

Africa's democratic deficit: The role of the diaspora in bridging the gap between citizens and government

Chaan Koang Tutlam,* Joseph Geng Akech, Susan Chenai Mutambasere,*** Thabang Ramakhula,**** and Usang Maria Assim*******

Abstract: *Africa's diaspora continues to play an indispensable role in shaping the continent's social and political landscape. This impact has been felt since the struggle against colonialism to the contemporary challenges of democratisation. Recent developments in technology and the impact of globalisation have further amplified the power of the diasporas to influence events in their home countries. The trend in response by African governments has ranged from exclusion and isolation to cooperation and collaboration. Many African governments have been open to engagement with diasporas to facilitate financial investments, but have been more circumspect in allowing political participation by the diasporas. Can the diasporas play a positive role in facilitating and aiding Africa's new impetus towards democratisation or will diasporas further fragment some of their already fragile home countries? This article discusses democracy in sub-Saharan Africa against the backdrop of the peoples' lived realities, and explores the role of the diasporas in addressing challenges peculiar to the African context. It is argued that diasporas play a significant role in forging the development of democracy in their homelands. The article engages four claims to interrogate this position. First, it contextualises democracy as a reality in Africa. Second, it closely considers the participation by the diasporas. The third aspect involves an evaluation of Africa's legal and political frameworks, followed by the proposal for a collaborative approach towards the diasporas, to improve democratisation in Africa. As such, the research question that the article seeks to answer is whether the diasporas play a role in forging the development of democracy in Africa. With the aid of a desktop approach that draws on experiences from selected countries, the article maps the way forward in fostering a better*

* LLB (Hons) (Addis Ababa) LLM (Pretoria).

** LLB (Hons) (Busoga, Uganda) LLM (Pretoria); Director, Policy and Advocacy, Save the Children, South Sudan.

*** LLB (Zimbabwe) LLM (Pretoria).

**** LLB (Lesotho) LLM (Pretoria); Programme Officer, Federation of Women Lawyers, Lesotho.

***** LLB (Hons) (OAU, Ile-Ife) LLM (Pretoria) LLD (Western Cape); Senior Researcher, Dullah Omar Institute for Constitutional Law, Governance and Human Rights, Faculty of Law, University of the Western Cape, South Africa; uassim@uwc.ac.za. This article is based on a paper prepared for and presented at the Global Classroom, a project of the Global Campus of Human Rights, Yerevan, Armenia, in April 2018.

relationship between the diasporas and African governments to improve democratic governance, advocating a collaborative approach that is also cognisant of the important role of civil society in reaching the grassroots. The key findings indicate that while governments are open to engagement with the diasporas in the areas of development and investment, this is not the same in the case of political participation. This is based on the disregard of the minority view as used in the Western model of elective democracy. It is hoped that if consensus is used where the majority considers the positions of the minority, the issue of political participation would be greatly harnessed beyond the current trend.

Key words: *democratisation; African diaspora; civil society; democratic deficit*

1 Introduction

Prior to the 1960s the term 'diaspora' has had different meanings over different periods. The concept of diaspora can also be understood in light of its constitutive criterion. First, it is widely understood as dispersion. The term was predominantly used to describe the Jewish people and their dispersion (Akyeampong 2000). Central to this criterion is the need for dispersion in space where the persons cross countries, from one border to another, based on the use of force or any other reason that may turn out to be traumatic (Brubaker 2005). It should be noted, however, that this criterion is not universally accepted. This is because dispersion may take place without crossing borders. Some scholars suggest that ethnic groups in a given territory may use divisions of their frontiers as a form of diversion (Brubaker 2005).

In the second place, diaspora may also refer to homeland orientation. This context refers to an instance where a person or a group of people orient the place of habitation to become their actual or perceived place (Brubaker 2005). As such, one uses six steps to engage the use of homeland orientation (Safran 1991). These include maintaining a collective memory or myth about the homeland; maintaining the hope to return to the homeland; and a commitment to restore peace and prosperity in the homeland. Another step is a continuation of the relations with the homeland in a manner that shapes one's identity and solidarity (Safran 1991).

In the third place, diaspora is also contextualised as boundary maintenance, where a society in the diaspora preserves its distinct identity from the homeland (Brubaker 2005). The efficacy of this contextualisation is the need for it to develop organically over a period. In light of the three contexts of the diaspora, it is thus imperative to identify the criteria presented in a given setting in addition to a definition attached. In this regard, the reference to African diaspora as a group of people only emerged during the 1950s and 1960s (Zezeza 2005). During that period Pan-Africanism was the dominant discourse in Africa. The African diasporas have since played important roles in influencing Africa's socio-political conditions. The diasporas currently have an even greater platform for influence because of the interconnectedness of the world due to advances in technology and the effects of globalisation. Financially, the diasporas play a crucial role on the continent: African diasporas remitted US \$35,2 billion to the continent in 2015 (World Bank 2016).

It is challenging to define and confine the term ‘African diaspora’, but this exercise is important in providing a frame of reference for further meaningful discussion. At the continental level, the African Union (AU) defines the diasporas as persons of African origin who are living outside of the continent and ‘who are willing to contribute to the development of the continent and the building of the African Union’ (African Union 2017). This formulation asks more questions than it resolves: Who is of African origin and is a person considered not to be an African diaspora if he or she is unwilling to aid in Africa’s development? The mitigating factor may be that the second aspect of the formulation is indicative of the AU’s desire for collaboration rather than a constitutive part of the definition.

In defining the term ‘diaspora’, Palmer identifies certain elements that are common to the diasporas such as a shared sense of identity and an emotional attachment to their homelands. This sense of identity is transboundary and unites the diasporas, irrespective of where each individual or group may reside (Palmer 2008). This collective identity is what Zeleza refers to as ‘group consciousness’ (Zeleza 2005). This identity should not, however, be homogenised. One must be cognisant of the multiplicity of identities within the diaspora itself pronounced along national, cultural or religious lines, among other factors. Safran identifies six elements to describe the concept of the diaspora, which also has commonalities with Palmer’s two basic elements (Safran 1991).¹

Migration is at the root of the formation of diaspora communities even though it does not necessarily follow that every migration stream leads to the formation of diaspora communities. There are numerous and complex reasons for the dispersal of the African people that can be traced all the way back to the transatlantic slave trade (Gilroy 1993). However, the focus of the article will be on the modern dimensions of this phenomenon. Zeleza describes the contemporary African diaspora as those formed since the late twentieth century, mainly driven by the colonial period and its fall-outs (Zeleza 2005).² Recently, the humanitarian situation of African irregular migrants making their way across the Mediterranean Sea to

