

How Far Does Civil Society Challenge Neopatrimonial Politics in Africa?

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PRIYA SHAH, SEP 17 2018

Interactions between African civil society and neopatrimonialism are defined by relationships between the 'big man' or patron, whose interests drive neopatrimonial practices, and the 'little man' or subordinate, whose interests are supposedly protected, reflected and promoted by civil society organisations (CSOs). The dependence of CSOs on patronage for legitimation and funding, particularly in oppressive and dictatorial regimes, restricts the extent to which they can condemn neopatrimonial practices. Thus, this essay will argue that the ability of civil society to challenge neopatrimonial politics is constrained by both the pervasive nature of neopatrimonialism and oppressive regimes. This essay will begin with a brief exploration of the scholarship on neopatrimonialism and civil society and will subsequently explore the efficacy of the challenges posed by civil society to neopatrimonialism under three regimes in Uganda and Nigeria: (1) Amin, (2) Museveni and (3) post-1999 Nigeria. The periods have been chosen because Amin's dictatorship reveals the impact of an oppressive regime on civil society, whilst Museveni's presidency and post-1999 Nigeria provide a focal point on the challenge of civil society to electoral-related neopatrimonialism. Before concluding, these three periods will be analysed comparatively to highlight the various factors which encourage and hinder civil society's challenge to neopatrimonialism. By way of conclusion, the relationship between civil society, neopatrimonialism and democratisation will be determined to demonstrate the importance of a democratic framework in enabling civil society to assert a viable challenge to neopatrimonialism.

The literature on both neopatrimonialism and civil society is united under an 'ideological bias', which projects the 'historical tradition of western political philosophy' onto African states, with insufficient regard for the intricacies of ethnic identity politics and post-colonial attempts at democratisation; issues which are ignored because of their lack of relevance to Western politics.[1] This bias results in a normative description of civil society associated with good governance, which overlooks any pejorative involvement of the 'little man', as a representative of civil society, in neopatrimonial practices and is therefore unsuitable considering the academic context of this essay. Instead, it is more analytically beneficial to define civil society as any intermediary between the family and the state, including 'all forms of voluntary collective action – formal and informal, traditional and modern, secular and religious', whose function may be either to articulate members' interests, provide services or act as a link between the public and private spheres.[2] This definition encompasses all factions of civil society, irrespective of whether or not they succumb to or aim to eliminate neopatrimonialism.

In addition, Médard's assertion that although a distinction between public and private domains exists under neopatrimonial rule, it is 'rarely internalized, and even when it is, it is not respected', does not accurately portray the fission of the private and public spheres, which is the defining characteristic of neopatrimonialism.[3] Moreover, Médard weakens the applicability of his definition by placing too strong an emphasis on personal power and privatization, and by regarding the use of the prefix 'neo' as an indication of patrimonialism occurring in a contemporary environment, rather than as the evolution of patrimonial rule into a new hybrid form. Neopatrimonialism can instead be defined as the co-existence of legal-rational bureaucratic and patrimonial domination in a setting in which 'informal politics invades formal institutions.'[4] Neopatrimonialism, and its challenges from civil society, will be analysed in relation to three fundamental components; presidentialism, the use of state resources to supply patronage networks and clientelism.[5] Drawing on Erdmann and Engel's work, patronage and clientelism can be understood as the politically-motivated distribution of resources to selected individuals in the case of clientelism, and

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to groups in the case of patronage, in return for political support. Both clientelism and patronage are founded on unequal relationships between the 'little man' and the 'big man', in which 'the major benefits accrue to the patron' and redistributive effects are limited.[6]

