Power Sharing and Inclusive Politics in Africa's Uncertain Democracies

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Abstract: Power sharing agreements have been widely used in Africa as paths out of civil war. However the research focus on conflict mitigation provides an inadequate guide to recent cases such as Kenya and Zimbabwe. When used in response to flawed elections, pacts guaranteeing political inclusion adversely affect government performance and democratization. Political inclusion in these cases undermines vertical relationships of accountability, increases budgetary spending, and creates conditions for policy gridlock. Analysis using three salient dimensions highlights these negative effects: *origin* distinguishes extra-constitutional pacts from coalitions produced by more stable institutions, *function* contrasts post-war cases from scenarios where the state itself faces less risk, and *time horizon* refers to dilemmas which weigh long term costs versus short term benefits. The conclusion suggests that the drawbacks of inclusive institutions can be moderated by options such as sunset clauses, evenhanded prosecution of human rights violations, and by strengthening checks on executive authority.

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Introduction

Violence in the wake of Kenya's recent presidential election caught many Africa observers off guard. Even though Human Rights Watch notes that "every election since the establishment of a multi-party system in 1991 witnessed widespread violence," the most recent episode seemed out of place amidst a 6.9 percent economic growth rate and the ruling party's defeat in 2002. The country thus appeared to be taking a step backward in 2007, just as Nigeria's democracy had a few months earlier with its own failed elections. Then in 2008, Zimbabwe's ruling party resorted to repression between the first and second round elections as it clung to power.

The international community acted swiftly to stop the hemorrhaging in Kenya and Zimbabwe, advocating inclusive power sharing agreements with multi-party coalitions. This signaled a little noticed shift: for at least two decades, democracy promotion and foreign aid emphasized the importance of building political institutions. Suddenly new post-election pacts put peace before process. One former senior U.S. official cast Kenya's electoral violence in cold war logic, saying that "short-term security considerations are going to trump the long-term factors," which he admitted are otherwise necessary for political stability.[1] Rwanda's President Paul Kagame upped the ante, endorsing outright military intervention when "institutions have lost control" (Wallis and Green 2008). Recent coups in Guinea, Guinea-Bissau, and Mauritania underscore the very real allure of his alarming prescription. The U.S. Assistant Secretary of State for Africa told a group of Kenyan parliamentarians on July 22, 2009 that the "situation underscores the fact that while democracy has made significant gains around Africa, it remains fragile and subject to easy reversal even in relatively strong states like Kenya."

Is sharing power an appropriate alternative to this uncertain political environment? This essay explores how recent cases such as Kenya and Zimbabwe illustrate salient differences

between inclusion institutionalized in response to flawed elections compared to a road map out of civil war. These differences relate to broader questions about trust in government, citizen preferences, and international advocacy of inclusive governance. This essay argues that political inclusion threatens to displace political competition through post-election pacts. Such agreements allow stubborn incumbents or electoral losers to negotiate their way to power, and they bestow external legitimacy on elite bargains that drive a wedge between politicians and citizens. Not only does this undermine whatever steps these countries may be taking toward democracy, it also has important economic consequences.

This essay elaborates on those arguments first by reviewing the literature, identifying representation as a core concern and the mechanisms for achieving it as a central tension. Inclusion is then defined in terms of the minimum range of interests necessary to legitimate the exercise of aggregate political authority. The second section notes that the effects of political inclusion on conflict mitigation and democratization are well known. It then shows how African cases illustrate how political inclusion also undermines vertical political relationships conducive to accountability, enables costly budgetary irresponsibility, and exacerbates the conditions for bargaining gridlock and the fragmentation of policy preferences. The third part of the essay proposes a three-prong basis for comparative analysis. Potential adverse effects can be assessed by contrasting extra-constitutional pacts with more stable political frameworks, by differentiating between post-war cases from lower level conflicts, and finally by weighing short term benefits against long term costs. With thirteen presidential and eight parliamentary elections looming on Africa's horizon in 2011, the conclusion lists cautionary notes and recommendations for the policy community.

Clarifying Concepts

After Somalia established a Transitional Government in 2004, the United States called it "an important step toward the reestablishment of stability and effective, inclusive governance."[2] Reflecting on the horrors of the 1994 genocide, Rwanda's government said that the "bitter lesson" is that "only a national and regional environment based on all inclusive governance" can prevent such suffering in the future (Mazimpaka 2007). Following corrupt elections in 2007, Nigeria's new president proposed an "all inclusive government" (Olajide and Machika 2007). The language of inclusion used by political leaders typically implies a need to appease disenchanted political parties or to accommodate rebel movements or social cleavages. The choice of terminology implies a normative bias: After all, how can one oppose "inclusion"?

Several conceptual frameworks formalize these issues. Arend Lijphart contrasts a "consensus" model of democracy, which maximizes the size of government majorities, with a "majoritarian" model, which concentrates political power in fewer people. Majoritarian institutions allow some political actors to be excluded from government, stimulating an adversarial competitiveness in the political system (Lijphart 1999). Bingham Powell similarly differentiates between "proportional" and "majoritarian" visions of democracy (Powell 2000). Pippa Norris contrasts "power-sharing regimes…which give multiple political elites a stake in the decision-making process," with "power-concentrating regimes" which "limit office to a smaller range of actors" (Norris 2008).

