



BOOK REVIEW: Institutions and Democracy in Africa: How the Rules of the Game Shape Political Developments

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legal systems, inter-state dispute settlement, political risk insurance and regional human rights in settling investor–state disputes.

However, the book falls short in not covering international legal norms in more detail – particularly those emanating from international and regional human rights law, as well as customary international law, which place legally enforceable and binding obligations on states to regulate in the public interest. Doing this would have reinforced Adeleke’s argument that public interest issues ought not to be treated as independent or peripheral matters in international investment law and ISDS. Instead, he addresses these international legal norms in a passive and piecemeal fashion, which suggests their effect and relevance are minimal. In addition, the book suffers from being repetitive in context and phrasing.

Be that as it may, the strength of *International Investment Law and Policy in Africa* lies in the multifaceted approach it offers in exploring the role of international investment law and arbitral tribunals in public interest regulation, human rights protection and the promotion of inclusive and sustainable development. Adeleke has successfully managed to drive public interest issues (human rights and sustainable development) into the heart of international investment law and ISDS. This cannot be overshadowed by the minor shortcomings noted above.

Overall, this book is highly recommended to international investment law and policymakers interested in crafting regulatory frameworks for international investment that promote sustainable development and protect human rights. It will also be of use to legal practitioners who are interested in better understanding the role international investment law can play in Africa. The book has applicability beyond just Africa: practitioners and policymakers, academics and students in any jurisdiction will derive value from understanding the function of international investment law and ISDS in advancing human rights protection and fostering inclusive and sustainable development.

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Institutions and Democracy in Africa: How the Rules of the Game Shape Political Developments, edited by Nic Cheeseman, Cambridge UK, Cambridge University Press, 2018, 394 pp., \$100 (hardcover), ISBN 9781107148246

The primary aim of this timely volume is to demonstrate that formal political institutions matter in Africa. Moving away from the comfortable claim of an ‘institutionless’ continent, *Institutions and Democracy in Africa: How the Rules of the Game Shape Political Developments* seeks to interrogate governance in Africa – most notably, the formal institutions that make democracy work. The contributors remain sceptical – as does this reviewer – of the argument that political institutionalisation is elusive in Africa, and that where institutions do exist, they are dysfunctional, often working through patrimony and clientelism. Instead, they interrogate how formal (traditional, Western-derived political institutions) and informal processes (political dynamics of patrimony and clientelism) shape the rules of the political game. Underlying this is the

recognition that rule of law, strong formal political institutions and a strong civil society are indispensable for both democracy and the future prosperity of the continent.

The volume divides its subject into four parts: institutional foundations, law and order, electoral politics and countervailing institutions. Over 15 chapters, its contributors assess Africa's progress towards achieving political stability, good governance and quality elections, and building institutions with sufficient authority and freedom to hold the three arms of government to account – all while recognising the need to 'develop a stronger conceptualisation of the diverse ways in which formal and informal institutions impact on one another' (p. 31).

In Part 1, Rachel Beatty Riedl puts multiparty politics in historical perspective. Riedl's point of focus is the intersection of formal and informal party dynamics that shape political engagement within the electoral system. Drawing on the case studies of Ghana, Senegal and Uganda, she engages in a historical analysis of, among others, party origin, durability and intra-institutional cohesion. The primary conclusion is that while we have seen an increase in multiparty systems and some movement when it comes to institutional party formation, the informal realm linking 'politicians and brokers remain[s] intact' (p. 53). The primary conclusion is that informal and formal practices and rules shape and re-shape the nature of multiparty politics in Africa.

One of the most contested issues in Africa is that of land and land ownership. In her chapter on the subject, Catherine Boone looks to reverse the imagining of African states and societies as institutionless in terms of rural land tenure. Property, she argues, is a political, economic and social institution. It would, however, be interesting to extend her argument to show how property as a social institution also shapes the political, and how communities may come to exercise authority over their political leaders.

Leonardo R Arriola, in his chapter, presents an interesting hypothesis on the relationship between African leaders, entrepreneurs and economic institutions, looking at the interplay between financial liberalisation and the ability of the opposition to co-ordinate political campaigns. In his view, economic freedom is a precondition for political institutionalisation, and this may be affected by the interplay between the formal and informal. Indeed, he presents the conclusion that more attention needs to be paid to the link between economic institutions and politics. He also appeals for a greater focus on African elites, their behaviour and norms to increase understanding of how elites (economic elites, one assumes) invest in political institutionalisation – though it may have benefited his argument to look more closely at the interplay between policy and economic elites.

In Part 2, Muna Ndulo presents an engaging chapter on constitutions and the politics of reform. Constitutions matter: they set out the structure of the state; how authority will be exercised; basic human rights; and the entities that ensure democratic oversight. While Ndulo rightly acknowledges the common perception that African governments disregard the rule of law, one should also not ignore the *constitutional coup*, which may further entrench undemocratic practices and prolong leadership, as this reviewer has noted elsewhere.¹ Because African leaders' perceptions of governance (or rule) matter, one cannot consider constitutional reform without taking into account elite values around constitutionalism, rule of law, and democratic values and principles. Economic conditions matter, as Ndulo rightly points out – but so, too, do elite political values that shape behaviour within the constraints of the constitution.

Peace A Medie raises important questions about the provision of security, trust in security forces, and the need to move away from values that undermine citizens' rights in law enforcement. Medie draws on the case of Liberia, with a specific focus on norm changes within the police force towards gender-based violence. This particular case study demonstrates that through a combination of awareness creation, training, and international and national

support, norms around specific crimes may indeed change. However, this requires strong political will and legislative reforms.