Although Amin used presidentialism and patronage to promote 'his unlettered social peers to positions of power and authority', he simultaneously used clientelism and patronage to sponsor the activities and leaders of CSOs; effectively curbing the challenge they were able to pose to his neopatrimonial practices, in which they were also implicated.[7] In particular, Amin focused on creating 'close associations' with group leaders, ensuring that they relied on him for financial support and access to state resources. For example, by donating a month of his salary to the construction of a Christian shrine and contributing 12 acres of land towards the building of a national Mosque, Amin tied political and religious institutions closer together.[8] Similarly, leaders of the most prominent religious groups were given luxury cars and invited to accompany Amin to the 1972 Organisation of African Unity Conference, while each of the main Muslim, Catholic and Protestant groups received donations of 100,000 Ugandan Shillings from him.[9] These patron-client relationships connected those at different levels of power and allowed Amin's government to avoid challenges from civil society as civil society leaders could not encourage transparency on suspected neopatrimonial politics without incriminating themselves. Above all, the acceptance of state government resources by civil society enabled Amin to legitimise his undemocratic dictatorship, thus limiting the challenge civil society felt able to pose.

Furthermore, Amin dissuaded civil society groups from challenging his regime through his sustained use of 'brute force [which] becomes the operational modality of the 'little man' thrust into a position of paramount power'.[10] The murder of Archbishop Luwum of Uganda, who voiced civil society's concerns about Amin's violations of human rights, is indicative of this brutality. This served as a reminder to other leaders of religious groups that following rather than criticising the regime was necessary for their survival and was another way in which Amin inhibited civil society from challenging the state. Amin also limited the ability of CSOs to act independently against his neopatrimonial politics by uniting related groups under single bureaucratic organisations in order to reduce the total number of CSOs and to align their aims more closely; both to those of other groups and to those of the state. Muslims, for example, were unified under the Uganda Muslim Supreme Council, and the Anglican Dioceses of Namirembe and West Buganda were integrated, making religious groups 'easier to encircle, domesticate and influence for purposes of legitimising his regime', and in turn reducing the ability of such groups to act as independent watchdogs on neopatrimonialism.[11] Therefore, under Amin's undemocratic dictatorship, CSOs were unable to effectively challenge neopatrimonial politics due to an overriding fear of becoming victims of the casual brutality which decorated Amin's dictatorship, and also because certain groups were forced to surrender aspects of their independence, both from each other and from the state, at Amin's request.

Museveni's regime lacks the brutality which had previously deterred civil society from criticising Amin's neopatrimonial practices. Therefore, CSOs have challenged neopatrimonialism more openly under Museveni, as demonstrated by the Save Mabira Forest Campaign (SMFC). SMFC was launched in 2007 following the Ugandan government's announcement of plans to deforest $\frac{1}{4}$ of Mabira Central Forest Reserve and provide the land to the Sugar Corporation of Uganda Limited (SCOUL).[12] The neopatrimonial element of these plans stems from 'the mixing of competing layers of decision-making, formal and informal', combined with the government's position as the majority shareholder of SCOUL; owning 51% of SCOUL stocks.[13] Had SCOUL gained Mabira, the government would likely have experienced an influx of rents, which they could have used for patronage purposes. Yet, the same government was required to decide on an outcome regarding Mabira; from which they could potentially profit. SMFC was effective as it twice forced Museveni to abandon his plans in 2007 and 2011. The efficacy of SMFC's challenge can be attributed to the collective mobilisation of environmental, leftist and watchdog groups, which attacked the government from different angles, thus cornering them into a position from which the only publicly acceptable decision was to withdraw the plans. For example, whilst environmental groups raised concerns about the probable effects of deforestation on biodiversity and ecotourism, watchdog groups; the most prominent of which was the Anti-Corruption Coalition in Uganda, criticised Museveni for a lack of transparency around his relationship to SCOUL.[14] Namely, the Ugandan government had failed to call for tender, despite SCOUL's reputation as the least productive of the three major sugar producers in Uganda.[15] This decision was replete with neopatrimonialism, considering the Ugandan government's position as co-owner of SCOUL, joint with the Mehta Group. The withdrawal of Mr Mehta,

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the owner of the Mehta Group, from Mabira has been partially attributed to pressure from Asian Community groups in Uganda, who appealed directly to Mr Mehta; an Indian Ugandan.[16] This is an example of a perseverant and successful challenge by CSOs to neopatrimonialism, which resulted in government decisions being overturned and plans revoked.