These frameworks all share a central concern with representation. But they differ from the views expressed above by policy makers because they establish an analytical distance from the normative elements of "inclusion." They also depart from the policy discourse by emphasizing the need to systematically balance political representation with other goals and

democratic values. This in turn points to the need for institutional holism, which takes these other considerations into account. Holism also means that practices such as power sharing are situated within a broader menu of options and therefore sensitized to potentially conflicting incentives. In this section I situate political inclusion within a broader literature and defend my definition as a means of addressing problems of political representation and institutional choice in Africa.

Inclusion and Representation

Inclusion is defined here as a range of distinct constituent interests whose representation is necessary in order to legitimate the exercise of aggregate political authority. This broad understanding intentionally encompasses inclusion accomplished through fixed political processes, such as coalition governments formed through elections. It also applies to consociationalism, which entails a combination of specific institutional arrangements under unusual conditions. Consociationalism begins with two essential features: a "grand coalition" government consisting of the major political leaders who represent critical segments of society, and minorities with "segmental autonomy." It also often includes a "mutual veto" which gives minority interests government representation, as well as an emphasis on proportionality that shapes how the electoral system determines political representation, the allocation of resources, the appointment of civil service positions, and the distribution of political positions through quotas or other means (Lijphart 1977). Consociationalism lingers as a point of departure even though arguably none of Lijphart's success cases is African.

The term "power sharing" has also come to imply different things where it solves different kinds of problems. While this is sometimes attributed to an exceptionalism of Africa's democratic cultures, from a comparative perspective the problem is more conceptual than

regional. Power sharing is therefore taken here as merely one variety of political inclusion, understood as a purposeful distribution of government posts among the most powerful political parties or groups (Spears 2000). Power sharing thus distributes rights to make decisions according to formally defined procedures (Rothschild and Roeder 2005b).

Centering inclusion on representation recognizes the role of elections as well as other essential ingredients of democracy. At this point defining democracy broadly seems almost banal; even President Barack Obama noted during his June 2009 speech in Cairo that "elections alone do not make true democracy." For example, the systematic use of violence by the ruling party in Zimbabwe during the country's runoff elections clearly impeded open political competition and the exercise of broader political freedoms essential to democracy. A focus on representation also draws attention to ongoing struggles for suffrage and political rights. Legal acrobatics such as *Ivoirité* in Côte d'Ivoire or Frederick Chiluba's efforts in Zambia both attempt to disqualify political candidates by narrowing suffrage and arbitrarily limiting eligibility for public office. The 10.5 million refugees in Sub-Sahara Africa also lack political voice, and 12.7 million Internally Displaced Persons face substantial barriers to participation.

Finally, inclusion as defined here honors Africa's traditions of citizen activism, which drove so much of democratization – not to mention decolonization. When citizens in Benin and elsewhere in Francophone Africa demanded political accountability through better representation, direct participation animated sovereign national conferences. Corrupt elections in Nigeria's Niger Delta states in 2003 and again in 2007 produced a dramatic failure of representation. This has fueled militant violence in the region and revived calls for a sovereign national conference to reconstitute the republic. Referenda in the Sudan, Kenya, and the

Western Sahara, along with the provision of foreign aid directly to civil society organizations (rather than the state), all point to Africa's living spirit of direct participation.

Institutional Avenues to Political Inclusion

Where representation fails or provokes demands based on exclusionary claims, the remedies entail some active principle of proportionality ultimately implemented through institutions. The menu of options includes electoral systems, party systems, executive selection procedures and cabinet formation, minority assurances through federalism, judicial protection of civil rights and civil liberties, and fixed guarantees such as quotas. Starting from nine dichotomous attributes of inclusion, Staffan Lindberg counts at least 512 possibilities based on Lijphart's criteria.[3] This does not include novel variables such central bank independence or Norris' (2008) press freedom measure. Thus even if we limit the institutional options to the four features of consociationalism, there are far more possibilities than known cases.

Africa's emerging democracies have struggled with this large range of possibilities. One reason stems from the context of extreme social heterogeneity, not because it makes inclusion impossible but because the successful application of any principle depends on the unit of analysis. For example, candidates and political parties in Zambia build political coalitions on either four tribes or 72 language groups (Posner 2005). In Nigeria, the standard for inclusiveness grows increasingly nuanced as the unit shifts from two regions (north and south), to six geopolitical "zones," and then to 36 states. For example, a constitutional reform committee required two members from each state, and political parties organize internally on the basis of zonal representatives. National Assembly leadership positions are also subject to quotas related to the location of the three largest ethnic groups (Dan-Musa 2004). In this complex federal

context, achieving an ethic of inclusion depends upon where one defines the boundaries of representation.

The variety of institutional configurations also introduces inclusive practices whose objectives conflict with the incentives generated by majoritarian institutions. Nigeria's zoning provisions and its "federal character" quotas (which promote ethno-regional diversity in the civil service) operate alongside presidentialism and a first-past-the-post (FPTP) electoral system – institutions meant to facilitate cooperation *across* social cleavages. Foreign aid implementers and politicians in Kenya openly look to Germany's coalition government as a model, despite its entirely different process of coalition formation through parliamentary elections with mixed member system (compared to Kenya's FPTP). In Djibouti, an elaborate arrangement to form a governing coalition allocates seats according to clan and sub-clan. But alongside a largely majoritarian electoral system, opposition parties there complain about a permanent state of exclusion. Incumbents in these countries get the best of both worlds: an opposition handicapped at the polls and a perception of inclusiveness that bestows legitimacy on the national government.