- 1 Safran describes six elements that can be used to define the diaspora, namely, (i) they, or their ancestors, have been dispersed from a specific original ‘centre’ to two or more ‘peripheral’, or foreign, regions; (ii) they retain a collective memory, vision, or myth about their original homeland – its physical location, history, and achievements; (iii) they believe that they are not – and perhaps cannot be – fully accepted by their host society and therefore feel partly alienated and insulated from it; (iv) they regard their ancestral homeland as their true, ideal home and as the place to which they or their descendants would (or should) eventually return; (v) they believe that they should, collectively, be committed to the maintenance or restoration of their original homeland and to its safety and prosperity; and (vi) they continue to relate, personally or vicariously, to that homeland in one way or another, and their ethno-communal consciousness and solidarity are importantly defined by the existence of such a relationship. Safran does not consider these six elements to be all cumulative; suffice it that a community shares several of these elements.
- 2 Zeleza distinguishes the contemporary African diaspora from the ‘historic diasporas’ which were formed prior to the establishment of African colonial states. He also identifies three waves within the contemporary diaspora: the diaspora of colonisation; the diaspora of decolonisation; and the diaspora of structural adjustments formed after the 1980s. In the first, he includes Africans that left to study or work in Europe or in the colonial power; the second are Africans that dispersed as a result of the struggle during decolonisation; and the third are Africans that left in the 1980s as a result of the socio-political and economic repercussions of the structural adjustment programmes instituted by African governments.

Europe represents the latest stream of African migration (UNHCR 2018).³ In the article, the diaspora refers to persons not only outside of the African continent but also persons within the African continent but outside of their countries of origin.

The article adopts a desktop research methodology, whereby an analysis of existing literature on the various aspects of the argument is evaluated before informed positions are taken. To this end, the sources examined include journal articles, articles by experts, and statistical data. Thus, further, the researchers adopt purposive sampling as a mode of identifying the relevant literature, and data to use (Neuman 2011). This methodology does not engage a comparative analysis *per se*, but rather draws on experiences from selected countries to direct the argument and claims. The selected countries are The Gambia, Ethiopia and Zimbabwe. The justifications for the choice of these countries are the 'waves of democratisation' in the countries at the time; and the need to cover the different African sub-regions – east, west and south (researchers working on democratisation in the Middle East addressed North Africa).

The first part of the article explores Africa's relationship with democracy, discussing why democracy has by and large failed to take off on the continent. Second, the article looks into the diaspora's political engagement with their home countries, and to what extent this engagement has been effective. Conversely, the third part examines the reaction of African governments through the legal and political sphere to the engagement of the diaspora. Finally, the article discusses some factors that can help in building a relationship between the diasporas and their respective governments in order to better serve the democratic needs of the people.

2 Democracy in Africa – Our lived reality

Democracy, a word originating from the Greek word *demos*, is characterised as a form of government in which supreme power is vested in the people (Strum 2017). American President Abraham Lincoln identified democracy as a government 'of the people, by the people, and for the people' (Gettysburg 1863). In a democratic system, the people through the contestation of free and fair elections elect representatives. This further implies that elected officials are held accountable through the ballot box.

Generally, democracy is characterised by the joint participation of the members of society in selecting, usually through elections, one whom they wish to have as their representative in government. A state will therefore be deemed democratic if it displays the two elements of participation of the people as well as a decentralisation of the powers of the government, such that no one will have the opportunity to abuse power (Osabu-Kle 2000). Diamond (2004) defines democracy as characterised by four key elements: 'a political system for choosing and replacing the government through free and fair elections; the active participation of the people, as citizens, in politics and civic life; protection of the human rights of all

3 According to data from the UNHCR, as at 23 March 2018, 13 289 African migrants have arrived on European shores; 486 migrants have been declared dead or missing.

citizens; a rule of law, in which the laws and procedures apply equally to all citizens’.

The experience of democracy has been varied in many countries across the continent. While for some it has redeemed them from dictatorship, for others it has perpetuated dictatorial institutions and rule.

Contrary to the hope of democracy after the period of decolonisation, and its current transformative influence on other continents (Latin America and Asia), in Africa democracy has by and large failed to deliver its promises. For Africa, attempts at democracy and/or democratisation have been characterised by, amongst others, the rigging of elections, amendments to constitutions to enable ruling parties to remain in power indefinitely, and electoral violence (Adejumobi 2000). The use of violence to silence people from exercising their fundamental freedoms such as the right to free expression (Southern African Litigation Centre 2015) and association (International Service for Human Rights 2016) has become frequent occurrences across the continent.

A rhetoric question that demands answers is why democratisation has been failing. It is imperative to indicate why the reference is to ‘democratisation’ rather than ‘democracy’. Democratisation is largely referred to as the process through which a country transitions to the application of democracy. In light of the fact that the transition takes time, countries that are making steady progress may still fail to achieve democracy in the strict sense.

For instance, democracies are acknowledged as governments for the people, by the people (Canovan 2006). As such, the provision of its services requires that the governments are fully accountable to the masses, with regard to the provision of health services, education and infrastructure; being accountable to the masses; allowing the other arms of the government to function independently; and ensuring that there is a growth of institutions that are pro-democratic (Norris 1999). The failure of the government to be accountable presents a danger to the democratisation process.

The failure to engage the masses in the democratisation process may lead to a partial, low-intensity or a pseudo-democracy where the citizens of a given country are disengaged from the activities concerning those who exercise real power, despite the existence of a system that ensures the use of the ballot (Ndegwa 2001). To this end, while a constitution exists, its relevance is limited to the framework it offers for the election of a government in disregard of the attendant abuse of the rights of the masses. The key issue that arises out of this assertion is how it is related to persons or a society in the diaspora. It is argued that although the diaspora community may not have a role in making a government accountable through the vote, the degree of impunity that a government grants its own citizens is but a fraction of the nature of treatment that the diaspora community may receive. It is for this reason that Norglo, Goris, Lie & Ong’ayo (2016) advocate the need to engage the diaspora community in policy making and other matters of state. On this basis, it is prudent to interrogate whether the nature of a government where a diaspora community is situated is instructive in determining the latter’s attitude, and the subsequent development of the concepts of homeland orientation and boundary development.

Other issues have to be raised with regard to the discussion regarding the adoption of Western liberal democracy. It is perceived that the original wholesale adoption of Western liberal democracy does not take into cognisance issues particular to the African setting. Issues such as the poverty levels in the region (Joseph 1999) have been exacerbated by the mismanagement of resources by corrupt and self-serving 'democratic' governments (Callaghy 1985). As argued by Sen, democratic governance can lead to the end of poverty especially when people propose their priorities and elect leaders who work toward the achievement of social, economic and political transformation programmes (Sen 1999). In this regard, Africans have attempted to change the democratic regimes that are failing to deliver results.

