (Constitution of the Federal Republic of Nigeria, Preamble). The Constitution provides for the supremacy of the Constitution and that its provisions shall be binding on all persons and authorities (Constitution of the Federal Republic of Nigeria, s. 1). Therefore, all the provisions of the Constitution promoting the fundamental human rights of the people (Constitution of the Federal Republic of Nigeria, ss. 33-45.) must be respected. In the same manner, the Constitution further provides some obligations for the government and the people, under its fundamental objectives and directive principles of state policies, which makes the government accountable to the people (Constitution of the Federal Republic of Nigeria, ss. 13- 22). The Constitution provides for separation of powers and the rule of law. Also, Nigeria is a state party to the United Nations (UN) and consequently, a signatory to many international and regional legal instruments, charters and treaties all of which promote and encourage respect for the fundamental human rights and other rudiments of the rule of law. With all these, it is innocuous to deduce that the rule of law is present in theory, although, that cannot be said to be so in practice. The presence of democracy is also evident in the Constitution where it sets the pattern by which government can be constituted through elections for the three tiers of government namely- the executive, legislative and the judiciary (Constitution of the Federal Republic of Nigeria, s. 23). Despite elaborate provisions for democracy and the rule of law, Nigeria is far from achieving good governance. Nwekeaku (Nwekeaku, 2014) identified some factors that hinder true democracy in Nigeria. These include; economic inequalities occasioned by corruption and greed; ignorance; illiteracy; and many years of military rule (Akanbi, 2019). The legislative and judiciary are controlled by the executive as seen in the outcome of the election tribunal matters in recent times wherein the judiciary is pup petted to deliver various

contradictory judgments in favour of President Ahmed Bola Tinubu, whose victory at the February, 25 2023 polls was notoriously marked by massive rigging and falsehood (Sahara Reporters, 2023). Despite over two decades of democracy, good governance in Nigeria remains vague and unattainable. The Nigerian democracy is a multi-party system; yet election rigging, corruption, gagging of the Press, silencing of political opponents, indirect one-party system, misadministration, declining per capita income and gross national product (GNP), among others, characterize the Nigerian system (Egielewa & Aidonjje, 2021). Rousseau, emphasized that democracy which does not provide material welfare of the masses and does not remove gross inequality in the distribution of wealth to the masses cannot achieve good governance (Sabine, GH & Thorson, 1995). The Nigerian economy is off the Millennium Development Goals (MDGs). It is one of the tops on the corruption index of the world (Transparency International (2023). Nigeria ranked 150 out of 180 countries in the 2022 Corruption Perception Index with an average of 125.67 between 1996 and 2022. It was 154.00 in 2021 and recorded the least of 52.00 in 1997 (Transparency International, 2023).

The mass media has continuously fought to promote and sustain democracy and the rule of law. It has recorded a history of fearless journalism, uncovering the mischiefs of both government and the society. For instance, the late News Watch journalist who was assassinated for exposing the frauds of the IBB-led military regime, followed keenly the incarceration and subsequent elimination of the winner of the June 12, 1993 election Chief M.K.O. Abiola and the NADECO of the late Sani Abacha military regime. Also, the media exposed the midnight impeachment of a then governor of Anambra State Peter Obi; and the controversial February 25 and March 18, 2023 presidential and governorship elections in Nigeria (Election Watch 'Political Violence and the 2023 Nigerian Election). But the media is limited by many factors, which include, a harsh economy, which prevents access to information; various laws regulating the gathering of information in the country such as the Seditious Publication Act of 1969; the Criminal Code, 1958; the Penal Code, 1963; Amended Act, 1963, the Official Secret Act, 1962 and its Amendment Act, 1962; Newspaper Amendment Act, 1964; Protection of Public Officers Against False Accusation; and the Obscene Publication Act, 1961, etc.