A further complication in Africa stems from accepted traditions of inclusion not officially enshrined in law. Africanists often argue that institutional approaches fail to capture critical dimensions of politics. Formal institutions supposedly have "played a minor role, if any at all" in party system formation, for example (Erdmann 2007). Informal institutions are evident in a number of post-war agreements covering critical compromises on issues such as reintegration of hostile forces or economic policies to remedy regional inequities (Hoddie and Hartzell 2005). The tradition of "power shift" in Nigeria, alternating the presidency between north and south, is now an entrenched political norm – even though it is codified nowhere (LeVan and Ukata 2010).

Neither informality nor the complexities identified by Lindberg present serious barriers to an informed analysis. Informality is not unique to Africa, and institutionalists long ago noted the importance of customs as constraints (North 1990). And if the lessons of constitution crafting in the 1990s are any guide, the sheer complexity of institutional options requires holism, not conformity. Even where the evidence leads to differing prescriptions, with Lijphart arguing for maximizing the number of interests represented in government and Philip Roeder advocating dividing power (rather than sharing it), the essential interconnectedness of the options remains widely accepted. Guided by these definitions and principles, the remainder of this essay highlights some of the problems presented by recent power sharing agreements in Africa. It then proposes a three-part means of distinguishing these and other inclusive practices from the more classic cases.

Problems with Political Inclusion

We understand a good deal about the impact of inclusive institutions on democratization (Linder and Bachtiger 2005; Norris 2008), democratic consolidation (Reynolds 1999), and conflict resolution (Sisk and Reynolds 1998). Lijphart finds a direct link between "consensus" government and increased political equality, improved satisfaction with democracy, and higher levels of electoral participation (Lijphart 1999). An extensive scorecard on political inclusion already exists as well. Post-Apartheid South Africa is a widely cited example of success. Adversaries there saw greater benefits in negotiating peace and sharing power (with protections for the white minority) than in sustaining a status quo that was costly for both sides. Rwanda provides an example of failure, where in the absence of common interests in the 1993 transition, power sharing collapsed and descended into violence (Traniello 2008). Other African failures are attributed to problems such as incomplete implementation of consociationalism (Sullivan

2005). The incompatibility between institutions on paper and informal power structures in society arguably account for the failure of broad based coalitions in Burundi and Rwanda in the early 1990s (Lemarchand 2006). Out of Lijphart's total universe of sixteen consociational cases only three have survived in ethnically divided societies, and Roeder argues they did so by *dividing power* among multiple majorities rather than sharing it (Roeder 2005).

We know far less about a variety of other consequences of political inclusion. First, even though a goal is to create institutions that better reflect societal values, it often displaces norms of political competition. Second, the superior performance of democracy derives from the ability to hold politicians accountable (Przeworski et al. 1999). But inclusive arrangements disrupt vertical relationships between citizens and those responsible for policy. Third, sustainable economic growth in Africa occurs when good economic policies align with political self-interests (Bates 2008). However pacts, broad coalitions, and big cabinets institutionalize costly budgetary logrolls which create incentives for improvident economic behavior. Fourth, the policy process needs to be stable enough to be credible, and flexible enough that governments can change bad policies (Haggard and McCubbins 2001). Yet a presumption of inclusion may make it more difficult to change the status quo policy when the policy process must accommodate more preferences. Each of these is discussed in turn below.

Constraints on Political Competition

Inclusive institutions aim to reduce the dangers of "winner take all" politics, a concern raised by critics of presidentialism who often point to its roots in "western" style elections (Linz and Valenzuela 1994; Nwankwo 2002). Where elections unfold along ethnic cleavages this supposedly leads to permanently disenfranchised communities and therefore accumulating political frustrations. Another compelling argument for inclusion rests on the benefits of

generating some political space for the opposition. U.S. government officials use this to argue that any gain by the opposition in Zimbabwe constitutes a move towards democracy. After all, lessons of democratization from Latin American and elsewhere suggest that it is difficult for hardliners to close political openings once liberalization is in motion (Joseph 1999). In this respect, sharing power does give inexperienced parties a governance record to campaign on in future contests. This lends credibility to campaign appeals which the opposition otherwise lacks.

Another benefit may be increased horizontal accountability across government branches. For example, in the second year of Zimbabwe's power sharing agreement, bitter electoral rivals Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the Movement for Democratic Change (MDC) joined forces against the executive branch to demand vehicles and administrative resources for parliament, demonstrating the possibility for checks and balances based on institutional roles. At a cross-national level, the Power Sharing Index (PSI) locates accountability through veto player theory, which identifies multiple centers of power across government (Linder and Bachtiger 2005).

However for horizontal competition to generate accountability, the multiple centers of power suggested by the PSI must possess the ability to check each other. The veto player literature makes clear that this is only possible by creating multiple and separately sovereign majorities (Tsebelis 2002). As Roeder points out, this is quite the opposite of sharing power. Similarly sticky problems impair the other possible benefits. For starters, the usefulness of policy experience depends upon a democratization trajectory, meaning that parties have a reasonable expectation that coalition partners will actually *compete against each other* in a future contest. Any majority that allows a winner to "take all" is therefore temporary.

The power of elections to serve as a democratizing agent evaporates though 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" (Oluoch 2008). In Zimbabwe, skeptics complain that the pact between President Robert Mugabe and his challenger, Morgan Tsvangirai "may be good for peace, but the casualty is democracy….refusing to hand over power, even after election defeat, may now become fashionable" (Mbogo 2008). 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.