Wiredu observed that the problem indeed began with the model of democracy, characterised by a multiparty system and a rule by the majority, which in one way or another led to the exclusion of some members of society (Wiredu 1996). Cultural diversity is another factor that the Western liberal version of democracy has failed to address in Africa (Bradley 2011). The many ethnic groups in respective African countries, sometimes each with their own interests, make governance more challenging. These challenges can be seen even in formal democracies such as Kenya and Nigeria, which struggle to contain ethnic and religious divisions and conflicts during elections.

Some African rulers have nevertheless held on to the model of Western democracy, as a result of the desire to maintain good relations with Western powers (the European Union and the United States), whose donor funds to some extent are conditional upon democratic governance. This, however, has simply been a face-saving exercise for the global front (Bradley 2011).

Traditional forms of governance may be argued to have worked well for Africans. For example, there was a central authority in the form of a king or principal chief who had delegates acting as guardians over different parts of the territory. These guardians governed individual regions within the territory, including by solving any disputes that arose within their area, and reporting to the king or principal chief on their guardianship.⁴ The governance structure included the regular holding of public gatherings, where the chief would meet with all his people, discuss issues affecting them as a nation as well as hear the grievances of his people. These gatherings were known as *pitso* (Ministry of Information and Broadcasting Lesotho 1996). These traditional forms of governance and selection of leaders could also be considered part of the reason why Africa faces a problem of leaders that have difficulty letting go of the leadership reins. This is because in most African states pre-colonial leadership was inherited and one occupied such a position until death (Ray & Reddy 2003). Perhaps this 'leadership-till-death' mentality still lingers in some Africans, despite having moved to democracy, which is based upon leadership for an appointed time and on the will of the people.

There might be two possible ideas as to why democracy is not performing as strongly hoped for in Africa. These are mentioned below.

4 In kingdoms such as those of Lesotho, Zululand and Swaziland.

2.1 Lack of participation and inclusiveness

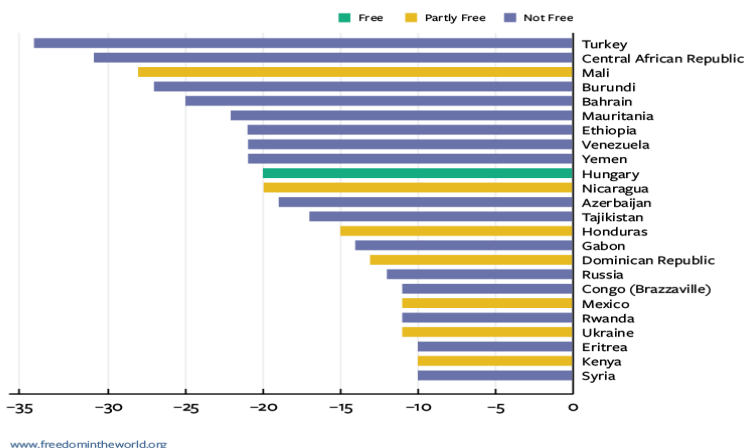
No political system has been found to be all-inclusive (Bradley 2011), but the fostering of stability and legitimacy within any system is highly likely to increase the citizens' identification with and sense of ownership of such a system, thereby increasing the success and smooth operation of the system (Bradley 2011). It is difficult to foster earnest and enthusiastic participation in a population that feels that the system is not legitimate. One may regard it as a foreign concept that overlooks and disregards the very fibre that makes them who they are as a people, including their history and traditions (Ake 1991). This lack of participation is exacerbated by the corruption among elected officials, leaving most people believing that democracy is a waste of their time and hope.

According to Freedom House (2018), several African countries do not reflect a good image of democracy. From a global perspective, only 45 per cent of countries have had a full democracy; 30 per cent have partial democracy while 25 per cent suffer a lack of democracy. At the core of these statistics is the steady decline, as indicated in the table below.

Table 1: Depiction of decline of freedoms from a global perspective

A Decade of Declines

Dramatic declines in freedom have been observed in every region of the world.



Source: freedomintheworld.org (2018)

An evaluation of the countries listed reveals that out of the 24 countries that project the downward trend in recognition of civil freedoms, nine are from Africa. This represents 37 per cent of these countries.

2.2 Was Western democracy 'forced' on Africa?

A cardinal principle that aids the understanding of democracy is to appreciate the basis of its construction. According to Ayittey (2010), there are two forms of democracy: democracy by majority and democracy by consensus. The former is understood as the 'Western form of democracy'. Wiredu (1996) contrasts this Western model of majoritarian democracy with the consensus-based model, which also embraces minority representatives/positions. This is an indication that the minorities have a space to have meaningful participation in the decision-making process in a political community. Democratic decisions by majority vote are known as being transparent, fast and efficient notwithstanding the fact that they ignore minority positions, whereas consensus-based democracy relates to decisions taken by consensus whereby minority positions are considered. However, it has the disadvantage that it takes a long time to arrive at a consensus on various issues (Ayittey 2010). According to Ayittey and other African scholars, this latter form of democracy is akin to what obtained in many traditional African societies (Ayittey 2010).

Ohachenu (1995) suggests that the idea and concept of each form of democracy is constructed from the 'historical knowledge, experience, values and capabilities' of the society within which it is to be enforced. Therefore, it seems ironic that the democratic model crafted in and for Western societies was adopted and applied extensively in Africa, a society so dissimilar to Western societies. This stemmed partly from the need to be seen or accepted by the West as 'democratic', largely 'as a condition for Western aid'. The result is the large-scale copying and adoption of the Western form of democracy rather than building 'upon our own democratic tradition' (Ayittey 2010).

Nonetheless, this is not to say that traditional institutions cannot adapt to and coexist with modern institutions of governance, but there would be a need for a clear and detailed fusion of the two. Mabogunje (1995) goes on to highlight that democracy in Africa would in fact benefit and flourish greatly if traditional methods and principles of governance were fused with modern governance structures, thus mitigating their seemingly antagonistic relationship. Perhaps a tempering of the Western democracy, characterised by the winner-take-all and majority rule set-up may be beneficial to Africa (Bradley 2011). At the least, as Ayittey (2010) notes, it would prevent a system that allows

an elected leader to use power and the state machinery to advance the economic interests of his ethnic group and exclude all others: Kenyatta of Kenya and the Gikuyu, Moi of Kenya and the Kalenjin, Biya of Cameroon and the Beti, Eyadema of Togo and the Kabye, to name a few.