Nigeria has had continuous democratic leadership since 1999. Their march through democracy has so far been a tortuous one, pigeon-holed by flashes of high

anticipations and dashed expectations (Omotola JS, 2007). It had a most daunting military rule. At a point, a military Head of State General Ibrahim Babangida succumbed to a change to a democratic rule but not without his own selfish interests as it turned out to be the most go-getting, intricate and controversial transition in history (Kirk-Green and Oyediran, 1987). He began the transition by setting up a Political Bureau in 1986 (Kirk-Green and Oyediran, 1987) which ended in the tragic and historic cancellation of the freest and fairest presidential elections ever in 1993 (Izah, 2003). It was a bloody transition, which culminated in the formation of an Interim National Government of late Chief Ernest Shonekan in 1993 (Ojo, 1998). The Interim National Government was overthrown by another military regime of late General Sani Abacha in November, 1993. General Abacha prolonged the transition some more and was faced with heavy resisters from human rights and pro-democracy groups of the time (Prominent among them were the National Democratic Coalition (NADECO); Nigerian Labour Congress (NLC); Campaign for Democracy (CD); and Nigerian Union of Petroleum and Gas Workers (NUPENG)). Abacha's military regime was the most brutish, bloody and insensitive. Upon his sudden demise on the 8th of June, 1998, Nigerians jubilated his death. His death saw the brief military regime of General Abdulsalami Abubakar who true to his promise was concerned to the restoration of democracy. When finally, democracy was restored in May 29th 1999, it brought a huge sigh of relief among Nigerians who had very high hopes of a better life under a democratic leadership (Aidonjio et al., 2020). But events since 1999, have made many unsure of which regime is better-an authoritarian regime without insecurity and excessive economic hardship or a democratic regime with massive corruption, mounting foreign debts, insecurity, human rights abuses, inter-tribal and religious intolerance, poverty, etc. Never in the history of Nigeria has there been this level of insecurity, ethnicity, tribalism, nepotism, and religious intolerance as there has been in the last two decades (Edetalehn & Aidonjio, 2023). The electorate is powerless; leaders are imposed on the people; politicians are in charge of the judiciary; and pervert justice.

4.2 Republic of Niger

Democracy is entrenched in the Constitution of the Republic of Niger as portrayed by the word "Republic." The Constitution specifically provides that there shall be an independent and sovereign Republic and that any attack on the republican practice of the state shall be regarded as a treason punishable by law (Constitution of the 5th Republic of Niger,

Article 1). The state shall be one and indivisible, democratic and social government "of the people, by the people and for the people" and separate from religion (Constitution of the 5th Republic of Niger, Article 4). Sovereignty belongs to the people. In the exercise of sovereignty, personal power, ethnocentricity, regionalism, nepotism, feudalism, favoritism, corruption, egocentrism, etc. are forbidden (Constitution of the 5th Republic of Niger, Article 5). The people are to exercise their sovereignty through elected representatives and through a referendum (Constitution of the 5th Republic of Niger, Article 6). The Republic of Niger is a state founded on the rule of law, equality and liberty irrespective of sex, religious and political affiliations, race, social status or ethnic group (Constitution of the 5th Republic of Niger, Article 8). There is freedom to form associations, political parties, unions, etc. within the ambit of national sovereignty, democracy and the rule of law (Constitution of the 5th Republic of Niger, Article 9). The state has regard for the rights of the people (Constitution of the 5th Republic of Niger, Article 10). There is rule of law (Constitution of the 5th Republic of Niger, Article 11). The Constitution went on to enumerate rights of the people, which the state must respect and protect (Constitution of the 5th Republic of Niger, Article 12-33). Despite the presence of democracy in the Constitution, good governance, respect for law and development are not guaranteed. The dissatisfaction of the people led to the recent coup that overthrew a democratically constituted government and saw the people of the Republic of Niger visibly happy and grateful for the 'rescue' mission of the military (CAJ News Africa Niger, 2024).

Early in the 1990s, the Republic of Niger became exasperated by military rule. They felt that military rule was characterized by political, economic and social violence and that they should not be left out in the world's call for democracy (Vincent B, 2021). The military placed a structural adjustment program which occasioned hardship on the poor. The people revolted against dictatorship and this eventually led to the collapse of the military regime and enthroned a democratic government in 1991. A National Conference was called twice that year to lay a foundation for a democratic administration (These was between 29th July and 3rd November, 1991).