Traditional critiques of constitutionally prescribed inclusion argue that quotas or proportionality principles undermine merit and promote primordialism. The argument here thus goes further, raising the specter that bad elections become back channels to power, undermining whatever steps towards democracy that may be underway in countries such as Zimbabwe and Kenya. As Botswana's President Seretse Khama Ian Khama aptly commented on Zimbabwe, "You can't have a situation where a ruling party, when it senses it may lose an election, can then manipulate the outcome so they can stay on in power" (Dugger 2009). Otherwise everyone has the incentives to sabotage the election as insurance against losing it.

Undermining Vertical Relationships and Accountability

A primary rationale for inclusive institutions such as proportional representation rests in a superior ability to capture voter preferences. For example, Lijphart (1999) argues that citizens in such countries tend to be more satisfied with democracy. However open-ended questions in the Round 3 AfroBarometer survey suggest that Africans usually define democracy in terms that value alternation of power ("majority rule" or "change in government"), instead of using language such as "power sharing" or "working together." Only six percent of respondents in Kenya define democracy in these terms for their first response, while 13.8 percent use this language in Zimbabwe. Moreover, when alternation of power does occur, citizen satisfaction with democracy increases substantially (Bratton 2008). In other words, African cultural norms appear to embrace an expectation of democratic competition which empowers citizens. Elite bargains therefore drive a wedge between politicians and citizens. The international community exacerbates this preference gap when it provides an element of legitimacy externally that (corrupt) elections fail to bestow internally.

Inclusive institutions undermine accountability by altering several types of vertical political relationships. One set occurs across different levels of government. In principal, federalism should help subnational tiers hold the center accountable but the effects are often unexpected. In Nigeria for example, efforts to share power ossified clientelistic relationships at the local level (Agbaje 2000). In Ethiopia, the government sought to reduce ethnic tensions through decentralized education and language policies but they inadvertently formalized and froze sectarian group claims (Keller and Smith 2005). Political devolution in Kenya sought to increase regional political autonomy and improve the ability of subnational governments to

protect ethnic minorities. *Majimbo* as it was known in Kiswahili, instead heightened ethnic tensions in the Rift Valley and elsewhere (Horowitz 2009).

Second, inclusion alters direct relationships between citizens and politicians by reducing the ability of voters to punish or reward performance. The accountability generated by this link is a fundamental ingredient of consolidated democracies (Przeworski et al. 1999). A 2007 exit poll of over 5,000 voters in Kenya reported that voters weighed government performance significantly in deciding how to vote, even though candidate ethnicity correlated closely with voter identification (Gibson and Long 2009). As a result, the subsequent power sharing agreement thus prevented the will of the voters from being implemented – especially if one accepts the survey's overall finding that the opposition won.

Third, with coalitions and governments of national unity voters face an added barrier of identifiability by making it harder to determine responsibility for policy (Shugart and Carey 1992). This produces a crisis of dual sovereignty. Elites and the public in Kenya, for example, view members of the coalition as separate governments. Zimbabwe faces the same problem, exacerbated by the fact that the underlying mechanisms for violence that led to the power sharing agreement remain in place. As such agreements lapse or elections eventually take place, parties that share power compete to take credit or assign blame.

Economic Costs

Among developed democracies, there is some evidence that inclusive institutions do not interfere with economic performance. Lijphart (1999) finds a positive relationship between his consensus model of democracy and good economic performance. The relationship is strong for inflation but less so for economic growth, budget deficits, and unemployment. (The inflation results are less surprising since he includes a proxy for central bank independence, which is arguably the

opposite of inclusive governance by creating an alternative center of power.) The implication is that inclusive governance does not induce a tradeoff with good government performance – a finding still largely untested in the world's poorer countries and Africa.

New research on post-conflict economic policy provides one set of clues for Africa. In countries emerging from war, political stability and macroeconomic stability often come into tension. In the short run, borrowing, inflation, and deficit spending may be necessary to purchase peace but over time these policies contribute to political uncertainty (Boyce and O'Donnell 2007). Africa's oversized cabinets provide another set of clues because they resisted budget cuts, even during the era of economic reform (van de Walle 2001). Large cabinets in Kenya and Zimbabwe appear to be repeating the same mistake of growing government without increasing capacity. The Africa Center for Open Government complains that not only are Kenya's ministers among the highest paid in the world, many of the ministerial portfolios are pointless: "everyone feels like they must be a part of the government and this has nothing to do with improving government performance."[4] *Business Daily* says the power sharing agreement shows "little regard for public opinion that has been heavily tilted against a bloated government" (2008c). The return to oversized cabinets is especially surprising since Kenya's previous rainbow coalition generated the same complaints and excessive spending on salaries (AfriCOG 2009).[5]

Zimbabwe faced a more acute economic crisis than Kenya in 2008, which might have softened public opinion about high spending levels. Gross Domestic Product in real terms was pegged at negative nine percent, and the country had the world's highest inflation rate. On the one hand, there is a popular perception that the financial dimension of Zimbabwe's crisis originated in unpopular economic reforms in the 1990s, when privatization drove up the costs of

health and education the streets filled with protests (Bomba 2009). On the other hand, much of the public opposition to the recent power sharing agreement has been articulated in fiscal terms, and citizens complain that expensive new ministries will be paid for with cuts coming from the social sector (2008a; Bakano 2008). The country thus faces a quandary, since the patronage that sustains the power sharing agreement requires diverting spending from precisely the budget sectors necessary to deepen social peace (Collier 2008). The International Crisis Group in fact suggests that failing to do so could increase the risk of a coup (ICG 2009).

