

# DEMOCRACY CAPTURE IN AFRICA

Benin

Ghana

Kenya

Mozambique

Nigeria



# Ghana Center for Democratic Development

The Ghana Center for Democratic Development (CDD-Ghana) was founded in 1998, at a time when the Ghanaian democratic process was entering an important new phase—transitioning from an elected president and administration with military authoritarian antecedents to one without—and when the democratic space had been opened up to a point where it was possible to set up an explicitly non-governmental democratic and political governance research and advocacy organization.

Using a wide range of avenues to instil democratic values and institutionalize good governance practices in Ghana and Africa, the CDD-Ghana has over the years established itself as a leader in the production and dissemination of high-quality public opinion surveys and other relevant data for effective policy-making in Ghana and across the continent. Aside from undertaking high-quality policy research and technical analyses, the Center organizes roundtables, conferences and capacity building workshops, and engages in extensive networking with relevant state and non-state stakeholders to inform and educate, to foster public and policy-maker’s awareness, to support advocacy and stimulate policy reform.

Since its inception, the Center has mobilized and organized civil society voice and activism on key national issues by building effective national coalitions and networks (e.g., the Coalition of Domestic Election Observers (CODEO, the Ghana Anti-Corruption Coalition (GACC), the West Africa Election Observers Network, WAEON amongst others) and has provided important (often solicited), technical and analytic input to relevant state ministries, and committees of Parliament for the drafting and passage of key legislations, including the recent anti-corruption Office of Special Prosecutor law.

CDD-Ghana has been a consistent champion and promoter of decentralized governance and democratic local government. Under its Social Accountability program, the Center has undertaken various projects to enhance citizens’ engagement with local political authorities, empowering communities with evidence and information to demand accountability and responsiveness from duty-bearers and helping build the capacity of community-based civic organizations and elected local officials. In the area of elections, CDD-Ghana has worked consistently to enhance voter participation in elections and improve the credibility of elections in Ghana, including by pioneering the Parallel Vote Tabulation (PVT) methodology to independently verify presidential election results in Ghana’s last three general elections. In the area of human capital development, CDD-Ghana has nurtured and promoted the careers of a crop of young, top-notch democracy, governance and social accountability technocrats, intellectuals, analysts and advocates.

For more, go to: <https://cddgh.org/>

**Published in September 2021**

© CDD-Ghana

# Table of Contents

List of Tables	4
List of Figures	4
Contributing Authors	5

## **INTRODUCTION: DEMOCRACY CAPTURE IN 6**

### **COMPARATIVE PERSPECTIVE**

<b>CHAPTER 1: WHAT IS DEMOCRACY CAPTURE</b> E. Gyimah-Boadi	<b>20</b>
<b>CHAPTER 2: DEMOCRACY CAPTURE IN BENIN</b> Expédit B. Ologou	<b>33</b>
<b>CHAPTER 3: DEMOCRACY CAPTURE IN GHANA</b> E. Gyimah-Boadi	<b>58</b>
<b>CHAPTER 4: DEMOCRACY CAPTURE IN KENYA</b> Migai Akech	<b>81</b>
<b>CHAPTER 5: DEMOCRACY CAPTURE IN MOZAMBIQUE</b> Adriano Nuvunga	<b>105</b>
<b>CHAPTER 6: DEMOCRACY CAPTURE IN NIGERIA</b> Iyadat Hassan	<b>126</b>

# List of Tables

**Table 6.1.** Some state-funded Frelimo staff companies between 2001-2002.

**Table 6.2.** Results of intermediate and general municipal clearance of the village of Marromeu in 2018

**Table 6.3.** Number of cases of violence carried out by the police and Frelimo members against opposition candidates and social activists\*

**Table 6.4.** Voter turnout 1994 - 2014

**Table 6.5.** The state media showed favouritism to FRELIMO to the detriment of other candidates in covering the electoral campaign in 2014.

# List of Figures

**Figure 7.1.** Freedom in Nigeria, 1999 - 2019 (1= most free, 7=least free)

**Figure 7.2.** Democracy Capture in Nigeria

# Contributing Authors

## **PROFESSOR MIGAI AKECH**

Associate Professor, School of Law University of Nairobi Kenya

## **PROFESSOR E. GYIMAH- BOADI**

Board Chair, Afrobarometer Ghana

## **IDAYAT HASSAN**

Director, Center for Democracy and Development-West Africa Nigeria

## **EXPÉDIT B. OLOGOU**

President, Civic Academy for Africa's Future Benin

## **PROF. ADRIANO NUVUNGA**

Executive Director, Center for Democracy and Development Maputo, Mozambique

# CHAPTER 2

## DEMOCRACY CAPTURE IN BENIN

Expédit B. Ologou

## 1. Democracy Capture in Benin

The status of democracy in Benin is critical. Posing such an assertion seems like kicking an open door regarding the recent and on-going political developments in this leading African democratic State: a monolithic parliament<sup>85</sup> since the exclusive and violent legislative elections in April 2019<sup>86</sup> based on a polemic political charter and electoral reforms; a controversial and *incognito* constitutional reform<sup>87</sup>; the communal elections where the two ruling parties (Union Progressiste and Bloc Républicain) took the quasi totality of the communes (71 out of 77), the remaining six (6) communes belonging to a swing party,<sup>88</sup> renowned as nearer to the incumbency than the opposition; an environment less and less favourable to the freedom of press<sup>89</sup> and expression; a restricted context for civil and political mobilizations.<sup>90</sup>

There are numerous other examples that can be brought forth to testify to the fact that Benin has entered a peculiar era, which can be characterized without any exaggeration as an era of political tightening, an era of “de-democratization”.<sup>91</sup> The 11 April 2021 presidential election was a very critical election, the most critical since 1990. In effect, the article 132 of the revised electoral Code<sup>92</sup> states an unprecedented eligibility condition for a presidential election candidate: the latter must collect sponsoring signatures from at least 16 members of parliament and /or mayors. Upon doing so, as the Incumbent monopolized all the 83 seats of the Parliament and 71 out of the 77 mayors of the country, it goes without saying that the opposition was then left unable to designate any candidate for the 2021 presidential election. In other words, the incumbent President had the powers to choose who would be his challenger for the race. As a result, the vote took place in a volatile and violent atmosphere: in some localities in the centre of the country (Savè, Bantè, and Tchaourou), where the army and the civil populations were engaged in fierce confrontations for days, it was not possible to vote.<sup>93</sup> Even if the Constitutional Court stated that the voter participation rate was around 50.63%,<sup>94</sup> it remains a controversial issue, given the citizenry’s behaviour on the polling day. The civil society electoral platform affirmed the rate was 26.47%.<sup>95</sup>

This kaleidoscopic cliché can provoke a series of interrogations to understand the root factors of the democratic backsliding occurring in Benin. Among the plausible causes of such a situation, there are a lot of entangled processes, techniques, instruments, facts, acts and artifacts, which can be summarized as a *democracy capture*. There is the assumption of this provisional work.

---

<sup>85</sup> All the opposition parties were excluded from participating in the electoral process, despite bilateral, regional and international mediations. Only the two parties – Union Progressiste (UP) and Bloc Républicain (BR) – created under the auspices of the President of the Republic took part in the elections and then took all the 83 seats in the Parliament.

<sup>86</sup> Thierry Sèdjro Bidouzo, Emmanuel Odilon Koukoubou, Afouda Vincent Agué, *Le Parlement de rupture*, Cotonou, CIAAF, July 2019, 42 p. ; Expédit Ologou, « Le parlement du Bénin: une affaire à suivre », Position Paper, n°1, 04 juin 2019, URL : [https://www.ciaaf.org/storage/2019/06/Le\\_parlement\\_beninois\\_Ciaaf\\_Exp%C3%A9dit\\_Ologou.pdf](https://www.ciaaf.org/storage/2019/06/Le_parlement_beninois_Ciaaf_Exp%C3%A9dit_Ologou.pdf), consulted on 05 October 2020 ; Expédit Ologou (ed.), *Législatives 2019 au Bénin : le piège fatal ?*, Cotonou, CIAAF, April 2019, 48 p.