However, Ugandan CSOs have not had the same success in challenging district multiplication; a technique used by Museveni to ensure that presidentialism permeates both national and local governments and to generate electoral support. Specifically, a higher percentage of voters from newly created districts voted for Museveni in the 1996, 2001 and 2006 elections compared to the national average. From the 13 new districts created following the 2001 election, 73.6% of voters from these districts voted for Museveni in the 2006 Presidential election; a result 14.3% higher than the national average.[17] This disparity reflects an initial surge of support for Museveni in the few years following district creation, which can be traced to Museveni's guarantee to voters that that district creation results in improved access to public services. For the most part, this has not materialised, due to insufficient funding for new districts and a dire lack of staff; shown through only 55% of 111 districts having 50% or more of the necessary positions filled.[18] Furthermore, Museveni's personal appointment of a Resident District Commissioner in each newly created district is another display of presidentialism, as it enables him to centrally coordinate the distribution of government services in each district.[19] The challenge from CSOs, in response to this pervasive neopatrimonialism, resulted in a freeze on district creation from 2013 until early 2017, but was delayed and muted for two reasons. Firstly, Museveni's use of gender quotas had increased women's representation in parliament, which may have appeased women's civil society groups. Secondly, it is probable that some civil society leaders had political ambitions and may therefore have seen district multiplication as a tool by which to realise their aims. Thus, despite being presented with an opportunity to challenge Museveni's district creation methods and facing none of the violent threats of Amin's regime, CSOs presented only a limited challenge to this form of neopatrimonialism for the aforementioned reasons.

Since the end of the oppressive military regime and the start of the democratic period in 1999, Nigerian civil society has resisted the influence of patronage and clientelism during elections and electoral campaigns with increasing strength and with far more success than Ugandan civil society. This has resulted in a decrease from 16% of Nigerians being offered state resources in return for a vote during the 2003 general election, to 12% in the 2007 general election.[20] Bratton's 2008 study reveals that 93% of Nigerians see the offering of state resources by officials in return for votes as immoral, even though only 49% consider the actions of those accepting state resources to be wrong.[21] Here, it is important to note that a state official uses methods of clientelism and patronage with the aim of gaining political support and not due to concerns for poverty or fear of violence, which are both factors that could contribute to the acceptance of state resources by civil society. Nigerians' increased awareness about the immorality of neopatrimonial politics and its incompatibility with true democratic governance is due to the actions of CSOs in spreading information and fulfilling their role as an intermediary between the citizen and the state to the best of their ability. For example, the Situation Room; a coalition of CSOs working towards greater election transparency in Nigeria, and the National Democratic Institute-Nigeria (NDI) urged citizens implicated in neopatrimonial practices 'to respect the rule of law and exercise their constitutional rights peacefully' and called for the prosecution of officials who were found to practice clientelism.[22] The Situation Room (SR) produces reports which proffer solutions to electoral neopatrimonialism. By liaising with the Independent National Electoral Commission (INEC), SR and NDI have challenged neopatrimonial politics by applying pressure on INEC to take proactive measures to increase election transparency and amend voting practices before the 2019 general election. For instance, INEC has a helpline to encourage voters to report incidents of voter inducement. This increases the risk that officials relying on neopatrimonialism for votes will be publicly exposed as voter awareness increases, thus discouraging them from using neopatrimonial tactics for election victory. The resistance of Nigerian CSOs to electoral-related neopatrimonial politics was no doubt aided by the absence of terror, which characterised Amin's regime, and the lack of continuous district creation which built upon the pervasiveness of neopatrimonialism and served to stifle challenges from Ugandan civil society.

Although the resistance of Nigerian civil society has resulted in a reduction of electoral-related neopatrimonialism, its challenge to the embezzlement of state resources by government officials has been less successful, due to the state's clientelist relations with the judicial system and police force. The personal and clientelist relationships between government officials and appointed members of the judicial system particularly undermine the work of the

How Far Does Civil Society Challenge Neopatrimonial Politics in Africa?