In these unfortunate dilemmas, mandated inclusion formally weds governments to unsustainable levels of spending. Power sharing emerges as resource distribution, rather than an aggregating device for formulating a shared policy agenda. In both Kenya and Zimbabwe, democratization depends upon breaking a precarious low equilibrium trap of economic inefficiency.

Gridlock and Fragmentation of Preferences

A premise of inclusive prescriptions is that making policy should accommodate as many preferences as possible, perhaps even more than required by the decision rule (majority, plurality, etc.). But when the policy process incorporates more political actors with distinct preferences and the leverage to act on them, gridlock or immobilism becomes more likely (Mainwaring and Shugart 1997). For this reason, critics in Zimbabwe call the power sharing agreement a "cumbersome arrangement for conducting government business" (Sithole 2008). Kenyans express similar fears, noting that inclusion "is likely to slow policy formation significantly" (2008b). Power sharing partners actually face negative incentives: since the pact would terminate with the constitutional reform necessary to prevent another crisis, none of the parties stand to benefit from championing reform.[6] This scenario played itself out in July 2009

when human rights investigations implicated members of parliament. Soon thereafter, power sharing partners colluded to sustain the status quo of impunity (Gettleman 2009).

Gridlock is an inefficiency which can contribute to popular discontent with government, a relationship apparent in recent AfroBarometer surveys displaying frustration with democracy in many countries. Moreover, the very knowledge that capacity for gridlock constitutes leverage creates incentives for political actors to distinguish their preferences or worse, use violence. For example in Darfur, rebel movements fragmented from three to nearly thirty in a period of barely two years. New factions emerged to stake out claims to the center's resources in any potential settlement, since they expect it to resemble the unity government formed after the north/south conflict which allocates resources to each player at the table. This fragmentation conveniently enables the Government of Sudan to politically discredit the rebels; it plausibly claims that it does not know who to negotiate with. Nigerian government officials make the same claim about Niger Delta militant groups whose splintering accelerated following the 2007 elections.[7] The Central African Republic offers yet another example, where the 2008 disarmament process inspired new insurrections as it gave rebels political leverage in exchange for few political concessions (ICG 2008). In all these cases, picking up a gun got you a seat at the negotiating table.

Origins, Functions, and Time Horizons

In what follows I propose a three part process for understanding variation in political inclusion as recently practiced in Africa. These analytical distinctions help address the practical task of identifying best practices which mitigate potential drawbacks listed above. I first focus on the origin of political inclusion in either elite pacts or more permanent political frameworks. Next I turn to whether the purpose or function is to navigate a way out of war or not. This is important

since the existing literature overwhelmingly focuses on either conflict prevention or post war cases (Jarstad and Sisk 2008). Finally, I identify some of the time horizon dilemmas in which long term costs may outweigh short term benefits.

Inventing Sovereign Moments or Consolidating Institutions?

First, it is important to distinguish between inclusion established by extra-constitutional agreements compared to practices rooted in more consolidated political processes. The former emerge from pacts precipitated by what elites think of as "sovereign moments," when the fundamental rules of politics can be renegotiated. The eleven attempts by African heads of state since the 1990s to modify the constitution to extend their term of office represent efforts to replicate and construct such essentially rare historical junctures. After an initial honeymoon period, even successfully renegotiated institutions eventually face doubts about legitimacy.

By contrast, political inclusion rooted in constitutions and more stable political frameworks offer important advantages. They better reflect societal norms because founding documents such as constitutions require broad support. This underscores why power sharing agreements which emerge through elite pacts or extra-constitutional channels constitute democratic reversals. They jeopardize the routinization associated with the consolidation of democratic institutions. Kenya's recent pact in this regard counters the positive effects of the country's previous party turnovers – long established as a key indicator of democratic consolidation (Huntington 1991).

Another advantage is that relatively predictable incentives for cooperation or competition emerge from institutions operating over time. For example, after no party secured a majority in Malawi's 1994 elections, the formation of a multi-party coalition government was a generally predictable solution (for both voters and scholars). In countries such as Kenya and Nigeria,

electing the president requires concurrent or connected pluralities distributed geographically; this is meant to promote pre-election coalition building across diverse constituencies. To promote ethnic reconciliation and cooperation, Burundi's constitution stipulates a quota for ethnic Tutsi candidates. This creates incentives for Hutu parties to include them. The integrity of these various leadership selection procedures stems from the predictability of the process itself. As institutions that promote recurring political behavior, they reduce such *ex-ante* uncertainty and avoid any *ex-post* surprises. To this end they provide a stable mechanism for estimating a fair distribution of power among relevant political actors (Gates and Strom 2007).

Political Competition Instead of Post-War Peace

Next, the functions matter. Are the goals to end a war, transition to democracy, or to salvage a floundering democracy? Post-war settlements usually contain some consociational elements, evident in power sharing agreements in Sierra Leone, Angola, Rwanda, Mozambique, the Democratic Republic of the Congo, and Burundi. These wars put the very existence of the state in question and hundreds of thousands of people died in each one. In these circumstances, states reorder their preferences (Keohane 1986). When political factions become exhausted by military stalemates, battlefield defeat, or when the promise of peace has a higher payoff than continued violence, former combatants face compelling incentives to compromise.

However borrowing post-war remedies is problematic for countries with lower levels of civil strife. When the stakes for the state are lower, it is harder for international involvement to mediate rather than meddle, and human rights issues may unfortunately appear less urgent. To create an approximate list of "low-conflict" compared to post-war cases, Appendix

Table 1 in the appendix uses the Armed Conflict database from the International Peace Research Institute (PRIO).[8] It is limited to Africa's most recent democratization period, when

international attention shifted to elections. Countries with fewer than 2,000 conflict deaths are groups as "low conflict." This is not meant to belittle the effects of all violence, but because conflicts differ in terms of magnitude and the sustainability of casualties over time, the incentives for cooperation differ.