<sup>87</sup> Loi n° 2019-40 du 07 novembre 2019 portant révision de la loi n° 90-32 du 11 décembre 1990 portant Constitution de la République du Bénin.

<sup>88</sup> Force Cauris pour un Bénin Emergent (FCBE).

<sup>89</sup> See Reporters Sans Frontières 2020 Ranking in which Benin has lost 17 places compared to the 2019 ranking, URL: <https://rsf.org/en/benin>, consulted on 04 October 2020.

<sup>90</sup> Cf. Freedom House, *Freedom in the World 2020*, URL: <https://freedomhouse.org/country/benin/freedom-world/2020> , consulted on 05 October 2020. In this report, Benin’s status declined from Free to Partly Free.

<sup>91</sup> Charles Tilly, *Democracy*, Cambridge University Press, New York, 2007, 234 p., in particular “Democratization and De-Democratization”, pp. 51-79.

<sup>92</sup> Loi n° 2019-43 du 15 novembre 2019 portant Code électoral en République du Bénin.

<sup>93</sup> <https://information.tv5monde.com/video/presidentielle-au-benin-violences-preelectorales-meurtrieres-bante>

<sup>94</sup> <https://information.tv5monde.com/afrique/benin-la-cour-constitutionnelle-valide-la-reelection-de-patrice-talon-404970>, consulted on April 19, 2021.

<sup>95</sup> Déclaration préliminaire de la Plateforme électorale des Organisations de la Société civile du Bénin [https://drive.google.com/file/d/1U-5Dj2IX\\_48YABPzLWbEYHsfp-fhy0SZ/view](https://drive.google.com/file/d/1U-5Dj2IX_48YABPzLWbEYHsfp-fhy0SZ/view) , consulted on April 18, 2021.

The concept of “*democracy capture*” has to do with the “systematic targeting, manipulation exploitation, and perversion of democracy – its *processes, institutions, and actors* (including *citizens*) – by and for the benefit of interests other than of the People whose interests and needs democracy is intended or supposed.”<sup>96</sup> Thus, “*Democracy capture*” is not limited to the democratic system but is extended to “those institutions, processes, and actors, whether state or non-state, that ordinarily define, constitute, and legitimize a political system as democratic.”<sup>97</sup>

In this vein, *democracy capture* “is not [only] simply grand corruption”, but also “a situation in which control or power passes from officials to non-state corporate interests, or officials themselves (including elected politicians) become corporate, primarily individually entrepreneurially-oriented, actors”.<sup>98</sup> *Democracy capture* is a situation of subversion of any democratic institution, process, procedure, by any actor for its own interest.

To some extent, the concept of *democracy capture* is an adaptation of the *state capture* concept. The motive of either *state capture* or *democracy capture* is “to subvert public interest by distorting laws, policies, regulations and decrees to achieve undue advantage or private gain.”<sup>99</sup> In short, *democracy capture* is the “the government for few”<sup>100</sup> instead of being, in Abraham Lincoln’s words, “the government of the people by the people for the people”.

This study intends to understand how and why do democratic institutions succeed or fail in serving the interests and needs of ordinary citizens in Benin? More precisely, it identifies who/what interests/actors are engaged in the capture of democracy; characterizes the mechanics of capture, that is, the occurrences and manifestations of democracy capture; isolates the institutions, processes, and actors most vulnerable to capture and in what ways; and establish what historical, structural other conditions or factors in relation to the transition to and implantation of democracy in contemporary Africa have enabled or facilitated democracy capture.

## 1. The Context

With a population around 12 million, Benin shares land borders with Togo to the West, Nigeria to the East, and Burkina Faso and Niger to the North; and in the South, is bordered by the Atlantic Ocean.<sup>101</sup> Despite the great number of ethno-linguistic groups, the country has not been socially and politically divided by ethnic lines. *A contrario*, the linguistic pluralism, as a vector of “shared identity”, has been a certain advantage for peace and social cohesion<sup>102</sup> and political fluidity. This is not to point out the radical absence of ethno-regionalism in the Beninese socio-political history.<sup>103</sup> But, to underline that

---

<sup>96</sup> CDD-Ghana, *Concept Note. Democracy Capture*, 2020, p. 4.

<sup>97</sup> *Ibidem*.

<sup>98</sup> Tom Lodge, “State capture. Conceptual Considerations” in Melanie Meirotti and Grant Masterson (ed.), *State capture in Africa. Old Threats, New Packaging*, Johannesburg, EISA, 2018, p. 23.

<sup>99</sup> Maurice O. Dassah, “Theoretical analysis of state capture and its manifestation as a governance problem in South Africa”, *The Journal for Transdisciplinary Research in Southern Africa*, n°14, 2018, URL: <https://doi.org/10.4102/td.v14i1.473>, consulted on 12 September 2020, p. 5.

<sup>100</sup> Rosa Cañete Alonso, *Captured Democracy. Government for the few. How elites capture fiscal policy, and its impacts on inequality in Latin America and the Caribbean (1990–2017)*, Oxfam International, 2018.

<sup>101</sup> Philippe Noudjènoumè (ed.), *Les frontières maritimes du Bénin*, Paris, L’Harmattan, 2004, p. 151.

<sup>102</sup> Boèvi Denis Lawson, *Les identités partagées comme facteur de paix et de stabilité : le cas du Bénin*, Thèse pour l’obtention du grade de Docteur en Science politique de l’Université de Bordeaux VI, 2013, p. 621.

<sup>103</sup> Rogatien Tossou, *Multipartisme, ethnicité et pouvoir politique au Bénin. 1951-2006*, thèse d’histoire politique, Université d’Abomey-Calavi, Ecole Doctorale Pluridisciplinaire, FLASH, octobre 2010 ; Maurice Ahanhanzo-Glele, *Naissance d’un Etat noir. L’évolution politique et constitutionnelle du Dahomey, de la colonisation à nos jours*, Paris, LGDJ, coll. Bibliothèque Africaine et Malgache, 1969, p. 537.



till now, the ethno-regional cleavages have not been so profound that they could have provoked violent crises as it is the case in some west-African countries<sup>104</sup>.

Benin is considered as the “laboratory of democracy”, at least in Francophone West Africa. After a dictatorial Marxist-Leninist regime for 17 years (1972-1989) headed by Mathieu Kérékou,<sup>105</sup> a National Conference – unique in its design and conduct<sup>106</sup> – introduced the country to the world’s third wave of democratization<sup>107</sup>. After overseeing a transition of power as the Prime Minister, Nicephore Soglo won the first presidential elections of the “*Renouveau Démocratique*”. After five (5) years of retirement in silence, Mathieu Kérékou attained power,<sup>108</sup> and remained in power for two terms (1996-2001; 2001-2006).

Benin’s political history was marked by severe political instability and tripartite regional competition following independence in 1960, with a succession of military-supported regimes. In 1972, single party stability began when a military *coup d’état* installed Mathieu Kérékou, who formed the Marxist-Leninist Parti de la Révolution Populaire du Bénin (PRPB). From this period on, the goal of national integration has been more effectively realized, and while contemporary political party competition is based on regional fiefdoms of support, there is not a strong culture of regional divisions today. However, there are latent social fault lines that could be triggered with a severe representation crisis surrounding contested elections.