It is in this context and conceptualised version of democracy that the African diaspora needs to carve its contribution to democracy-building processes in the homeland.

3 Diasporas' participation

This section examines the current relationship between the diasporas and the homeland governments using the examples of three sub-Saharan

African countries (The Gambia, Ethiopia and Zimbabwe) with a focus on the democracy-building efforts by the diasporas.

Some research has been conducted on the political activism of the African diasporas (Matsilele 2013; Chivanga 2015; Jaw 2017) as well as on their contribution to the economic development of the homeland by way of financial remittances (Raga Lencho 2017; Ngulube 2013). Some of these examples speak to specific involvement of the diasporas in landmark transition periods in the homeland, for example, in The Gambia.⁵ This section will draw inspiration from some of these examples, and use them as a basis to make recommendations for the formulation of sustainable policies that will capitalise on the experiences and knowledge that the diasporas have acquired. It will also encourage collaboration with grassroots civil society in the homeland in order to bridge the democracy deficit on the continent.

3.1 African diaspora

In the introduction to this article it was demonstrated that there are various definitions of the term 'diaspora'. However, what is clear are the common characteristics of diasporas. Two main characteristics of the diasporas are (a) that they are a population that is transnational or deterritorialised (Jaw 2017); and (b) that they have ties to the homeland through familial, economic and political interests (Cohen 2008).

It is important to indicate the heterogeneity of the diasporas, as this affects their engagement with the homeland, and is also important when formulating policies. Due to Africa's democratic challenges and deficit, as characterised by the repression of dissenting voices, a substantial sector of the African diaspora comprises political refugees and asylum seekers. This is a common feature in all the countries studied. It is reported that Zimbabweans are in the United Kingdom's top ten list of nationals that receive asylum (Chivanga 2015). The Gambian diaspora consists of a significant number of journalists, civil society actors and political activists who fled because of the shrinking democratic space under the dictatorship of Yahya Jammeh (Jaw 2017). Lyons describes the Ethiopian diasporas that fled in the late 1970s and early 1980s as conflict-generated, that is, people who experienced a 'forced, violent separation' from the homeland, which he differentiates from what he terms 'voluntary economic pursuits' (Lyons 2009).⁶

The persistently poor economic performance of many African countries has also resulted in the exodus of its nationals, who have left seeking the proverbial greener pastures. There are also migrants who leave for study purposes or career advancement as well as family reunification. While the needs and circumstances of the various types of diasporas differ, the majority organise themselves into communities in host countries. Some communities are initiated as support systems to facilitate assimilation in the host countries (Lyons 2009). It is also from this mobilisation of people with a common interest that political agendas and governance concerns are raised and used to influence politics in the homeland.

5 During the transition from Yahya Jammeh's dictatorship in 2016.

6 One could argue against the notion of voluntarism in the case of migration based on a debilitated economy in the country of origin.

3.2 Prodigal sons and daughters: Enemies of the state?

It is crucial to explore the extent of participation of the diasporas in homeland politics and its influence on democracy and good governance. During migration, some members of political parties in the homeland also migrate and sometimes form satellite branches of their parties in the host country. New political allegiances are formed, usually depending on whether or not their departure was hostile. For example, in the case of the conflict-generated diaspora described by Lyons, the framing of political issues is likely to be shaped around criticism and denouncing of the regime in the homeland that forced the migration. This uncompromising framing of issues often is enabled by the geographical distance that shields the diasporas from repercussions. They can exercise their freedom of expression through criticising a sitting government as they are outside the territory of the authoritarian rule they are criticising. One scholar describes them as 'long distance nationalists' who are unaccountable as they do not have to deal with the possible consequences of their actions (Demmers 2002). However, this viewpoint seems to imply that the exercise of freedom of expression must necessarily be accompanied by repercussions, although it is a universally-recognised human right. The exercise of this right can have both positive and negative consequences depending on the intensity of the activism by the diasporas. A positive consequence would be giving a voice to their fellow nationals in the homeland who are unable to freely speak out because of the repressive regimes that do not allow for constructive political debate. On the other hand, abrasive and overstated attacks on the regime might bolster and reinforce extremist actors in the homeland (Lyons 2009). In this instance, it may be argued that the activism of the diasporas may not always bring forth the desired change.

3.2.1 *The Gambia*

In The Gambia, it is estimated that 4,5 per cent of the population (90 000) live outside its borders as of 2016 (Population 2018). The majority of Gambians migrated during the 22-year dictatorship of Yahya Jammeh to escape the increasingly authoritarian rule, as well as to explore better economic prospects. Jammeh perceived democracy as a Western construct, and as having no place in the African context (Jallow 2017). Freedom of expression was severely suppressed in The Gambia, resulting in over 110 journalists fleeing the country by the end of 2015. Most left to re-establish their careers abroad with media outlets that cover events in their homeland (Journalists 2015).

Gambians in the diaspora were active in mobilising a vibrant opposition against Jammeh throughout his rule. Activism by the Gambian diaspora started through an e-mail list called Gambia-L where information was shared to influence people both in the diaspora and in the homeland to rally against Jammeh. One of the key characteristics of this activism (which is also common to the other countries under study) is the external lobbying efforts. These are often targeted at the host government, as well as international and regional bodies, to exert pressure on the homeland government. In the case of the Gambian diaspora, lobbying efforts were targeted at regional bodies such as the European Union, African Union (AU) and the Economic Community of West African States (ECOWAS). They also formed partnerships with international human rights

organisations such as Amnesty International and Human Rights Watch in order to highlight human rights abuses taking place in the homeland (Jaw 2017).

Another key feature of the Gambian experience was the involvement in the politics of the homeland. In the run-up to the 2016 elections in The Gambia, the diasporas are alleged to have sponsored mass protests that pushed for electoral reforms. In addition, UKGambia sponsored the participation of the youth and women in the national assembly elections in 2017 under the banners of NotTooYoungToRun and GamWomenInParliament campaigns (Jaw 2017). The Gambian diasporas have what they call the Gambia Democracy Fund (GDF) in order to raise funds to support opposition political parties as well as to support families of victims of political persecution (GDF Press Release 2016).

Historically, in The Gambia (as with the other African countries) the relationship between the state and the diasporas has been hostile. The estranged relationship has been due mainly to the continued authoritarian rule in the homeland, prompting the diasporas to be critical of the homeland government. As a response to the mobilisation by the diasporas, Jammeh periodically banned diaspora websites, arbitrarily arrested any members of the diaspora who travelled to the homeland and used smear campaign tactics against prominent activists in the state's newspapers (Jaw 2017).