According to Spears, inclusion has a dubious temporary quality when a clear and present threat to the state is missing (Spears 2002). Lesotho's 1998 government of national unity and the current power sharing arrangements in Zimbabwe and Kenya all formed in response to failed elections. In these cases inclusive mandates resemble risk averse politics, where efforts to prevent conflict trump political competition more generally. Election observation is possibly part of the problem, in light of recent evidence that the presence of violence disproportionately affects election assessments (Kelly 2009). Political inclusion in response to failed elections is especially problematic in countries such as Kenya, where norms of voting and civil society participation are more entrenched among the citizenry. This also distinguishes Kenya from an earlier generation of pacts, which managed *initial* transitions to democracy in Southern Europe and Latin America (Colomer 1994; O'Donnell and Schmitter 1986). Those pacts were formulated significantly to provide exit guarantees for dictators. Looking at the case of Zimbabwe today, it is not clear that the autocrats are looking to leave power at all.

In addition, the role of the international community differs depending on the conflict. In war torn countries, international mediation increases the costs of transgression and helps build confidence among parties exhausted by fighting. By contrast, international involvement in lower conflict cases forces trust upon political actors by treating their demands as problem of enforcement rather than information. A member of Kenya's parliament, Hon. Margaret Kamar, told the National Endowment for Democracy in June that pressure from the international

community to form a coalition government contributed to significant misunderstandings. In Zimbabwe, the parties sharing power see the pact's functions differently. The opposition views it as one step in a broader democratic transition while the ruling party sees it more as an isolated compromise addressing the electoral stalemate. The same kind of gap exists in the Central African Republic, where the opposition sees the "inclusive political dialogue" launched in late 2008 as part of a process for regime change.

In the midst of dubious democracy, incumbents easily employ the discourse of democratization to their advantage. In Zanzibar, where electoral cycles regularly precipitate violence, the ruling party typically engages in negotiations to pacify both the opposition as well as external donors (Heilman 2009). Guinea offers a more brazen example, where the military junta in late 2009 proposed a government of national unity to appease its international critics. Whereas forced trust suggests a path to failed peace, transition promises tailored to international donors (rather than domestic demand) is a recipe for incomplete democratization. In the case of Zimbabwe, ZANU-PF has worked to derail democratic reform by making it difficult for their coalition partners to secure donor funding while at the same time playing to the international community's hope for the fragile multi-party coalition.

Human rights issues are an obvious part of post-war frameworks. Accountability builds rule of law, while failing to do so encourage the imitation of violent behavior (Tull and Mehler 2005). These issues are easier to neglect in low conflict cases though. Nigeria is typical, where the bulk of political violence after 2007 went unpunished and uninvestigated. The muddling of human rights issues in Zimbabwe is similarly problematic, where investigations undermine coalition cooperation and antagonize the independence war veterans, a key conservative constituency. In Kenya, the Human Rights Commission reports little progress on reconciliation,

reforming the police, or disarming the militias that carried out the post-electoral violence. The result has been widespread resentment about impunity (McCrummen 2009). To the U.S. State Department's credit, it has emphasized the importance of ending impunity in order to protect democracy, even where the footsteps of the killers ends at parliament's doorstep. Unfortunately, the U.S. still resists going through the International Criminal Court to get there, an option favored by much of civil society due to the corruption of Kenya's criminal justice system.[9]

Time Horizon Dilemmas

Finally, inclusive institutions introduce tradeoffs related to time horizon. Stopping violence immediately seems more concrete and worthwhile compared to the more distant problems of accumulating financial burdens or institutional ambiguity arising from political compromises that stretch existing laws. Some innovative research already acknowledges differences between long term costs and short term benefits of political inclusion (Jarstad and Sisk 2008; Rothschild and Roeder 2005a). In this research devoted to post-war power sharing, agreements often postpone resolutions to the root causes of conflict, turning timelines into time bombs gauging when tensions will reappear.

The emerging African cases of interest here present a different set of challenges. For starters, terms of termination induce significant differences in bargaining behavior. Protecting the status quo in Kenya and Zimbabwe allows power sharing partners to continue to divide up the state's resources for patronage. In the long term, the pursuit of self-interest therefore produces unsustainable levels of government spending. Like a classic collective action problem, external coercion or intervention can coordinate for the common good. The problem is that such external pressure does little to increase the credibility of commitment in a context where institutions are already demonstrably instrumental, given the precedent that they can be

renegotiated. In this climate, stakeholders have few incentives to take political risks to defend institutions or to invest in long-term growth. In general, accumulating financial burdens in cases such as Kenya and Zimbabwe have largely been overlooked by the literature because like policy makers, scholars have been mostly interested in the short term need for peace.

Time limits are one possible option. In Sudan, international mediators put a three year limit on the Comprehensive Peace Agreement so that it would serve as a transitional step toward elections. That agreement then stumbled due to information problems: rebel groups interpreted it as a more permanent solution which lacked devolution of authority and other reforms (Flint and de Waal 2008). South Africa here offers a contrasting source of optimism. Varied interests there created a sustainable equilibrium with an interest in political reform. The power sharing agreement – complete with proportional representation, regional protections, and a government of national unity – was limited to five years. The African National Congress essentially agreed to share power before the 1994 elections even took place (Wood 2000).