Benin’s transition to multiparty democracy came out of the economic collapse and state bankruptcy of the late 1980s, which mobilized political protests and culminated in the 19-28 February 1990’s National Conference. The Conference declared itself sovereign, implemented a new constitution and prepared institutions for multiparty elections. In 1991 Nicéphore Soglo, a former World Bank official, was elected president after being the First Minister of the one year-transitional government led by Mathieu Kérékou (1990-1991). Mathieu Kérékou was first elected president in 1996 and re-elected in 2001. President Kérékou tempted to delay elections and stay in office. But he was pressured by international and domestic actors to organize the 2006 presidential elections, in which he was not eligible to run due to constitutional term limits and age restrictions (40-70 years). This 2006 election, with Thomas Boni Yayi’s victory, marked a major point of democratic alternation and resilience, as the population successfully safeguarded the constitutional imperatives of electoral accountability. Key actors, including civil society organizations and opposition parties (funded largely by current President Patrice Talon), orchestrated “multisectoral” mobilizations against constitutional reforms and pressured for democratic elections as the mechanism for government accountability. Similarly, in the run up to the conclusion of President Boni Yayi’s second presidential term in 2016, other sociopolitical mobilizations were organized to fragilize and overcome the temptation of the third mandate.

Following the double transition in political and economic liberalization of the 1990s, the political and economic elite in Benin are tightly interwoven. This entanglement gives the opportunity to Mr. Patrice Talon, a multimillionaire cotton tycoon, to rule the country with de-democratizing methods and tools

---

<sup>104</sup> Expédit Ologou, *Les violences électorales dans les nouveaux systèmes politiques africains : sociologie historique comparée des cas du Bénin et de la Côte d’Ivoire*, thèse de doctorat en Science politique, Université d’Abomey-Calavi, Bénin, mars 2019, 667 p.

<sup>105</sup> Felix Iroko, *Le Président Mathieu Kérékou. Un homme hors du commun*, Cotonou, Les Nouvelles Editions du Bénin, 2001, p. 314.

<sup>106</sup> Afize Adamon, *Le Renouveau démocratique au Bénin. La conférence nationale des forces vives et la période de transition*, Paris, L’Harmattan, 1995, p. 223; Richard Banegas, *La démocratie à pas de caméléon. Transition et imaginaires politiques au Bénin*, Paris, Karthala/CERI, 2003, p. 494.

<sup>107</sup> Samuel P. Huntington, *The Third Wave. Democratization in the Late Twentieth Century*, Norman, London, University of Oklahoma Press, 1991, xvii p., 366 p.; Samuel P. Huntington, *Democracy’s third way*, *Journal of Democracy*, vol. 2, n°2, 1991, pp. 12-34.

<sup>108</sup> Cédric Mayrargue, « Le caméléon est remonté en haut de l’arbre : le retour au pouvoir de M. Kérékou au Bénin », *Politique Africaine*, 1996, n° 62, pp. 124-131.

after having been elected 2016 in what is considered as one of the most fair, democratic and transparent presidential elections since 1990.

This report takes the form of a desk review that looks at key texts and reports, complemented by a few key informant interviews. The literature review includes published and grey literature, journalistic and NGO reports, and assessments generally related to democracy, governance and corruption, etc. The documents we mobilized are focused on the three decades of democratization in Benin. But we also engaged with some publications which proved relevant as they provided historical insights on developments prior to the 1990s. We also engaged interviews with a number of key informants<sup>109</sup> whose narratives provide a deeper understanding of the dynamics of the democracy capture phenomenon.

Therefore, historical sociology is the approach used in this study to comprehend the phenomenon of democracy capture<sup>110</sup>. Using this approach will help to avoid focusing only on what is happening in the present, but at least to provide a mid-term perspective, i.e. from 1990 up to now. This approach would be useful for a diachronic “re-exam and reinvigoration” of “the design, workings, and practice of democracy” in Benin over the last three (3) decades, beginning by the root factors of the phenomenon of democracy capture.

## 2. The Factors Driving Democracy Capture in Benin

The capture of democracy in Benin has been possible in Benin *via* different factors including at least two: the progressive and decisive appearance of businessmen in the Beninese political landscape on one hand, and the progressive collapse of institutions on the other.

### *The progressive invasion of the political arena by economic actors*

The demarcation between the economic and the political arena remains unclear in Benin. In the immediate aftermath of the National Conference, the political arena has been occupied by the intellectuals and the highest public servants of the country. As a result, the quasi totality of the first legislature (1991-1995) was composed of intellectuals and administrative elites. This earned it the reputation of “the chamber of intellectuals”.<sup>111</sup> Only 6 members of this parliament were *business men/women*.<sup>112</sup> From all since the founding elections in 1991, the first legislature is commonly considered as the best for, on one hand, the quality of debates held in the hemicycle and, on the other, the relative integrity and probity of its members. It is regularly told that during this first legislature, a Minister, like a student, had to work very hard on his *dossier* before going to defend it in front of the Parliament. Otherwise, he would be humiliated publicly by the Parliament with the risk of being fired by the Head of State. Therefore, there was a very little chance for active or passive corruption to govern the politics at that time. The explanation of this state of things is also that the framing ideas settled in the National Conference were so fresh in the public opinion that nobody wanted to bear the responsibility to have failed in his part of the task of rebuilding the country and maintaining the hope and promise of efficient democracy for all.

---

<sup>109</sup> Most of them required confidentiality.

<sup>110</sup> There is no need here engaging the debate about the relevance of historical sociology, or the preeminence of one discipline on the other (history and sociology). We here just use historical sociology as a combination of these two social sciences or two “historical sciences” (Jean-Claude Passeron, *Le raisonnement sociologique. Un espace non poppérien de l’argumentation*, Paris, Albin Michel, 2006, 670 p.) to apprehend more critically this phenomenon of state capture in a peculiar context: Benin, one of the first leading countries in “the third wave of democratization” in Africa.

<sup>111</sup> Afize D. Adamon, *Le Parlement béninois en mouvement (1990-2015), tome 2, Vie et œuvre des six premières législatures*, Cotonou, Editions du Journal Officiel du Bénin, 2016, p. 35.

<sup>112</sup> Afize D. Adamon, *Le Parlement béninois en mouvement (1990-2015), tome 2, op. cit.*, p. 47.

But, the more distant that first legislature period becomes, the more problematic is the quality of the parliament. One of the main reasons of such an evolution is the prominent and significant place that money has been gradually taking in Beninese politics.<sup>113</sup> It has become a normal feature of Benin's politics that political actors, including the members of parliament, can be bought for a precise political objective.<sup>114</sup> For instance, Mrs. Rosine Soglo, the former first lady (Nicephore Soglo, 1991-1996) and Deputy since 1995, affirmed publicly that the quasi totality of deputies have received millions of CFA in order to vote for the constitutional reform prepared by President Talon's Government. This political *mercato* is a struggle between the dominant political big man, the incumbent president, and the business-men who, even if they are not in office, have the sinews of the war.

Historically, two events can be the sources of this progressive reign of money in the political landscape. On one hand, some observers pointed out the introduction of money in the second legislative elections (1995) by a certain political leader: Adrien Houngbédji. Important actors and observers do affirm more and more persistently Mr. Houngbédji with its Parti du Renouveau Démocratique (PRD) is the first political party that began distributing money during an electoral campaign in the post-1990 electoral democracy history of Benin.

On the other hand, one can notice the emergence or the invasion of the political arena by business men. First, an important and illiterate businessman Sefou Fagbohoun – very close friend of the then President of the Republic, Mathieu Kérékou – created a political party, MADEP<sup>115</sup>, in November 1997. Sefou Fagbohoun was involved in the famous "Affaire Sonacop". At this time, the MADEP was considered as the most financially robust party. The proof is that, less than two years later, the party took part in the 1999 parliamentary elections and won six (6) seats. Furthermore, in the 2003 electoral competition, not only had it increased the number of its seats to nine (9) but it obtained the position of President of the Parliament<sup>116</sup>. At the same time, Mathieu Kerekou created the conditions for the emergence of a new category of political actors: young business men and/or entrepreneurs with a low level of instruction<sup>117</sup>. They entered the fourth (4<sup>th</sup>) legislature of the parliament, and one of them, Eustache Akpovi, took the position of 2<sup>nd</sup> Vice-President of the institution.