Motivated by the desire to benefit economically from the diaspora, Jammeh's government started to superficially soften the stance against the diasporas. One scholar states that African states have started looking towards the diasporas in order to bridge the fiscal gap created by donor fatigue and not necessarily out of concern for the welfare of their citizens (Iheduru 2011). An example of this is how, in 2012, Jammeh's administration renamed a government department the Ministry of Foreign Affairs, International Cooperation and Gambians Abroad. However, this inclusion is merely on paper as the government has not made any concrete efforts to adequately staff the division to deal with Gambians abroad, citing financial and technical limitations. After Jammeh, the focus now is on drawing the diasporas into rebuilding the country's economy. Through the Migration and Sustainable Development in The Gambia project, recommendations are being made to encourage diasporas to invest in the homeland (Courtright 2018).

3.2.2 *Ethiopia*

The Ethiopian diaspora is among one of the largest from the African continent, although for the purposes of this section particular emphasis will be placed on the Ethiopian diaspora in the United States of America. It is estimated that there are as many as 500 000 Ethiopian nationals living in the United States (Lyons 2009). A substantial portion of the diasporas comprise Ethiopians that left in the 1970s and 1980s because of the repressive Marxist military regime under Mengistu Hailemariam (Lyons 2009). As is typical of diaspora communities, there are diverse identities within the Ethiopian diaspora with a wide range of organisations, newspapers, blogs, websites, radio and television shows. They have been extremely vocal in their quest to influence the strategies of political actors in the homeland.

One such example of the measure of power that the Ethiopian diasporas wield is their ability to exert pressure on events in the homeland. In 1995 the opposition party Southern Coalition, which had the financial backing of the diasporas, engaged in deliberations to run for elections together with the ruling Ethiopian People's Revolutionary Democratic Party (EPRDP). The diasporas delivered sharp criticism to this move and labelled the leader of the coalition, Beyene Petros, a traitor. Bowing to this pressure, the Southern Coalition eventually boycotted the elections (Indian Ocean Newsletter 1995). Another form of involvement by the Ethiopian diasporas relates to the 2005 elections. The main opposition coalitions were deeply rooted in the diaspora. The United Ethiopian Democratic Forces (UEDF) was formed in 2003 in the United States where the majority of the executive committee remained. It included some persons in the homeland in addition to its diaspora-based members. Similarly, the Coalition for Unity and Government (CUD) had strong links to fund-raising efforts in the diaspora and had the backing of prominent political actors based in the United States (Lyons 2009). In the aftermath of the contested election and ensuing political crisis, the UEDF's executive committee dismissed its Chairperson and first Vice-Chairperson for having taken up their seats in parliament rather than boycotting the political process (Indian Ocean Newsletter 2006).

There has been much debate around the question whether the political activities of the Ethiopian diaspora have a positive or negative influence. It is reported that the Ethiopian diasporas for the most part were influential in the violence that erupted in 2017, which resulted in the declaration of a state of emergency and an internet blackout (Jeffrey 2016). The diaspora media had been calling for 'five days of rage' as a response to a stampede in Oromo that had occurred when the police and protesters clashed. When the state of emergency was lifted in December 2017, there was a cabinet reshuffle, which saw new appointees that are technocrats without a party affiliation (Jeffrey 2016). In a way it could be argued that the agitation by the diasporas produced both negative and positive results. It caused the government to tighten its repression, but at the same time prompted the consideration of reforms.

Turning to the policies of the government regarding the diasporas, the Ethiopian government has been making strides to incorporate the diasporas into its policies and strategies. What is of note is that Ethiopian political leaders, including those in government, often send representatives to North America to canvass for financial and political support. The Ministry of Foreign Affairs in the Ethiopian government has a State Minister for Business and Diaspora Affairs. From the title of the department, one may conclude that the policy of the government towards the diaspora is geared towards pecuniary matters.

3.2.3 *Zimbabwe*

Zimbabwe has over the years undergone multiple economic and political crises. Each episode was marked by the exodus of nationals, either fleeing the authoritarian regime or because of the deteriorating economic climate. It is estimated that more than 4 million Zimbabweans have left its territory, constituting the diaspora (IOM 2010). As in the case of the other African diasporas discussed, their identity is diverse, as is their location,

although the majority find themselves in the United Kingdom and South Africa.

The political views of the diasporas are not always aligned, one reason being that there are political party surrogates that appear in the diaspora. However, even among the seemingly-aligned political movements motives are not always aligned, owing to the heterogeneous nature of the diaspora. The Zimbabwean diasporas in the United Kingdom have mobilised a grouping called Zimbabwe Vigil which organises protests on various issues every Saturday at Zimbabwe House (the Zimbabwean embassy in London). The group comprises asylum seekers, refugees, opposition Movement for Democratic Change (MDC) party supporters as well as white Zimbabweans whose political interests include the redistribution of land in Zimbabwe. Some have questioned whether the activism of asylum seekers in the group is borne out of genuine concern for policy reform and democracy in the homeland, or whether their emphasis on the brutality in the homeland is a means to buttress their claims in the host country (Chivanga 2015). In analysing the effects of their activism, it is irrelevant what motivates it, only that they are able to influence democratic processes in their homeland.

It has been suggested that the nature of Zimbabwean diasporas' engagement has vacillated between combatant political issues and humanitarian and economic development (Musoro, Madziva & Magaisa 2006). An illustration is the Zimbabwe Diaspora Development Interface (ZDDI) created in 2008. This highly-organised platform is divided into thematic sections: agriculture and environment; education; finance and economic development; health and social care; industry and technology; justice and governance; and media. It makes use of the skills and experiences of the diverse group members to devise strategies for development and business opportunities, in response to the needs in the homeland.

The Zimbabwean government under former President Robert Mugabe adopted a hostile attitude to its diasporas and, in one instance, Mugabe labelled them 'stupid for looking for jobs in America' (News 24 2017). The relationship to some extent has started evolving, in light of the diasporas remitting close to US \$1 billion per year back to the homeland. In 2017 the Zimbabwean government of adopted a five-year National Diaspora Policy Implementation Action Plan with the aim of tackling policies and legislation, the intra-governmental-diaspora relationship, institutional engagement, diaspora investment, remittances, national socio-economic development, and knowing the diaspora and diaspora's rights. When Emmerson Mnangagwa came into power as the President of Zimbabwe in November 2017, one of his first missions was to travel to South Africa to meet with Zimbabweans living there. The meeting was to encourage investment in the homeland and explore ways of economic collaboration (*The Herald Zimbabwe* 2017).