Attendees were drawn from various sections of the country to stand against military rule and its antecedent violent, economic and social hardships on the people. Surprisingly, this democratic government merely carried on the same economic, social and political trail of the previous military government as a

result of pressure from some international financial instruments to curb the economic situation they inherited. This was vehemently opposed by street protests, and the military took over again in 1996 (These was between 29th July and 3rd November, 1991). Before then, the democratic government further devalued the CFA Franc and increased the cost of living. Besides the economic struggles, there were also tensions and partisan scuffles. The people were not ready to defend democracy, all they needed was good governance and development (Andre Salifou, *L'Histoire du Niger* Paris, 2011). Nigeriens initially thought that democracy would afford them a greater participation in politics and also guarantee an improved living condition (William S, 2008) but, democracy has always turned out catastrophic. The recent military takeover of July, 2023 gave the people some sense of relief as they welcomed back the military with jubilation (Al-Jazeera, 31 May 2024). All Nigeriens want is any government that could improve their living condition (Africanews, 2024). On the attainment of independence, Niger was handed over to a democratic government led by then President *Diori Hamani*. This regime was toppled by a coup d'état, and yet another military coup, which ended the military regime of Lieutenant Colonel *Seyni Kountche* in 1987 (Mamadou, (1998). The military limited the protests, banned opposition parties, and allowed the trade unions to participate responsibly (Mamadou, 1998). Though, the people expressed some dissatisfactions but they generally enjoyed some economic relief as a result of the boom of uranium made possible by the military. There were more exportations of uranium and an increase in its prices. Both foreign companies and the state benefitted from the boom and the proceeds were used in infrastructural growth. Hospitals, schools and other public services were built, wages were greatly increased; manufacturers received some supports, etc. (Gregoire, 2011). There was an increase in the employment of medical doctors, nurses and teachers between 1975 and 1980 (Direction de la Statistique et de la Demographie, 1991). However, from the mid-1980 and following another democratic regime in 1987, there was a down turn of goods and services, an ensuing famine and the implementation of a Structural Adjustment Program (SAP) (Direction de la Statistique et de la Demographie, 1991). The country was faced with a debility in the price of uranium and a heavy debt rate (Direction de la Statistique et de la Demographie, 1991). The country was forced to negotiate with some international financial institutions at their own detriment (Dieter, 2009). The country fell to this point probably due to the policies initiated by the democratic regime. Incidentally, the neoliberal policies in Niger were first provided by a military

government. Anger swelled up in the minds of the people and from anger to occasional revolts. On the 9th of February, 1990, the country had a revolt that further shaped its present history (Vincent, 2021). There was massive bloodsheds to enthrone democracy (William, 1996). Nigeriens were made to believe some international institutions who were calling for democracy and liberalism (Yves and Bryant, 2002). The revolt was against authoritarianism and structural adjustment (Vincent, 2021). This also collided with the period in the history of the sub-Saharan Africa when many states were going through democratization. There was another revolt on the 27th of January, 1996. This time, the people were visibly happy to have the military back to clear the mess of the ousted democratic government (Patrick, 1996). Nigerein democratic governments have always ended up in a coup d'etat, an indication that the people need more than just democracy (Vincent, 2021). The political antiquity of Niger has not changed much and this led to yet another coup in July, 2023. So far, there has been five military coups in Niger since its independence in 1960. The latest toppled the democratic government of President *Mohamed Bazoum* and brought in the military regime of *Abdourahamane Tchiani*. The military in its broadcast after the coup, said it was "forced to intervene due to the deteriorating security situation and bad governance" of oust democratic government (2023 Nigerien *coup d'etat*). The people publicly declared their support for the military (Aljazeera, 13 December 2023). Democratic governments are characterized by increased burdens of debts; devaluation and hardship (Vincent, 2021). From a survey collected in Niger shortly before the 2023 coup, 50% of the people accepted a military rule, while 69% of them were in support of military intervention where democracy fails them (Daniel T, 2023).