The year 2006 consecrated the very significant and decisive involvement of another businessman in Benin's politics: Patrice Talon. He, who timidly and secretly had been a sponsor of many political actors and parties, decided to throw his weight behind Boni Yayi, a newcomer and outsider coming from the leadership of BOAD (West African Bank for Development).

After the two terms of Boni Yayi's presidency (2006-2016), the circumstances lead the oligarchs, no longer as the discrete supporters and sponsors, to invest their fortune in the political arena as the front-runners and premier actors.<sup>118</sup> Thus, the two richest businessmen of the country, Patrice Talon and Sebastien Adjavon, took part in the presidential elections and came respectively 2<sup>nd</sup> and 3<sup>rd</sup> of the first round, Lionel Zinsou, Boni Yayi's mentee being the first. In the second turn, Talon benefited obviously from the support of Ajavon to be elected as the President of Benin.

---

<sup>113</sup> Leonard Wantchekon, "Clientelism and Voting Behavior. Evidence from a Field Experiment in Benin", *World Politics*, n° 55, April 2003, pp. 399-422; Richard Banegas, « "Bouffer l'argent". Politique du ventre, démocratie et clientélisme au Bénin », in Jean-Louis Briquet et al., *Le clientélisme politique dans les sociétés contemporaines*, Paris, PUF, 1998, pp. 75-109.

<sup>114</sup> Francois Awoudo, *Le mal transhumant. Les infidélités politiques dans le Bénin démocratique*, Cotonou, Editions Tundé, 2004, precisely « Du démarchage des militants à la dérive mercantile dans l'arène politique béninoise », pp. 105-126.

<sup>115</sup> Mouvement Africain pour le Développement et le Progrès.

<sup>116</sup> The Secretary General of the Party, Mr Antoine Idji Kolawolé, a diplomat and former Minister of Foreign Affairs, became the Chairman of the 4<sup>th</sup> legislature (2003-2007).

<sup>117</sup> The main figures of this apparition in the political arena of young businessmen are Issa Salifou (Saley), Rachidi Gbadamassi, Eustache Akpovi, Cyriaque Domingo.

<sup>118</sup> Jean-Philippe Platteau, "An overview of institutional and other constraints: The spatial, historical and socio-political context, in François Bourguignon et al. (eds), *Benin Institutional Diagnostic*, chapter 1, 2019, p. 27.

### *The progressive collapse of institutions*

An idea has been jeopardizing the reinforcement of Beninese democratic institutions: democracy is taken for granted because we fought to set up a strong law and institutional system after the February 1990's National Conference. This idea led to political actors' neglect and off-handedness, and the civil society lack of vigilance. All of this is compounded by the wider public's general ignorance on issues regarding the country's governance. It is important to notice that more than 80% of Benin's population is French illiterate, while all the entirety of Benin's legal framework is in French, without the possibility of translating them into local languages. As a result, the destiny of the country is abandoned in the hands of a very few – less than 20% of the population – who decide as they want, or as the struggle between them continues.

The situation got more complex when, on the occasion of the 1999's legislative elections, a cohort of semi-literate businessmen, promoted by the then incumbent President Mathieu Kerekou, entered in the political scene by becoming members of the parliament. These "*hommes d'affaires*", became rich by their businesses in the flourishing second-hand vehicles sector which has a very attractive market in Nigeria and in the hinterland (Niger, Burkina-Faso).

The collapse of the republican institutions in Benin also has to do with the conditions under which the choice of the members of these institutions is operated. Generally, the composition of the constitutional institutions is the prerogative of the president of the Republic and the parliament. Such is the case for the constitutional Court, the Supreme Court, the High Court of Justice, and the High Authority for Audiovisual and Communication, etc. The processes of establishing these fundamental institutions – the Parliament and the President of the Republic – have been jeopardized by the merchandising and the money corruption of the electoral game. As a result, election after election, it has become an obvious rule that the richer a candidate is, the more likely it is that that candidate will win the election. This rule – which is said to have been introduced into the Beninese political *habitus* by Adrien Houngbédji and his political party PRD during the 1995 legislative elections – imposes to the political actors the idea that the political and electoral battle is before and beyond all 'a battle of money'. When they succeed in their election, they believe that everything is possible for them. This includes the President of the Republic and those occupying parliamentary seats, to master and utilize to their guise all the political, institutional and administrative resources. This way of thinking and acting is current in Benin: one intends to be elected generally for the substantial purpose of reaching personal even private interests by instrumentalizing the institutions.

The issue is not the mode of designation of the members of these institutions. As it is commonly accepted, the nomination or the election of the members of an institution does not guarantee the independence and the impartiality of the latter. However, whatever the mode of designation adopted, the quality of the personalities chosen to be members of an institution determines the quality of its office. In fact, for a decade now, one can observe that the intrinsic quality of the members of key constitutional institutions has been deteriorating. Public opinion in Benin doubted the professional competencies and the moral probity of some personalities designated to be members of some institutions. In other cases, some members chosen have no problem with moral probity, but they have a critical lack of competences in the institution's domain. Therefore, the office is undermined and monopolized by a small number of members whose role is not to ensure that their institution fulfils its duly assigned responsibilities, but to conduct affairs based on the interests of an invisible actor. This is particularly the case with the current mandate of Benin's Constitutional Court (2018-2023). The parliamentary majority coinciding with the presidential majority,<sup>119</sup> the seven (7) members of the

---

<sup>119</sup> This was not the first time this coincidence had occurred in the history of the country.

Constitutional Court were designated by the regime, that is there was no member of the Court coming from the opposition or the civil society. Moreover, the president of the Court, Joseph Djogbéno – professor of private law and personal advocate of Mr. Talon<sup>120</sup> – was until then, the Ministry of Justice and spokesman of President Talon’s Government. There was no other well-known and competent constitutional expert or a reputable public law specialist among the seven designated members. As a result, for many lawyers and political analysts, Mr. Djogbéno is the *hegemon*, meaning the *omniscient and the omnipotent* in the Court, working for the *hegemon* of the country, the Head of the State and his businesses. This impression of the control of the Constitutional Court, and more widely of all the institutions, by the president of the Republic is not new. During Boni Yayi’s two terms (2006-2016), the institutions’ instrumentalization was perceptible and worrying. However, this practice seems to have culminated to an unprecedented degree since Patrice Talon took office.

This progressive instrumentalization has profoundly weakened the institutions, and made them vulnerable to any assault from the captors.

### 3. The “Democracy Captors” in Benin

The actors of the process of capturing democracy in Benin can be classified in three categories: the president of the Republic, the head of state’s entourage and the businessmen.

#### *The president of the Republic*

The Beninese Head of State, like his colleagues in West Africa, if not in the whole Africa, is the “big man”, the *omniscient, omnipresent and omnipotent* who governs and rules the country, as he pleases. The political, institutional and judicial arrangement gives all the means to the president of the Republic to control, manipulate all the other institutions as he wants. In fact, the head of State is a “republican monarch”, meaning despite the counter-power’s institutions, he is the heart of the political system, the main referee of the political, social and economic life of the State.<sup>121</sup> Therefore, in Benin, democracy is what the Head of State makes of it, or decides it is. To say it frankly, the constitutional design of the presidential institution, the psychological and social predispositions about power, and the political history of the country have created the favourable conditions for the Beninese democracy to be captured. The president of the Republic has the public, civil, judicial and military administration at his disposal. He has the concurrent prerogatives, with the parliament, of designating the members of the other institutions (Constitutional Court, Supreme Court, High Authority of Audiovisual and Communication). He nominates the president of the latter institutions. He presides over the Council of the Judiciary whose members are dominated in number by the Executive’s representatives. When the parliament corresponds to the presidential majority, the head of State can designate all, or at least the quasi totality of the members of the institutions.