The lessons from sunset clauses suggest that they can shape temporal dilemmas and restrain irresponsible economic behavior, provided that international pressures align with popular preferences. In this regard South Africa offered certain advantages in identifying critical stakeholders such as the African National Congress. Sunset clauses also help when they do not stimulate a sense of scarcity which panics actors and motivates them to focus on short term gains. Finally, where sunset clauses culminate in new elections, the international community could do as much to prepare for the contingency of an illegitimate government as it does in preparing for political tensions.

In sum, African practices of political inclusion differ depending on the origin, the presumed purposes, and the time-horizon. African strategies to resolve electoral crises depart

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from more conventional cases of consociationalism and power sharing following war. Proponents of inclusive governance have long understood the problem of forced trust and conceded that sharing power first requires elite cooperation. Cases such as Zimbabwe illustrate why: without agreement on goals, the contribution of power sharing to regime transition remains unclear. The evidence here suggests that post-election pacts may in fact be enablers for the troublesome trend of repressive regimes with the dressings of democracy. According to the most recent Freedom House data, a growing number of African countries are hardly at a passing stage on their way to democracy and instead appear to be stabilizing as illiberal polities. Given this grim reality, the conclusion explores possible ways of minimizing the hazards of post-election pacts.

Conclusion

As pundits and prognosticators celebrated the apparent convergence of democracy and free markets in the 1990s, no one argued that capitalism contained an element of consensus building. Instead, the winner take all nature of economic competition naturally followed from a wave of elections, which premised leadership selection on an ethic of individual merit in which some political platforms win over others. The coinciding free exchange of goods and ideas ushered in an apparent triumph of twin liberalisms: politicians would compete for votes just as private businesses compete for consumers. Yet reducing the winner take all nature of politics is explicitly a goal of inclusive institutions, which aim to prevent a smaller range of actors from having a hegemonic hold on authority. The rhetoric of inclusion in Africa's democratizing countries today thus carries a hint of irony.

This essay began by defining political inclusion as a range of interests that must be represented in order to legitimize the exercise of aggregate political authority. This incorporates

an appreciation of Africa's informal institutions and its participatory traditions. Political inclusion undermines competitive elements of democratization, disrupts vertical relationships established through voting or the devolution of power, and it impedes the ability to determine responsibility and therefore hold politicians accountable for their performance. Finally, political inclusion pushes government to commit to unsustainable budgets and to formulate policy through cumbersome institutions conducive to gridlock. After identifying origins, purposes, and time horizons as relevant sources of variation, the essay then explored ways in which various inclusive practices affect political development in Africa.

Democracy promotion over the last two decades has emphasized the importance of building institutions. When presidents in Cameroon, Chad, Gabon, Guinea, Togo, and Uganda modified their constitutions to extend their respective terms, malleable rules symbolized a blow against hard fought democratic gains. By contrast, failed third term bids in Nigeria and Kenya constituted important measures of success on these terms (Niger and Djibouti now pose fresh tests for executive term limits). Post-election pacts in Kenya and Zimbabwe undermine that slow democratic progress for precisely the reasons Botswana's president notes: the losers change the rules when they do not like the outcomes.

The international community shares a measure of complicity. It buttresses institutional capacity by praising decent elections in Ghana and Zambia, and then it undermines institution building by renegotiating the rules or by relying on the presumed virtues of self-proclaimed democrats. Julius Nyerere, independent Tanzania's first president once said "Leadership cannot replace democracy." Supporting African democracy now requires strengthening institutions with the capacity to formulate competing interests, and the courage to respect the risks inherent in certain levels of competition. As donors weigh the competing foreign policy goals mentioned in

the introduction, they should respect the differences between strengthening democracy and the post-9/11 predisposition for strengthening states. Post-election pacts often promote the latter at the expense of the former, and this distinction should not be lost in the discourse on institution building.

What steps can contribute to well informed comparisons and policies? As far as election monitoring has come in the last two decades, governments still do not quite know what to do with evidence of a stolen election. The political costs of not recognizing an illegitimate government obviously vary. But power sharing agreements in low conflict cases reward elite misbehavior and undermine the democratizing effects of elections. This is particularly true amidst extra-constitutional pacts which strip citizens of agency. Electoral reform focused on empowering citizens is one alternative, emphasizing the need for internal party democracy and not just observers and administrative support on election day. Political decentralization can serve the same ends and it often does not require constitutional changes, but the effects could be harmful in countries where ethnic diversity is geographically concentrated.

Next, Africa's strong presidents resist horizontal checks on power, and power sharing agreements typically strengthen the executive branch. Nicolas van de Walle therefore argues that inclusive political institutions need to not just minimize the exclusion of interests – they need to weaken executive authority too. To this end, one might say that foreign policy should do what governance assistance knows: strengthen oversight capacity and horizontal checks through institutions such as legislatures with the goal of deepening democracy – a recommendation in line with scholarly research on consolidation (Barkan 2009).

Finally, proponents and critics of inclusive governance alike appreciate the need for elite cooperation. But extra-constitutional agreements should neither force trust nor adopt sunset

provisions that stimulate noncooperation; compromise and reform needs to reflect the self-interest of stakeholders.   Human rights problems also need to be part of this difficult dialogue. Despite the temptation to brush them aside in lower conflict cases and simply "move on," they linger in the memory of voters. Marginalizing human rights violations legitimizes the use of violence by militant entrepreneurs, who just might reemerge in time for the next elections.