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Civil Society Network Against Corruption (CSNAC) and the Economic and Financial Crime Commission (EFCC). Similar to the cohesion between different CSOs during the SMFC in Uganda, CSNAC alerts EFCC about reports of suspected neopatrimonialism through petitions, which are published online. Often, CSNAC targets politicians suspected of embezzlement of state resources and escalates cases to EFCC who investigate the circumstances, either leading to trial or dismissal. This chain; from CSNAC to EFCC to the judicial system is largely successful until the point of trial, prosecution or even post-prosecution, when intervention by government officials can result in immediate trial dismissal or state pardon, thereby squandering the effort taken by CSNAC and EFCC to collate ample evidence for trial. Notably, CSNAC raised a petition to the EFCC to investigate Diepriye Alamiyeseigha, a former Governor of Bayelsa State, for the suspected embezzlement of up to \$55 million of oil revenue, which he used to finance extravagant public projects, including an airport in his hometown and a sports stadium in Abuja.[23] This use of state resources to gain popularity amongst voters, and in turn political support, is characteristic of neopatrimonial politics and Alamiyeseigha was convicted and received a two-year prison sentence. However, he was released just two days into this sentence and later received a state pardon, allowing him to run for office again. This pardon was widely associated with Alamiyeseigha's close professional and personal relationship with former President Goodluck Jonathan, who had previously served as Alamiyeseigha's deputy. Furthermore, Mallam Ribadu, the former chairman of EFCC, was deposed, demoted and fired by the Nigeria Police Service Commission, following his indictment of several high-profile politicians on charges related to neopatrimonialism, showing the ultimate power of the state in silencing those who attempt to challenge practices of clientelism and patronage.[24]

Although the challenges of civil society to neopatrimonialism have been met with varying degrees of success under Amin, Museveni and in Nigeria, all three cases reveal the ultimate power of the state to either allow civil society to protest government decisions or silence CSOs through violence. Amin combined neopatrimonial techniques, which permeated religious sectors of civil society that had numerous and dedicated followers, with endemic violence and an oppressive regime. This fear of violent retribution prevented civil society from protesting against Amin's over-reliance on neopatrimonialism for political support and made certain members of civil society inclined to accept the patronage they were offered without condemning it, making it the least effective for civil society out of the three periods discussed. While Museveni's regime lacked Amin's brutality, thus enabling civil society to openly challenge the government through protests and campaigns, such as SMFC, without fear of being killed, Ugandan civil society has so far been unable to assert a cohesive enough challenge to district creation, showing the power of the state to deeply embed neopatrimonialism into the community. Other potential reasoning for the lack of civil society response to district multiplication may be that it has longer-term consequences than embezzlement, and the effects are not as material or visible as the construction of public buildings using state funds, as seen in Nigeria. By contrast, Nigerian civil society has been successful in eliciting a challenge, albeit through sustained resistance, to another form of less visible electoral-related patronage and clientelism. However, despite this success, the networks linking the state and judicial system are detrimental to much of the work of CSOs and again reveal the state's ultimate control in silencing those it chooses.

Ultimately, the extent to which African civil society can challenge neopatrimonialism can be determined through two component features. First, the extent to which civil society is not limited by an oppressive regime is critical, as this acts as an initial hurdle to the challenge CSOs are able to pose. As the previous discussion has shown, fear of violence may be the most effective tool by which governments are able to silence their civil society critics. Secondly, the effectiveness of the challenge and whether its success is long-term. Both SMFC and the work of CSNAC reveal the strength gained from mobilising multiple sectors of civil society and presenting a cohesive front against neopatrimonial politics, as opposed to attacking the government as smaller independent groups. Therefore, it can be concluded that an unoppressive regime is important in firstly allowing civil society the opportunity to challenge government practices, but it is the strength of civil society's campaign that dictates the efficacy of the challenge.

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How Far Does Civil Society Challenge Neopatrimonial Politics in Africa?

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How Far Does Civil Society Challenge Neopatrimonial Politics in Africa?

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How Far Does Civil Society Challenge Neopatrimonial Politics in Africa?

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