4.3 Mali

The Malian Constitution provides that Mali is a democratic state (Constitution of the Republic of Mali, Preamble.). The Constitution evident that the state of Mali is a pluralistic democratic nation (Constitution of the Republic of Mali, Preamble.). It prescribes respect for human rights (Constitution of the Republic of Mali, Article 1-10). The rule of law is guaranteed (Constitution of the Republic of Mali, Article 11) and the Constitution is supreme (Constitution of the Republic of Mali, Article 24). The state is an independent, sovereign, indivisible, democratic, secular and social republic (Constitution of the Republic of Mali, Article 25). It is a government of the people, by the people and for the people (Constitution of the Republic of Mali, Article 25). The Sovereignty

of the nation belongs entirely to the people, who shall exercise it through their representatives or by vote of referendum. No faction nor any individual may exclusively claim this exercise of sovereignty (Constitution of the Republic of Mali, Article 26). The right to vote is universal, equal and secret. According to conditions defined by law, all citizens of voting age are electors demonstrating their civic and political duties (Constitution of the Republic of Mali, Article 27). The President is the Chief of State and custodian of the Constitution. He is embodied to protect national unity, guarantee independence, and territorial integrity (Constitution of the Republic of Mali, Articles 29 and 30). However, democracy has not been their best form of government (Winston Churchill, 1947). Before the 2012 coup, the country had an elusive democracy, much lower than the African average (Boniface Dulani, 2000). The elites were in authority (Michael and Richard, 2014). In a survey, 45% of Malians out rightly voted for authoritarian leadership, while 38% were in favor of democracy and overruled any form of authoritarian rule (Michael and Richard, 2014). Though, Malians continue to reject the one-man and one-party rule, they however, generally accepted the military takeover due to hardship brought upon them by their democratic leaders (Michael and Richard (2014). Malians believed more in the goodwill of the military than the corruption of democratic leaders (Michael and Richard, 2014). The country was in democracy for over twenty years before the military coup of (Freedom in the World' Annual Reports, 1993). Weeks before the demonstration, which challenged the President *Ibrahim Boubacar Keita's* democratic regime, the people celebrated the military take-over which ousted his government on the 18th of August, 2020 (Massa, Logan and Gyimah, 2012). The coup was extensively condemned by ECOWAS and the international community, who maintained that President *Keita* be restored (Ahmed and Petesch, 2020). The army junta refused but swore to lead the country back to democracy through a free and fair election. The fact remains that Malians welcomed the coup due to the bad government of their democratic leaders as the findings from a survey conducted by 'afrobarometer' in March to April 2020 showed (Massa, Logan and Gyimah, 2012).). The people were dissatisfied with the widespread corruption, crumbling economy and absence of integrity and accountability of their leaders (Massa, Logan and Gyimah, 2012).). The people saw the coup as an escape from a downward corkscrew (Massa, Logan and Gyimah, 2012). They were not against democracy but against bad governance. To them, it does not matter which government is in power so far as, there is good governance (Maclean, Diouara and Pelitier, 2020). In a survey conducted before the August 18th coup, 82%

Malian adults interviewed agreed that their country is diving into the wrong direction; 74% believed that corruption was on the increase; 81% described the economy as bad and 45% saw the economy as very bad; 61% vehemently disapproved of the leadership; 82% said they trusted the military; 80% acknowledged that the military respects people's rights and protects the people from both internal and external threats; and 77% strongly maintained that democracy is still preferred if only there will be strong democratic institutions (Massa, Logan and Gyimah, 2012). A significant percent of Malians as indeed many other African countries are more tolerant to a strong but accountable leadership (Boniface, 2020).

5. Is Democracy a Panacea to Good Governance?

Democrats believe that democracy is instrumental to good governance and development (Pranab, 1999). Logically, this is true if we take good governance and development to include both civil and political freedoms. But, if the focus is to balance egalitarianism with a narrower idea of development, without the freedoms as central to the nature of development, then democracy cannot be the only way to achieving development and good governance (Imoisi et al., 2023; Aidonjioje et al., 2021). This is because it does not always support a fundamental progression nor yield the actual result. Many scholars in their various analyses, have drawn up different conclusions on this subject. For example, while some gave a strong argument on the negative correlation between democracy, good governance and development (Sirowy and Inkeles, 1991); others are positive about the subject (Campos, N, 1994); and yet others are agnostic about whether democracy promotes or delays development (Przeworski and Limongi, 1993). In a comparative-institutional analysis drawn by Bardhan to compare and contrast the development experience in largely authoritarian East Asia and the democratic South Asia for over three decades in terms of their per capita income growth and their human capita development index, it was discovered that the authoritarian state has substantially done better (Pranab, 1999). Bardham pointed at the two largest countries in both East and South Asia, which are China and India. While China remains undemocratic, India has a long history of democracy, which spans over six decades (Wikipedia: History of India (1947 – present). In the last four decades, over 80 countries have settled for democracy through many political reforms (Yunhan, Larry, Andrew and Doh, 2008). But, East Asia has clearly defied the world's trend towards democratization. Whereas, South Korea, Taiwan and India are fully democratized, and Thailand maintains