To take an example in the economic field, the businessmen are promoted or destroyed only by the will of the Head of State. This was seen with President Soglo when he promoted Patrice Talon as the principal operator for the cotton industry; with President Kerekou who encouraged the emergence of a new class of businessmen (Issa Salifou alias Saley, Eustache Akpovi, Domingo, etc.); with President Boni Yayi who promoted a large number of micro-business men and harassed some very important economic actors who seemed to politically rebel; with President Patrice Talon who has, if not destroyed, forced all the major businessmen to put the key under the door or to flee into exile, leaving the main economic sectors in his hands or in those of his close circle.

---

<sup>120</sup> Till Mr. Patrice Talon became President of Republic.

<sup>121</sup> See for instance Frédéric Joël Aïvo, *Le président de la République en Afrique noire francophone. Genèse, mutations et avenir de la fonction*, Paris, L’Harmattan, 2006, p. 643.

### *The entourage of the head of state*

The entourage of the head of the State should be taken into account here in its large sense. It includes the familial relatives, the very close political partners, the economic clique and the spiritual supporters of the ruling leader. This multilevel-actors group constitute the first circle of power within the country.

Each part of this entourage has a certain power that it exercises in the name of the president of the Republic, and not necessarily for the interests of the latter and the country, but for its own interests. Very often some members of this entourage can succeed in obtaining a very important decision from an institution, a public department just by arguing the decision is asked by the executive leader or the decision will please the latter. Sometimes, the executive leader does not know that a strategic decision has been taken by the usage of his name. The targeted institution doesn't know the mission it is asked to accomplish is not known by the head of state. Under these circumstances, the president of the republic and the targeted institution are manipulated by the entourage.

### *The businessmen*

Along with the entourage of the head of State, the businessmen are the true rulers of the country. Some of them are members of the executive leader's circle. Some are far from the first circle of power. But wherever they are, they keep on influencing the political realm by their capacities of funding political and civil society actors and their activities. This sponsorship allows them to be near or behind strategic activities organized by political and civil actors. That is why when huge and sensitive activities such as demonstrations happen, the recurrent question asked in the Beninese public opinion are the following: who is behind that? That is, who is the sponsor of the activity? The most interesting is that the businessmen fund ruling parties, and if need be, the opposition actors as well, particularly during the electoral competition. This behaviour of funding all categories of actors is based on a philosophy: a businessman has no party, he can't be in opposition, so he must support every important candidate/party so that he can be on the right side when it comes to ruling the country. The proverbial formula is: a businessman never supports the opposition unless he is sure the opposition is becoming the incumbent.

This philosophy has a practical effect: in any case, Beninese businessmen do all their possible to have a presence and influence in all the strategic institutions, procedures and processes. For instance, when the judges, the members of governments, the members and heads of core institutions are appointed, everyone is preoccupied with knowing to which political/economic actor this or that appointed personality is near to.

Thus, generally behind the political and electoral competition there is at stake a hard competition between the most important businessmen for funding the winning candidate/party. Since 1990, in the absence of public funding of political parties, the businessmen have occupied the place normally devoted to the State for the regulation of financial mobilization by political parties. Under these circumstances, economic actors have transformed the political arena to a mere jungle, where only the more financially powerful can emerge and survive. The omnipotent actors in the country, the businessmen, not the political actors, become the ruling authorities. The latter become the agents of the former. When the businessmen realize that their political agents do not accomplish their will adequately, they decide to invest in the political arena with all their means. This is the commencement of the creation of political parties led by businessmen. President Patrice Talon, after Sefou Fagbohoun (MADEP's leader) and many others, is the illustration of this shift.

#### 4. The manifestations of democracy capture in Benin

Since the February 1990's National Conference, Benin has been experimenting with a democratic regime. The principle of liberal democracy and Rule of law permits the involvement of all categories of citizens into the governance of the country. Contrary to the PRPB regime, the private sector actors, particularly the businessmen, can therefore take part in the democratic process. Very often, in the first two decades, they were at the back office or at the margins of the political game. This position gives them the discretion and efficiency for capturing what they target in diverse domains. However, since the famous attempt to poison President Boni Yayi affair<sup>122</sup> by Patrice Talon in 2012, the emergence of the businessman as a public and core political actor becomes more visible in Benin. The figure *par excellence* of this bizarre emergence from the informal captor position to the official captor is Patrice Talon.

##### *The ordinary habitus of democracy capture in Benin*

Pierre Bourdieu defines the *habitus* as this set of habitual behaviours that have durably structured the ways of thinking and acting of a social group. In the aftermaths of the 1990 National Conference, the Beninese ambient political culture was structured by high intellectual debates, as the first post-national Conference political class level showed it. This political class was in a very wide extent preoccupied with in-depth political affairs, the settlement of the "new" Benin's institutional architecture. Therefore, it left economic, financial and material affairs in the hands of economic actors who in turn were very discrete and amenable to political leaders. The businessmen' prosperity was possible under the umbrella of the political actors. Progressively, the liberalization of the national economy and the invasion of the political debate by money, made the economic actors more and more influent in the quest, conquest and management of the political power. As some political leaders had money for funding their own campaign and in the absence a public funding of political parties, the challengers used to revert to occult funders, the businessmen.

The proximity of political and economic actors creates a conflict of interest when the former comes in office. The latter become the co-managers of the country. Some state departments are supposed to be the "chasse gardée" of a certain category of businessmen. The appointment of the ministers, directors general and other important civil servants and the procurements in those ministries are due to some economic actors.

Such was the case with some very important businessmen during Mathieu Kérékou's office (1996-2006). They were used to having a *quota* (a certain number of recruits) in the recruitment of some civil servants, particularly in the customs administrations and in the judiciary. Such was also the case during Boni Yayi's regime. A former Minister of Boni Yayi, under confidentiality, asserts that a recruitment process of court bailiffs has been postponed and he, the Minister of Justice, has been fired because he had refused the deadline's prorogation to the nephew of a very strategic businessman around President Boni Yayi. In fact, the candidates have already been in the rooms, waiting for the examinations' launching by the Minister of Justice when the latter received a call from the president of the Republic who ordered him to cancel the competition. A couple of weeks further, the Minister will be fired. This was the rigid demand of the economic oligarch around the head of the State. For the businessman, firing the Minister of Justice has become a matter of life or death since the Minister has been guilty of a crime of lese majesty.

##### *Patrice Talon: a peculiar case of democracy capture*

---

<sup>122</sup> For a complete understanding of this affair, see the book written by the judge in charge of the investigation: Angelo D. Houssou, *Je ne suis pas un héros. Affaires Talon*, Paris, AFRIDIC-CDA, 2016, 272 p.

Patrice Talon is, by his only own, a peculiar case of democracy capture in Benin because he has been experimenting all of the strategic positions in the process of capturing: on one hand, he has been at the back office of the process as an influent businessman in the shadow and corridors of the political power and, on the other hand, at the front office of the process, since his inauguration as the president of Republic in 2016.

Within the Beninese political landscape, Patrice Talon had been known as a very discrete and successful business man in the cotton sector. In fact, President Nicephore Soglo, upon the occasion of reforming the cotton sector within the framework of the Structural Adjustment Plan, allocated in 1992 the ginning branch to a young businessman of 32 years: Patrice Talon. He was introduced to President Soglo by Mr. Désiré Vieira, the then Minister of Defense and the President's brother-in-law<sup>123</sup>. Then, Talon became a very strategic economic actor since the cotton sector and the Cotonou's port were considered as the national economy's lungs. In order to protect his interests, he was used to keeping as very close as possible, by all means, to any Minister of Agriculture of any government since 1992. As a result, Talon funded President Soglo's campaign for the 1996 presidential election which the latter lost. At the arrival of President Kérékou in office, his business went bad for a while. He was so enterprising in his informal stratagems to keep control on the cotton sector that some of his corruptive behaviours irritated President Mathieu Kérékou who decided to imprison him. But he fled the country to Dakar for a moment. Concomitantly, he became progressively the main funder of numerous political parties and actors except Mathieu Kérékou, held a quasi-monopolistic position in the cotton industry and then established a rhizomatic network within the public administration.