The Zimbabwean diasporas have for years been engaged in a battle to assert their right to vote. It has been said that giving the diasporas the right to vote bridges the psychological gap between the citizens and the homeland, making them more interested and involved in democracy building in the homeland (Laloupo 2015). At least 30 African countries extend a chance to vote to their non-resident citizens. In Zimbabwe, section 67(3) of the Constitution recognises the right of every citizen

above the age of 18 to vote in elections and referendums. However, provisions in the Electoral Act make it technically impossible for the diasporas to vote. In 2017, three diaspora citizens launched an application to the Constitutional Court challenging the Electoral Act in as far as it does not allow them to vote in accordance with the Constitution. As at 14 March 2018 the Court had heard the matter on the merits and reserved judgment.

Unlike in The Gambia, fundraising for political parties by the Zimbabwean diasporas has been fraught with challenges. The MDC in the UK was obstructed by the Political Parties Finances Act, which requires that all financing for political parties should come from within Zimbabwe. Furthermore, there were challenges regarding trust among the diasporas with some claiming that the leadership in the UK were opportunists seeking to benefit personally from the finances raised (Pasura 2009).

The current activities of the diasporas can be performed only within a defined legal framework for them to be effective. For this purpose, it is important to examine in detail the legal and political framework.

4 Africa's legal and political frameworks

On the continental level, Africa is more welcoming to the diasporas in its legal and policy frameworks as compared to the domestic level, where governments have enacted restrictive laws and policies. The African diaspora has always championed positive change and inspired African revolutionary dreams of independence, good governance and rule of law (AUC Agenda 2063) the people of Africa and her Diaspora, united in diversity, young and old, men and women, girls and boys from all walks of life, deeply conscious of history, express our deep appreciation to all generations of Pan-Africanists. In particular, to the founders of the Organisation of African Unity for having bequeathed us an Africa with exemplary successes in the fight against slavery, colonialism and apartheid. Agenda 2063, rooted in Pan Africanism and African Renaissance, provides a robust framework for addressing past injustices and the realisation of the 21st Century as the African Century. 2. We echo the Pan-African call that Africa must unite in order to realize its Renaissance. Present generations are confident that the destiny of Africa is in their hands, and that they must act now to shape the future they want. Fifty years after the first thirty-three (33. The Pan-African Movement (PAM) which was initially dominated by African diasporas was successful in their quest for decolonisation of Africa because of profound diaspora interest, support and leadership. In 2012 AUC Executive Council stated (African Union 2012):

Member States of the Organisation of African Unity (OAU) and thereafter the African Union (AU) have long regarded the diaspora as a key element in the continent's development and integration process and in the renewal and renaissance of the Global African Family.

It should be noted that the AU has a Citizens and Diaspora Directorate (CIDO) housed within the AU Commission mandated to pursue, among others, enhancing participation of the African diaspora (African Union 2017). One of the key AU institutions that is mandated to coordinate with diasporas and civil society organisations is the Economic, Social and

Cultural Council (ECOSOCC), whose mandate include fostering and consolidating partnership between the AU and civil society organisations.

Article 3(q) of the Protocol on Amendments to the Constitutive Act of the African Union (2003) expands the objectives of the AU by adding 'invite and encourage the full participation of the African diaspora as an important part of the continent, in the building of the African Union'.⁷ Similarly, sub-articles 21(d) to (f) of the African Youth Charter mandate state parties to '[e]stablish structures that encourage and assist the youth in diaspora to return to and fully re-integrate into social and economic life in Africa'; to '[p]romote and protect the rights of young people living in diaspora'; and to '[e]ncourage young people in diaspora to engage themselves in development activities in their country of origin'.

In contrast to the framework of the AUC, member states are enacting laws to restrict channels of engagement with the diasporas. To illustrate this state of affairs, the article will examine the nature of the legal and political framework in selected African countries. The perception of African political elites about the potential role of the diasporas in democracy building is sometimes characterised by suspicion, accusation and antagonism. The diasporas' engagement comes in many forms, ranging from financial contributions for governance projects to lending their expertise in supporting grassroots movements, to organising and mobilising for effective engagement in democratic processes. It is the latter part that troubles most African governments, leading them to enact strict laws to limit such activities.

As indicated above, the diasporas' engagement in domestic affairs is not viewed as completely negative, at least at the continental level, and their contribution to the economic development of the homeland is generally welcomed. To that end, their remittances support different projects including civic activities mainly run by civil society organisations. Foreign donors from countries where most African diasporas are located often fund civil society organisations. In the 1990s civil society organisations mushroomed in an unprecedented manner but suffered significant limitations in 2011 when 'security measures and other legal and policy restrictions were introduced as a response, and means, to overcome threats (perceived and actual) towards national security' (Save the Children 2012). The article demonstrates, with examples, countries that have enacted restrictive legislation to curtail civic engagement by the diasporas through civil society and other grassroots movements.

4.1 Nature of legal and political framework

Many factors influence policy choices of the government to enact laws and policies. On the African continent the dominant factor is the 'fear' of regime change through actions of non-governmental actors (civil society organisations, grassroots civic movements and diasporas). The tools that the diasporas and grassroots movements have in the past used include cyber space (social media); funding of local networks or movements; the organisation of political activities abroad; and lobbying for sanctions and

7 This Protocol, adopted in 2013, is not yet in force. Its entry into force requires ratification by two-thirds of AU member states (37 states). As at April 2019, 28 states have ratified the Protocol.

regime change with the help of international and regional political actors. The analysis is focused on legislation as a popular response strategy by states to direct the engagement of diasporas in democratic spaces in their homelands.

Many African countries are actively pursuing restrictive policy frameworks on civic programmes aimed at ensuring popular participation in critical governance aspects of African societies.⁸ The pan-African legal regime is robustly laid out in the continental legal frameworks. The Constitutive Act of the AU provides for the promotion of political participation in governance. The protection of civil society organisations is articulated under the African Charter on Democracy, Elections and Governance (African Democracy Charter), which encourages states to ensure the existence of an environment conducive to the operation of civil society organisations within the confines of the law. The Democracy Charter also encourages states to engage civil society organisations in order to advance political, economic, and social governance. Furthermore, the Democracy Charter calls on the AU Commission and regional economic communities to promote engagement with civil society.