its stance by rotating between democracy and military rule (Yun-han, Hsin-hsin and Wen-chin, 2015). Indonesia, Philippines and Mongolia are still struggling towards consolidation of some democratic principles. While some others like China, North Korea, Malaysia, Singapore, and Vietnam remain impervious to democracy, they happen to be better developed than the former. They seem to enjoy better level of government acceptability through their authoritarian and hybridise government than their democratic equivalents (Yun-han, Hsin-hsin and Wen-chin, 2015). Whereas western democracy accentuates the participatory aspect of political systems, like the right to vote, viable elections and general culpability, non-democratic governments reject democratic rights but still enjoy higher levels of the political supports of their citizens if they provide good governance, development (David, 1965). East Asians' idea of democracy is in the output or policy performance of their government and not their participations in rules and processes (David, 1965). Non-democratic governments may be denied certain liberties but enjoy a high level of government acceptability. Some level of authoritarianism is needed to effect development (Slater and Wong, 2022). The East Asians have shown a mark of good governance and development even without adhering to democracy. Perhaps, the Asians, particularly, the Chinese are finding it difficult to democratize due to the fact that they lack a political history of democracy (Diamond, Linz and Lipset, 1995). This also explains why democracy seems to be failing in Africa. Democracy is alien to the people's political history and culture. Many cultures in Africa believe in monarchal leadership. The monarch obeys the leading of the gods and the culture of the people or be 'punished' by them.

6. Conclusion and Recommendations

This paper examined the rule of law, democracy and good governance, and the fact that democracy is not a panacea to good governance and development in Africa. Not all democratic nations of the world are enjoying good governance and development, but almost all non-democratic nations are. The case of India and China fits into this analysis. While India has been and still is democratic for over six decades now and yet are under developed, China continues to uphold its authoritarian leadership and yet is one of the world powers in terms of governance and development. Africa has been going in and out of democracy and have had worse experiences in democratic leadership than in military rule. This is evident of the joy they express each time the military takes over. Democratic liberalization in Africa seems weakened and unsuccessful as a result of the non-

availability of participatory political treatise; weak electorate; lack of rule of law; lack of freedom of the press; etc. (Petrina and Abraham, 2003). Democracy in Africa is not all about the people but all about the political class at the detriment of the people (Petrina and Abraham, 2003). The fight for the liberation of Africa was done with one mindset, determination and great expectation of both national and individual political self-determinations. Upon attaining independence, Africa sought to emulate the rest of the world to experiment democracy, which they thought would ensure further liberties without giving thought to the fact that there is no total liberty even in nature. Africans only ended up with a 'forced democracy,' without recourse to their peculiar political histories. They ended up giving much more liberty to the political elites whose main idea of freedom in their fight for independence was merely to wriggle free from the colonialist's undemocratic nature (Yaffu, 2000). They failed to give thoughts to the implications of a liberal democracy proposed by the departing colonialists. (Yaffu, 2000). The democratic model that came with independence had no solid foundations to inspire political discipline (Yaffu, 2000).

These researchers, moved by the persistent failure in governance witnessed by Africa in its decades of democratic rule, both recommend that since the continent has dissimilar cultural and political history, no single theory be forced on them. Democracy and good governance may be related but the former is not a panacea to the later. Emphasis should be more on good governance, the rule of law and development and if these could be achieved even in an authoritarian government, then there should be no insistence on democracy. Africa should be determined to fight corruption and bad governance, which is ravaging the entire continent and employ any means to achieve this even outside democracy.

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