When President Kérékou retired from office in 2006 after his two constitutional terms, Mr. Talon was the prominent sponsor of the main candidates' campaigns to the 2006 presidential elections, particularly Mr. Boni Yayi's two campaigns (2006 and 2011)<sup>124</sup>.

As a result, when the latter won the 2006 election and came to office, Mr. Talon was "the man of the situation". He directly formed President Boni Yayi's first government. In a television interview in August 2017, President Yayi himself stated he did not know, prior to their appointment, some members of the first government he was leading. For instance, the Minister of Agriculture of this first government, Mr. Gaston Dossouhoui, was designated by Mr. Talon. The proof is that Mr. Dossouhoui is the current Minister of Agriculture in President Talon's cabinet. Under President Yayi's regime, Talon has become the Ministers and Directors General maker. In fact, before becoming head of state in 2016, Talon had been a very influent actor in ruling the country. Some Boni Yayi's Ministers affirmed<sup>125</sup> they were fired because they haven't executed Talon's will on some important issues. For them, nothing in the governance of the country should not jeopardize Talon's interests. Any person who persists in taking a public action contrary to his interests would either be fired or face troubles. Such was the case with President Boni Yayi himself about the PVI (Importations Verification Program) agreement. This program dispossesses the customs Administration. When the latter engaged strikes to protest against this PVI program, the Parliament, under the secret and "generous" support of Mr Talon, took a new law which withdrew from the Customs Officers Trade Unions the right to strike<sup>126</sup>. But, a couple of months later, in reason of the amount gained by Benin Control to the detriments of the public treasury, President Boni Yayi disengaged the Beninese government from the contract. Patrice Talon lost the PVI program. Mr. Talon undertook unsuccessfully some initiatives to destabilize Yayi's regime. He succeeded in fleeing the country to Paris. From there, he planned to poison

---

<sup>123</sup> Emmanuel V. Adjovi, *Une élection libre en Afrique. La présidentielle du Bénin, (1996)*, Paris, Karthala, 1998, p. 181.

<sup>124</sup> For a quasi-exhaustive factual report of the both campaigns of Boni Yayi and the role of Patrice Talon, cf. Tiburce T. Adagbè, *Mémoire du Chaudron. Conquérir le pouvoir d'Etat*, préface, Robert Dossou, Encrage édition, France, 2020, p. 620.

<sup>125</sup> Under confidentiality.

<sup>126</sup> See the Loi n° 2011-25 portant règles générales applicables aux personnels militaires, des forces de sécurité publique et assimilés en République du Bénin, votée par l'Assemblée Nationale le 26 septembre 2011, and the Constitutional Court decision Décision DCC 11-065 du 30 septembre 2011 confirming the constitutionality of this law.



President Boni Yayi. The operation did not work. The judiciary battle engaged between President Boni Yayi and him turned into his advantages. He came back in Benin and ran successfully for the 2016 presidential race.

The attempt of assassination of President Boni Yayi by Patrice Talon is a peculiar case of democracy capture: *democracy capture by violence, even by mortal violence*. But it should be understood, *to a significant extent, as an economic instrument to ensure his business interests will not be hindered by competing political elites, and his economic monopoly over key sectors*.

#### *Talon's capture strategy*

Talon's capture strategy can be characterized by two modalities: on one hand the strategy of a discrete, powerful businessman and kingmaker and, on the other, the strategy of the big man in office. Patrice Talon, as informal/discrete captor, has exercised around 20 years of rhizomatic power upon an important part of the national economy and the public administration in Benin. He is presented as a colossal and predatory businessman. He used to offer diverse liberalities to civil servants in all the compartments of the public administration. Therefore, he can be aware immediately and permanently of any governmental decision concerning his scope of activities. The eloquent proof is that the two times Presidents Mathieu Kérékou and Boni Yayi decided to jail him, he succeeded in fleeing the country due to his informants' network in the presidential cabinet and moreover in the National Army's leadership. He treats so well his informants that they become his accomplices and are conditioned to prefer serving him than the national interest. The fact is a bit amazing: between Patrice Talon and the President of the Republic, civil servants, regardless their level, do obey to the former, who had no official position in the country, more than to the latter. His mastering of things and people in the power's circuits is impressive. The culmination is the facility he used to convince all President Boni Yayi's main and closest aides to poison him. Judge Angelo Houssou, the judge who decided an order of proceedings dismissal in the poisoning affair in which Patrice Talon was the main accused, related a striking story about that affair<sup>127</sup>:

*“Zoubérath Kora, the housekeeper and nephew of the President of the Republic [Boni Yayi], Ibrahim Mama Cissé, his physician, and Bachirou Adjani Sika, a member of his closed guard, all in an official delegation with the President in Brussels, said to have been received, Wednesday October 17, 2012, separately by Patrice Talon, in Chateau du Lac Hotel in Brussels. Zoubérath Kora declared that Patrice Talon entrusted her with the mission of administering to the Head of State some medicines in order, not to kill him, but to make him unfit to perform the functions of President of Republic. She said to have received there and then 5000 euros and a promise of a billion of FCFA. She would get the drugs by Dr Ibrahim Mama Cissé.*

*Ibrahim Mama Cissé said to have been received by Patrice Talon in presence of Mrs Moudjaïdou Soumanou and Olivier Boco. He affirmed to have been promised the amount of one billion of FCFA. He declared it had been said that Soumanou would give him, on Friday 19 October 2012, some drugs he would hand over to Zoubérath Kora and which would be administered to the Head of State for killing him.*

*In preparation for this operation, Moudjaïdou Soumanou, Ibrahima Cissé and Olivier Boco would have met in New-York during September 2012 on the initiative of Patrice Talon who, unavailable, was represented by Olivier Boco. The meeting was about the medicines the Head of State was used to utilizing. [...]*

---

<sup>127</sup> Since Patrice Talon came in office, Judge Angelo Houssou is appointed in the Presidency of Republic.

*Moudjaïdou Soumanou declares to have actually brought the drugs to Cotonou, on Friday 19 October 2012. It was a white and scotched package, and four boxes composed of injectable Spasfon, Lyricar 75 mg, Josir LP 0,4 mg, Spasfon-Lyoc, Dafalgan paracetamol 500 mg. He adds he gave them to Dr Ibrahim Mama Cissé, in his office around 9.00 p.m. just after getting of the plane. The day after, Zoubérath Kora came in Dr Ibrahima Mama Cissé's office for taking knowledge of the products. The Dr did not leave them to her. The crime was planned to be executed on Friday 19 October 2012's night. Patrice Talon should come back in Benin on the following Wednesday, after the Constitutional Court would have certified the power vacuum. But the operation did not work. Zoubérath Kora made her fiancé, Patrick Darwichian, aware of the facts. The latter in his turn, informed one of the Head of State's bodyguards, Florent Capo-Chichi, who kept the son of the Head of State, Nasser Yayi, informed of. The latter warned his father. Therefore, Dr Ibrahim Mama Cissé was arrested with the drugs in his possession. During the same day, Zoubérath Kora and Moudjaïdou were arrested as well.*

*Dr Ibrahim Mama Cissé acknowledges to have given the names of the medicines used by the Head of State to Patrice Talon and Olivier Boco. The so-called medicines are amid the seized products.*

*From Friday 19 to Saturday 20 October 2012, Patrice Talon, concerned with being ensured about the level of execution of drugs administering to the Head of State, sent seventeen SMS messages to Zoubérath Kora. The latter responded to him by ten messages.*

*The three accused all acknowledged the facts, but affirmed they did not want to conduct the operation to its end<sup>128</sup>.*

A bit later, another affair of *coup d'état* raised. Three personalities were involved in that affair: Pamphile Zomahoun, a senior officer of Gendarmerie working in the then Head of State (Boni Yayi) military cabinet; colonel Bako Megounna, the Chief of the Land Staff of the Army, and Johannes Dagnon, a Certified Public Accountant in charge of Patrice Talon's businesses and his cousin as well. Judge Houssou, in charge also of investigating this affair, counts that:

*"On 17 February 2013, Pamphile Zomahoun, a senior officer of Gendarmerie working in the then Head of State's military cabinet, visited colonel Bako Mégounna, Chief of the Land Staff of the Army, at home. The discussion which was engaged about the economic and sociopolitical situation of the country ended up on the preparation of a coup d'état, which will consist in taking occasion of an abroad journey of the Head of State for investing the Office of Radio and Television of Benin and prevent the other medias from broadcasting [...]."*

*Three other meetings were held in Bako Megounna's office, successively on Tuesday 19, Wednesday 20, and Thursday 21 February 2013. At the second meeting, Pamphile Zomahoun gave his hierarchical supervisor [Bako Mégounna] the project he had drafted. The same day, he gave a call and his correspondent ensured Bako Mégounna to have no worries. The latter insists that the person on the other end of the line was Patrice Talon whose he has formally recognized the voice. Bako Mégounna took care to film and record their last two conversations. Pamphile Zomahoun did the same at their last meeting but his recorder didn't work. On 21 February 2013, Bako Mégounna denounced Pamphile Zomahoun to the military authorities after having received all the documents pertaining to the coup d'état.*

---

<sup>128</sup> Angelo D. Houssou, *Je ne suis pas un héros. Affaires Talon*, Paris, AFRIDIC-CDA, 2016, pp. 45-48. The translation is ours.

*It is on the basis of all of these elements that Pamphile Zomahoun was arrested on Friday 22 February 2013. The same day, Johannes Dagnon, Certified Public Accountant, in charge of the accounts of Patrice Talon's companies, was arrested"<sup>129</sup>.*

The most interesting thing in the story counted by the Judge Houssou is not the responsibility of Mr/Mrs So-and-so. It is the established capacity of an individual, Mr Talon in this case, to master with an extreme sense of details the circuits of the core highest *lieux* of the power in a State for his own interest.

When Patrice Talon came in office as president of the Republic, he has become an institutional captor. As such, Talon's strategy is an exclusive capture: an economic monopoly hidden by an apparent liberalism. As a matter of fact, the competition in the capturing landscape is not allowed. All the main economic, private, public and political actors potentially capable of any capturing action are neutralized – jailed or forced to exile –. For instance, the main economic actors known in the country lost part or all of their businesses and are constrained either, for some, to put the key under the doormat, to refuge in silence and live in the country or, for some others, to live in exile if they want to publicly express their opinions. The well-known examples are Sebastien Ajavon, Martin Rodriguez. The first is his economic rival and political challenger: Ajavon has been considered as the richest man or *ex-aequo* with Mr Talon; he arrived 3<sup>rd</sup> (23%) in the 2016 presidential election just behind Patrice Talon (24%); the latter won the second turn of the election thanks to Ajavon support. The second, Martin Rodriguez, was the challenger of Talon in the cotton industry sector.

Moreover, in his style of public affairs' management, Talon creates two parallel States: an officious parallel State and an official parallel State.

The officious parallel State is a technique practiced by all the heads of state in Africa and worldwide. There is an informal and obscure cabinet which is in charge of peculiar and sensitive affairs. The particularity in Talon's case is that this informal cabinet is said to be held by his *alter ego* in business and besides, Mr Olivier Boko, who is a fortunate businessman and has become the strongest ally and connivant of Talon, after a challenging collision on a procurement struggle. Mr Boko has replaced Talon, as CEO, in some of his companies' boards when the latter got in power. Since then, Mr Boko represents officially Mr Talon's businesses' interests. But he also has all the liabilities to manage a very important part of the public affairs and thus without any official position<sup>130</sup>. He is commonly called as the Vice-President of the country.

Overall, it is common lieu in Benin now that President Talon and his clique have a stranglehold on the key economic sectors and the public procurements. Consequently, any enterprise in the country is unable to gain any piece of procurement without being under the umbrella of the *omnipotents* of the moment. This monopoly and the very quasi-monopoly of the politico-institutional landscape and the public administration tend to transform the country into "a company in the hands of Talon and his very close clique".<sup>131</sup>

The official parallel State is structured by a set of new institutions and mechanisms established to execute concurrently the same mandates with the existing institutions and mechanisms. Precisely,

---

<sup>129</sup> Angelo D. Houssou, *Je ne suis pas un héros. Affaires Talon, op. cit.*, pp. 49-50. The translation is ours.

<sup>130</sup> Vincent Duhem, « Bénin : Olivier Boko, l'ami dans l'ombre de Patrice Talon », *Jeune Afrique*, 13 March 2017, URL : <https://www.jeuneafrique.com/mag/407031/politique/benin-olivier-boko-lami-lombre-de-patrice-talon/>, consulted on 20 April 2021.

<sup>131</sup> Francis Kpatindé, « Patrice Talon veut transformer le Bénin en une immense SARL dont il serait l'unique actionnaire », *Le Monde Afrique*, URL : [https://www.lemonde.fr/afrique/article/2019/05/08/patrice-talon-veut-transformer-le-benin-une-immense-sarl-dont-il-serait-l-unique-actionnaire\\_5459603\\_3212.html](https://www.lemonde.fr/afrique/article/2019/05/08/patrice-talon-veut-transformer-le-benin-une-immense-sarl-dont-il-serait-l-unique-actionnaire_5459603_3212.html), consulted on January 15, 2021.

President Talon created in all the most important domains a certain number of agencies, located at the Presidency, and whose prerogatives are the same, if not more, with those of traditional ministries<sup>132</sup>. The agencies directly depend on the President of the Republic. Their personnels are generally better paid than the civil servants employed in the existing public administration and ministries. If the agencies' attributions are known their budgets in the contrary remain a mystery. Even the civil society organizations working in the field of governance affirm confidentially they don't have exacting information on the budgets, the procedures and the expenditures of these agencies. Concretely, this "agencification" of the public governance, although argued to aim at efficiency, dismantles the public administration, weakens its capacities and shrouds in mystery the traceability of the public expenditures. This situation raises a couple of questions. Why is it necessary to create a parallel state if the aim of the governance is really efficiency? Why doesn't the creator of the parallel state take his power to reform the existing public administration and ministries in order to make them rather performant? And why in a democracy the budgets and expenditures of new public agencies instituted for a supposed better democratic governance should be a secret? One of the plausible hypotheses is that there is an ensemble of interests at stake in the institution and functioning of these agencies, especially the control of the procurements generated by the agencies' scope of activities, the amount of these procurements being about hundreds of millions of dollars.

Patrice Talon is a total case of democracy captor: **an informal individual captor (as a private firm captain) and an institutional, official captor as he is the president of the Republic since 2016**. His case alone is sufficient to understand how democracy capture occurs and operates in one of the first and more stable democracies in Africa. Patrice Talon has been an informal captor and since he has got in power, he has become an official captor.

### *Election funding*

The electoral funding is the main *lieu* of democracy capturing attempts, particularly by businessmen. Because of the lack of public funding<sup>133</sup>, the political parties/actors in Benin are used to begging for money with economic actors. In fact, a political actor who wants to be elected as a Member of Parliament in Benin should spend at least the totality of the equivalent of his three years' salary while his office lasts only four years. Then the question, generally raised since a while now: why so many politicians are struggling to be elected if there is no benefit for them. The more relevant response found by the public opinion is that politicians instrumentalize their political positions to obtain undue advantages from the public Administration and all other possible circuits of traffics.