M Anne Pitcher and Manuel P Teodoro consider questions of bureaucratic agency. Drawing on theories of bureaucratic independence and efficacy, the authors analyse the significance of bureaucratic institutions in Africa – and the importance of their independence. Focusing on the cases of Zambia, South Africa and Nigeria, they creatively draw out lessons for understanding the bureaucracy in very different political contexts. They conclude that while bureaucratic independence matters, formal rules and informal practices may yet undermine technocratic freedom.

Africa's electoral politics form the subject matter of Part 3. Ian Cooper's contribution focuses on internal party dynamics, showing that party-building, internal party democracy and intra-party factionalism are important formal processes for party sustainability and durability. But, as he highlights, party authority is generally seen as informal, and Africa's political parties are considered weak. Specifically, Cooper considers the case of the South West Africa People's Organisation (SWAPO) in Namibia, and how internal dynamics shaped that political party. More pertinently, he discusses SWAPO's journey from charismatic authority to formalisation – and success – in the political landscape. His findings are particularly relevant for understanding the evolution of internal party dynamics and institutional reform.

Carolien van Ham and Staffan I Lindberg unpack the relationship between elections and democratisation. They engage the 'democratisation-by-election' thesis (pp. 215–18), presenting an analysis of elections and democratisation in Africa between 1986 and 2012. Their findings suggest that informal institutions shape the nature of elections and, thus, formal electoral processes. If the quality of elections is low from the onset, this will likely lead to continued low-quality elections and *visa versa*. Key future research in this area would thus need to focus on how to strengthen the quality of elections to ensure democratic consolidation.

Brian Klaas, in a contribution on political exclusion and conflict, analyses the nature of 'strategic rigging, whereby incumbents may bend, re-interpret or change election laws, but always with a critical focus on being perceived as democratic' (p. 239). This is a particularly important chapter. As Klaas rightly notes, rules are there to constrain politicians' behaviour – but he demonstrates how political elites may bend these to retain power without resorting to outright undemocratic actions. This chapter ties I with Daniel J Young and Daniel N Posner's chapter on term limits and the transfer of power. They track how presidents leave political office, noting Africa's history of 'Big Men' who remain in power indefinitely. They conclude that while we have seen some institutionalisation in terms of presidents respecting term limits, the informal political culture of holding onto power remains a political reality in African politics.

Part 4 provides a critical overview of the countervailing institutions in the *trias politica*. Michaela Collord analyses how African legislatures evolved from 'pliant and docile bodies' (p. 281) to having 'renewed legislative growth' (p. 299). This process, however, still relies heavily on informal rules of patronage:

[where] more pronounced patronage politics exists, MPs are likely to enjoy greater autonomy *vis-à-vis* their party and president, which in turn allows for greater legislative independence as well as institutional strengthening (p. 299).

The judiciary is the cornerstone of democratic institutional architecture. Peter VonDoepp asks important questions about the institution and the 'strategies and practices of individual actors' (p. 305). Given the diversity of African political systems, the chapter draws on three concepts in considering the (interrelated) role of courts in Africa: assertiveness, autonomy and authority. VonDoepp convincingly argues that although courts need autonomy to exercise authority, such a situation may 'generate incentives for governments to undermine their authority'

(p. 309). Drawing on the Zambian case, he illustrates how a central institution may become compromised through informal, political and institutional factors.


African states have generally been characterised as centralised states, but Alex Dyzenhaus demonstrates in his contribution how increasing horizontal accountability, through decentralisation and devolution, may enhance or impede accountability. He draws the conclusion that patrimony may encourage horizontal accountability in new political institutions, given 'local competition over authority and state resources' (p. 336). Because of this, it is possible for local government to generate some horizontal accountability: 'when informal institutions motivate actors to invest in formal rules, even fleetingly, it can advance the slow and uneven process of institutionalisation' (p. 336).

Nic Cheeseman's conclusion creatively draws together the varied contributions by considering institutional development in a post-1990 Africa. He raises critical questions about evolving structure and agency within Africa's institutions, considering how the informal and formal may interact to strengthen institutions and promote democratic consolidation. Africa, he argues, is not without institutions. Indeed, what *Institutions and Democracy in Africa* has critically demonstrated is that tradition matters in formal institution-building, and that the interaction between the formal and informal shape how institutions are built in Africa. As such, the volume illuminates critical issues for governance and democracy, allowing for a better understanding of an evolving continent.

Note

1. Steyn Kotze J, 'Africa faces a new threat to democracy: The "constitutional coup"', *The Conversation*, 2017, accessed 8 April 2019. <<https://theconversation.com/africa-faces-a-new-threat-to-democracy-the-constitutional-coup-72011>>.

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African Foreign Policies in International Institutions, edited by Jason Warner and Timothy Shaw, New York, Palgrave Macmillan, 2018, 430 pp., \$60 (hardcover), ISBN 9781137575739

Following the wave of liberation and democratisation that engulfed Africa in the 1960s, a new set of state and regional actors emerged that would influence foreign policy discourse. From around this time, African leaders undertook foreign policies that aligned with their own interest(s), particularly in the realm of regime sustainability. However, these decision-making dynamics have since changed, according to Jason Warner and Timothy Shaw. In *African Foreign Policies in International Institutions*, they have produced a volume that suggests the foreign policy decision-making process in Africa is no longer centred around leaders, but is influenced by a diverse set of actors, state and non-state.