No less important an architect of the U.S. Constitution than James Madison once conceded, "The safety and happiness of society are the objects at which all political institutions aim, and to which all such institutions must be sacrificed." With this in mind, this essay should be read less as an attack on inclusive institutions than as a call to develop sharper terms of reference for their adoption. Hopefully it also offers a road map for exploring when less inclusive institutions should be defended, even amidst political or social costs.

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[1] Anthony Holmes made these comments at a Woodrow Wilson Center event, "Failed Elections: Kenya's Vicious Cycle," May 20, 2009. Available online at: www.wilsoncenter.org.

[2] U.S. Department of State, Press Release, "Inauguration of the Somalia Transitional Federal Assembly," September 1, 2004.

[3] Staffan Lindberg explained this at the workshop on "The Consequences of Political Inclusion in Africa," American University, Washington, DC, April 24, 2009. Available online at: www.american.edu/sis/africacouncil/.

[4] Interview with Gladwell Otieno, Executive Director, Africa Center for Open Governance, May 15, 2009 (Nairobi).

[5] Interview with Muthoni Wanyeki, Kenya Human Rights Commission, May 15, 2009 (Nairobi).

[6] Otieno interview, May 15, 2009 (Nairobi).

[7] The author attended two meetings in 2009 in the U.S. with official government delegations who advanced this argument.

[8] PRIO uses data from the Uppsala Conflict Data Program, Department of Peace and Conflict Research at Uppsala University. Available online at: www.ucdp.uu.se/database.

[9] Wanyeki interview, May 15, 2009 (Nairobi).

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Table 1: Level of Conflict and Power Sharing after 1990

Less than 2,000 total conflict-related deaths	Power Sharing Arrangement
Mali	Transitional government but no explicit power-sharing • 1992 Bamako Peace Pact • 1991 Agreement between Gov. of Mali and Popular Front for the Liberation of Azawad
Congo (Brazzaville)	• 1999 Accords de cessation des hostilitiés en République du Congo
Nigeria	Implicit power-sharing through federal system
Kenya	• 2008 National Accord and Reconciliation Act
Djibouti	• 2000 Agreement Between Government of Djibouti and breakaway faction of FRUD • 1994 Agreement Between Government and FRUD
Guinea-Bissau	• 1998 Agreement between the Gov. and the self-proclaimed military junta
Lesotho	• 1998 Agreement Between LCD and opposition parties
Niger	• 1997 Agreement between Gov. and UFRA and FARS • 1994 Ouagadougou Agreement Between
Senegal	• 2004 Ziguinchor Peace Agreement Between Gov. and MFDC • 2001 Agreement Between Gov. and MFDC • 1991 Agreement Between Gov. and MFDC
Togo	• 2006 Ouagadougou Agreement calling for a transitional unity government to organize parliamentary elections
Zimbabwe	• 2008 Global Political Agreement
More than 2,000 total conflict-related deaths	**Power Sharing Arrangement**
Sierra Leone	• 2001 RUF and Civil Defense Forces Peace Agreement • 1991 RUF and Gov. Peace Agreement • 1996 RUF and Gov. Peace Agreement
Cote D'Ivoire	Creation of Government of national reconcilement • 2003 Linas-Marcoussis Agreement
Somalia	• 1993 Addis Ababa Agreement • 1994 Nairobi Declaration on National Reconciliation • 1997 Cairo Declaration on Somalia
Angola	• 2002 Ceasefire Agreement, Gov. of Angola and UNITA

	• 1999 Angola Agreement with UNITA-Renovada • 1996 Gov. of Angola and FLEC • 1994 Lusaka Protocol • 1991 Angola Peace Accords • 1991 Bicesse Agreement • 2002 Memorandum of Understanding
Chad	• 2003 Gov. of Chad and MDJT • 2002 Gov. of Chad and MDJT • 2000 Gov. of Chad and RAFAD • 1997 Gov. of Chad and Fronlinat-FAP • 1997 Agreement Between Gov. and Frolinat-FAP • 1997 Agreement Between Gov. and FARF • 1996 Agreement Between Gov. of Chad and the Action for Unity and Development • 1995 Agreement Between Gov. and MDD • 1992 Agreement Between Gov. and MDD and CSNPD
DRC	• 2003 Inter-Congolese National Dialogue Agreement • 1999 Ceasefire Agreement
Liberia	• 2003 Gov. of Liberia, LURD, MODEL and political parties peace agreement • 1994 Akosombo Agreement • 1993 (Cotonou) Agreement • 1991 Yamoussoukro IV Accord
Burundi	• 2003 Pretoria Protocol on Political, defense, and Security Power Sharing • 2001 Power-sharing Agreement, President Buyoya and Hutu Parties • 2000 Arusha Peace and Reconciliation Agreement
Rwanda	• 1993 Arusha Accord, Gov. and RPF • 1994 Broad Based Government of National Unity
Sudan	• 2005 Comprehensive Peace Agreement • 2004 Humanitarian Ceasefire on Darfur • 2004 Nairobi Declaration on Peace in Sudan • 2004 Protocol of SPLM on power-sharing • 2004 Framework on Wealth Sharing Between Gov. and SPLM/A • 2002 Machakas Protocol • 1997 Agreement Between Gov. and UDSF • 1996 Agreement Between Gov. and SSIM and SPLA • 1996 Political Charter • 1995 Political Charter between Gov. and SPLA
Uganda	• 2002 Agreement Between Gov. and UNRF

Mozambique	1992 General Peace Agreement for Mozambique (October 1992 Joint declaration 1990 Joint communiqué 1990 Agreement on a Partial Ceasefire