Civic spaces are narrowing despite the AU's position of encouraging diaspora participation and engagement in the civic activities of their homelands. This is due, in part, to the restrictive political environment being created by governments. Politics in Africa is characterised by poor governance, corruption and relentless repression of dissenting voices. The Horn of Africa Civil Society Forum⁹ characterised the relationship between African states and civil society as distrustful mainly because of governments' repressive legal regimes and politics (Maru 2017) met with civil society leaders inside the university. At least one protester was killed and several wounded during clashes with the security forces. By UN -West Darfur, Zaleingi, Sudan -01 December 2010. About PAX PAX means peace. Together with people in conflict areas and concerned citizens worldwide, PAX works to build just and peaceful societies across the globe. PAX brings together people who have the courage to stand for peace. Everyone who believes in peace can contribute. We believe that all these steps, whether small or large, inevitably lead to the greater sum of peace. See also www.paxforpeace.nl About the Al Khatim Adlan Center for Enlightenment and Human Development (KACE). The report concludes that such mutual distrust is premised on the political perceptions that organisations receiving foreign funding are advancing neo-imperialist goals that threaten the sovereignty of their government (Maru 2017). To that end, countries in the Horn of Africa have similar regulations restricting civil society movements, their formation, registration, operations and funding.¹⁰

4.2 Under threat: Closing civic space

Grassroots movements are an important aspect of democracy building. These movements organise and mobilise more effectively and are catalysts

8 These countries include Ethiopia, Eritrea, Sudan and South Sudan that have some of the most restrictive legislations on the continent.

9 The Horn of Africa Civil Society Forum (HoACS Forum) is a regional network of civil society organisations that work together to monitor and expand civic space in the countries in which the Forum operates.

10 Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia, Somaliland, South Sudan, Sudan and Uganda.

for change. The organisations often cause confrontation with local authorities leading to arrests and, at worst, the killing of civil society leaders. Diasporas' expertise, knowledge and robust networks can buttress civic movements to agitate for democratic change in their communities. The political elites in Africa are cognisant of this fact, hence the near universal restrictive legislation on the continent aimed at limiting interface between diasporas and civil society movements.

Governments are bound by international law to ensure citizens' participation in the democratic processes of their country. This includes 'institutional, legal, political and administrative conditions that enable the existence and effectiveness of civil society' (Maru 2017). The right to form associations, freedom of expression and the right to participate in political governance is guaranteed under the African Democracy Charter and African Charter on Human and Peoples' Rights (African Charter). Specifically, article 28 of the African Democracy Charter obliges state parties to 'ensure and promote strong partnerships and dialogue between government, civil society and the private sector'. The diasporas' engagement with democratic processes in the homeland can also be curtailed if they are not able to mobilise through civil society organisations at home. A look at the legislative regime in Ethiopia demonstrates the challenges that can be met in agitating for democracy by both the diasporas and civil society organisations in the homeland.

Due to an overly restrictive space, civil society organisations face a particular challenge when implementing their programmes, in particular, restrictions on registration procedures, bureaucratic and unreasonable administrative processes and endless interference by government security forces in the internal affairs of civil society movements. The civil society organisation law in Ethiopia, for example, the Charities and Societies Proclamation Act (Proclamation 621/2009), forced the Ethiopian Women Lawyers' Association to retrench more than 70 per cent of its staff (Amnesty International 2012). The Charities and Societies law requires organisations to register in one of three categories, namely, (i) Ethiopian charities or societies; (ii) Ethiopian resident charities or societies; or (iii) foreign charities. The Proclamation defines any NGO that receives more than 10 per cent of its funding from foreign sources as a 'foreign charity', thereby prohibiting it from working on issues of governance or human rights. The law bars NGOs and those receiving more than 10 per cent of their funding from foreign sources from working on human rights issues. Article 2 of the Charities and Societies Proclamation 621/2009 states:¹¹

'Ethiopian Charities' or 'Ethiopian Societies' shall mean those Charities or Societies that are formed under the laws of Ethiopia, all of whose members are Ethiopians, generate income from Ethiopia and wholly controlled by Ethiopians. However, they may be deemed as Ethiopian Charities or Ethiopian Societies if they use not *more than ten percent* of their funds which is received from foreign sources.

In conclusion, many African countries seem to be attuned to tightening civil spaces for citizens, socio-political organisations and diasporas to engage in. The advent of populist governments around the world has left the door open for some already repressive African governments to enact

11 Our emphasis.

tougher laws restricting engagement on democracy, the rule of law and good governance.

To prevent grassroots movements from interfacing with diasporas and from receiving donor funding, African states enact laws to restrict funding for governance and human rights advocacy programmes.¹² The main arguments by their repressive regimes often are the preservation of sovereignty and national security. These assertions were faulted by the UN Special Rapporteur on the Rights to Freedom of Assembly and Association, who stated that such claims were 'not only spurious and distorted', but also 'in contradiction with international human rights law' (Human Rights Council 2013). Africa's democracy deficit, therefore, is a sad reality that has now been entrenched by way of policy and legislative frameworks. With Africa's young population actively engaged in social media, governments are moving fast to close down these spaces, as seen in Southern Cameroon, Egypt, Uganda, Kenya and Ethiopia during mass civil actions and times of election.

5 Way forward: A collaborative approach to democratisation

If any partnership between the diasporas and their respective governments is to have a positive bearing on the democratic processes of their countries, the starting point must be to build a relationship on shared values and not to lose sight of the African people as the ultimate beneficiaries. This relationship too often is abortive due to a lack of trust on the part of both parties, or because the relevant government may treat the diasporas as a security risk or a proxy for foreign interest groups, while the diasporas may view the government as an illegitimate regime forcefully holding onto power. For example, this was the case in Zimbabwe under former President Mugabe, whose mistrust of the diasporas and perceptions about their motives are well publicised. The diasporas are often charged with being out of touch with the realities of their homeland, while the government is seldom willing to cede any power in order to build an equal partnership or at least ensure a healthy level of collaboration. Governments are willing to encourage financial investment in their countries but are more guarded when it comes to political participation.

Shain and Barth identify three factors that determine the level and efficacy of the diasporas' political engagement with their homelands, namely, the degree of the diasporas' motivation to participate; the socio-political environment of their host and home countries; and the balance of power in relations between the diasporas and the governments of their homeland (Shain & Barth 2003). The interests of the people in their homelands and their own interests in their host countries affect the degree of motivation of the diasporas. When there is a correlation or an overlap between these two sets of interests, the diasporas become motivated to engage. 'If engagement in a homeland's foreign policy is perceived by the diaspora as identity-reinforcing and by the homeland as legitimate, then the diaspora will be motivated to exert influence on the issue' (Shain & Barth 2003). The host country's relationship with the diaspora's homeland

12 This is factually the case in Ethiopia, Eritrea and Uganda (2009 Charities and Societies Proclamation Act, Eritrea's NGO proclamation and Uganda's legal regime that restricts funding that political parties can receive for its programmes).

and the host country's willingness to allow a diaspora community to influence its foreign policy is at the heart of Shain and Barth's second element. For example, an Ethiopian diaspora community in the United States may have greater influence in their homeland because of the US's impactful foreign policy and the willingness to allow communities to influence policy through votes or lobbying. In contrast to this are the Ethiopian diasporas in Australia, whose influence may not be as substantial as Australia's foreign policy is less impactful than that of the United States. The situation in the homeland refers mainly to the receptiveness of the government towards diaspora influence, whether the government views it positively or otherwise. The balance of power between the diasporas and the homeland depends upon which has the greater leverage, whether financial or political, or, in other words, who needs the other more.

Below are recommendations to ensure that the diasporas have a positive impact on democracy.

5.1 Removing legal impediments

Homeland governments must remove the legal impediments that restrict the engagement of the diasporas. A prime example of such an impediment is the Ethiopian CSO Proclamation, which prohibits civil societies that raise more than 10 per cent of their financial resources from outside Ethiopia from engaging in governance or human rights issues (see part 3.2.2). This proclamation severely limits the motivation of the diasporas to participate in the affairs of their homeland, and attempts to undercut civil society, which plays an important role in reaching the grassroots (see part 3.2.2).

The state of dual nationality is also an important issue for the direct participation of the diaspora through either voting in elections or competing for public office. Ethiopia does not allow dual nationality but provides identity cards to persons of Ethiopian origin, allowing them rights which would otherwise be prohibited for non-citizens (Ethiopian Legal Brief 2011).¹³ Some of these rights include the right to enter Ethiopia without a visa, to own immovable property and to seek employment. Although these are positive developments and initiatives for the Ethiopian diasporas, it does not mean that they are fully endowed with rights to directly participate in the democratic processes of their homeland. According to its Constitution, the right to vote or be elected into public office is given to 'Ethiopian nationals' as opposed to the terminology of 'Ethiopian citizens' which is used for the right to own property. During Ethiopia's 2005 election, Andargachew Tsige, who at that time was one of the leaders of the opposition group (Coalition for Unity and Democracy), was a citizen of the United Kingdom. Tsige was arrested in Yemen and extradited to Ethiopia in 2014, charged with terrorism due to the political fallout after the 2005 elections (Aljazeera 2014). The

13 'An Ethiopian who acquires another nationality by virtue of being born to a parent having a foreign nationality or by being born abroad shall be deemed to have voluntarily renounced his Ethiopian nationality unless he has declared to the Authority his option to retain it by renouncing his other nationality within one year after attaining the age of majority, or unless there has been an earlier express renunciation of his Ethiopian nationality pursuant to article 19(3) of this Proclamation' (Ethiopian Nationality Proclamation 378/2003).

question of who can directly participate in the democratic processes of Ethiopia, a national or a citizen, remains an unsettled issue.

5.2 Tackling factionalism

In many instances the diaspora community can mirror the divisions and fragmentation of their homeland. The Ethiopian diasporas in the United States are known to be ethnically divided, reflecting the division in its homeland between the Amhara, Oromo and the Tigray (BBC World News 2016). In the face of such divisions, the diasporas become weaker and are unable to engage under a consolidated and common goal. Each group may have its agenda based on favouring their ethnic brethren in the homeland. These divisions also weaken the diasporas' leverage, tilting the balance of power in favour of the homeland's government. Factionalism is also a factor in the activism by Zimbabwean diasporas in the United Kingdom, which is fuelled by differing political opinions (Chivanga 2015). This is also the case with diasporas originating from many African countries, including Cameroon, Kenya and Nigeria.

5.3 Adherence to the 'African democracy'

It has been demonstrated in the article that the application of democracy on the African continent should take cognisance of the contextual framework within which it operates and the intersectionality of issues such as poverty and ethnic diversity. For the diasporas to effectively contribute to the democratisation of the homeland, one should not lose sight of the application of democracy in this context. The wholesale import of host country best practices should also be avoided as this might contribute to resistance by both the homeland governments and civil society organisations on the ground. The diasporas may need to temper the wholesale application of liberal values such as a heightened focus on individualism, which contrasts to the African organising principle of the community.

6 Conclusion

The tension between the diasporas and their respective homeland governments remains a stumbling block in the area of the political participation by diasporas. Although governments have been more open to engagement with diasporas in the areas of development and investment, they remain reticent in allowing for political participation. The government's willingness to engage in the financial sector is in recognition of the leverage that the African diasporas hold where this sector is concerned, by remitting more than US \$35 billion to the continent.

A tool that the diasporas need in supporting their engagement with the governments of their homelands is in itself the mode of governance in the countries in which they reside. This may inform the degree of action or collaboration that the diasporas offer to their respective countries. In other words, diasporas residing in countries that allow for public participation, uphold accountability and promote civic spaces are better equipped to engage with their home governments, based on those examples and their experiences therein. Thus, the political participation of the diasporas

encompasses activities such as lobbying, raising funds and, more controversially, the right to vote.

These tensions have played out in The Gambia, Ethiopia and Zimbabwe. In The Gambia, the diasporas played a crucial role in ousting former President Yaya Jammeh, while diasporas were also involved in the ousting of former President Mugabe in Zimbabwe. In Ethiopia the diasporas continue their efforts to mobilise the youth in protests against the government, such as calling for 'five days of rage'. Recent protests led to the resignation of the Prime Minister, Hailemariam Desalegn, in February 2018, but reforms to the political system are still further away. However, the appointment of a new Prime Minister, Abiy Ahmed, in April 2018, has already started to spark some changes and reforms, the outcomes of which Ethiopians at home and abroad and the rest of the world are keenly observing. It is also worth noting that 'Abiy ... is the first prime minister to come from Ethiopia's largest ethnic group, the Oromo, who spearheaded more than two years of unprecedented protests against the country's one-party government' (Aljazeera 2018; CNN 2018; News 24 2018; Reuters 2018).

If the diasporas and the respective governments are to work in partnership to allow for an environment in which democracy can succeed, both sides must compromise. On the one hand, governments must remove legal impediments targeted at civil society, which is a key partner for the engagement of the diasporas. On the other hand, the diasporas must also be cognisant of the social differences between their host country and their homeland, and thus tailor their messages accordingly.

The article has analysed the failure of democracy in Africa, and has attempted to map the circumstances that affect the relationship between the diasporas and African governments. By mapping this relationship, it has attempted to give some guidance on a successful partnership between African governments and African diasporas that will be able to aid democratisation in Africa.

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