So, the economic decide to support the politicians/parties they want with the obligation for the latter to be grateful when they get in power. Generally:

*“businessmen invested, on aggregate, a total of CFA franc 7,567,560,000 (\$13,080,443.46) in the recent electoral campaigns as financial support to politicians, according to the 189 who responded to this question. On average, the former invested, all elections combined, an amount of CFA franc 40,040,000 (\$69,252.750) in the campaigns of a candidate. Considering the type of elections and the location, the financial package is about CFA franc 10,900,000 (\$18,838.524) and CFA franc 47,600,000 (\$82,288.818) for municipal elections, respectively,*

---

<sup>132</sup> ABRP: Beninese Pharmaceutical Regulatory Agency; ACISE: Agency for the Construction of Infrastructures in the Education Sector; ACVDT: Agency of the Living Environment for the Development of the Territory; ANAEP-MR: National Agency for the Provision of Potable Water in Rural Areas; ADN: Agency for the Digital; ANPT: National Agency for the Promotion of Patrimony and Development of Tourism; ANSS: National Agency for Primary Health Care, etc.

<sup>133</sup> The issue of public funding, which has been one of the main weaknesses of Beninese political system, has been resolved by the 2018 revised Charter of political parties. But the implementation of this law is only beneficial, for the time being, for the two ruling political parties (Union Progressiste and Bloc Républicain) and for one so called opposition party, Force Cauris pour un Bénin Emergent (FCBE).

*in rural and urban areas. These figures are higher according to the importance of elections. For instance, CFA franc 37,300,000 (\$64,470.847) and CFA franc 67,600,000 (\$116,842.61) are invested in legislative campaigns of a candidate, respectively, in rural and urban locations”<sup>134</sup>.*

This financial situation shows how imprisoned politicians are in the hands of economic actors. As a result, funding a political actor who is more or less sure to be elected has become a challenging work for the quasi-totality of the businessmen in Benin. The electoral landscape has been transformed in a market where the political parties/actors who have the chance to come in power are the object of a disputed “*mercato*”. This “*mercato*” is also held by the local and less important businessmen in order to control the local political field and the economic and financial benefits it generates. At the national or local level, the main objective is the “control of bureaucratic recruitment control, procurement, etc.”<sup>135</sup>

## 6. The targets of democracy capture

All the components of the society can be targets of democratic capture. Some of them are more significant including the public procurements, the constitutional institutions, the political parties, the diplomacy, the media, the intellectual class, and the religious authorities.

### *The public procurements*

The public procurements are the usual and the more important target of the democracy capture. As they are the main circuit of financial expenditures by the State and the principal route for resources’ mobilization by economic actors, the public procurements are the arena of all types of struggles among politicians, businessmen, high public servants and many other stakeholders. Controlling the public procurements means controlling the financial flux, the heart of the power, and the sinews of the political war. In the State which is not particularly different from a “neo-patrimonial”, “kleptocratic” or “opaque” State, the public procurements are one of the blackest boxes in Benin’s governance system since the first government post-1990. The scandals about the public procurements mark out all the post 1990 regimes in Benin<sup>136</sup>. The common point with all these scandals is the collusion between the businessmen/companies and, the ruling elites (governmental authorities, members of parliaments, some members of the judiciary, some high public servants). The public procurements give these stakeholders the possibility to peculate in the satisfaction of personal needs and interests. The gentleman agreement known an informal law but more efficient than any official law is the law of the 10%. This is the percentage any company should concede to the politico-administrative chain that attributes a procurement. This 10% has to be distributed all along the hierarchy in order, for the company, to ensure that it won’t face any major obstacle on the route for executing his procurement. It is commonly said that this percentage has increased towards 20% of the total amount of a procurement. One of the most spectacular affairs pertaining to this informal

---

<sup>134</sup> Ch Rafael, Mathias Hounkpe, Leonard Wantchekon, “Campaign Finance and State Capture”, in François Bourguignon et al. (eds), *Benin Institutional Diagnostic*, chapter 4, 2019, p. 11.

<sup>135</sup> Rafael Ch, Mathias Hounkpe, Leonard Wantchekon, “Campaign Finance and State Capture”, in François Bourguignon et al. (eds), *Benin Institutional Diagnostic*, chapter 4, 2019, 37 p.

<sup>136</sup> About Nicephore Soglo regime, see Emmanuel V. Adjovi, *Une élection libre en Afrique, op. cit.* ; Concerning Mathieu Kerekou regime, see Janvier Yahouedehou, *Crépuscules d’un dictateur*, Cotonou, Planète Communications, 2003, 239 p. ; Janvier Yahouedehou, *Les vraies couleurs du caméléon*, Cotonou, Planète Communications, 2002, 227 p. ; For a transversal view from 1990 to 2006, read Wilfrid Hervé Adoun, François K. Awoudo, *Bénin. Une démocratie prisonnière de la corruption. Investigation sur des faits et scandales de 1990-2006*, Tome 1, Cotonou, Friedrich Ebert Stiftung, COPEF, 2007, 387 p. ; For Boni Yayi’s office, cf. Wilfrid Hervé Adoun, François Koffi Awoudo, *Les dossiers de la République. Investigations sur des anomalies de gouvernance et pratiques corruptives au Bénin de 2006 à 2015*, Cotonou, sans éditeur, 2015, 427 p.

percentage is the construction of the parliament's new seat in the capital Porto-Novo. In reason of exaggerated bribes and other corruptive practices, the construction has never been finished despite many tens thousands of dollars invested. The rumour says that the decision has been taken that the unfinished building will be razed. The affair is under silence because it is commonly said that a great number of governmental and parliamentary authorities and their relatives, high civil servants, and businessmen were involved in the capture of the procurement for the construction of the parliament seat.

### *The constitutional institutions*

The quasi-totality of the Beninese constitutional institutions is continuously subject to the democracy capture. Why? They are the heart of the democratic architecture of the country. As we saw it above, the President of the Republic is not only the central actor but also the main target of capture in Benin. The Beninese institutional arrangement installs the Head of the State as the Republican Monarch from whom everything comes and to whom everything goes. Therefore, the Head of State has the capacities to undermine all the other institutions and to make them do all he wants. During the first two decades after the National Conference, it was complex and complicated even impossible for the President of the Republic to control absolutely the other constitutional institutions. But since the second term of Boni Yayi's regime, the instrumentalization of the constitutional institutions has taken on a very significant scale. For instance, President Boni Yayi used to say that "when I say *piinn* the Parliament says *paann*" as the train cries. This to show the complicity between the executive and the legislative, and more precisely the influence of the executive leader on the parliament.

The culmination of this capture of all the constitutional institutions by the executive leader can be exemplified with President Talon's regime (2016-2021). Benin's parliament is constituted of 83 members all coming from two parties created and funded by the Head of State after an exclusive electoral process in April 2019. The Constitutional Court, – which is also the electoral judge for parliamentary and presidential elections – is composed, on one hand, of 4 members designated by the Parliament Board which is favourable to the ruling majority and, on the other hand, of 3 members designated by the incumbent President. The High Authority of Audiovisual and Communication contains 9 members. Only three (3) of them are elected by the media's professionals. Three (3) are nominated by the Parliament and three (3) by the Head of State who designates the President of the institution. For the current mandate installed in 2019, the ruling majority controls 6 of the 9 members of the Authority. As a result, one can understand the decisions taken by this Authority, decisions considered as deconsolidating for the freedom of expression and media in Benin. The High Council of Judiciary is dominated, in number, by the representatives of the government. Consequently, the independence of the justice remains a huge issue if the executive is plethoric in an institution whose mission is to decide about the career of the judges. The Supreme Court appears to be less controlled than the other institutions, because in part, its president and some of its members have been designated by the former Head of State, Boni Yayi.

Consequently, the capture of the parliament, the Constitutional Court, the Authority of Audiovisual and Communication lead to the capture of all the main democratic procedures and processes in the country. The Constitution of 11 December 1990 has been reformed by the one-color parliament in November 2019, with the introduction of the controversial sponsorship (*parrainages*) system in the presidential elections and the prorogation of the incumbent president's mandate from April to June 2021. As far as the electoral democracy is concerned, and as a consequence of this capture, since the arrival of Patrice Talon in office in 2016, the opposition hasn't been allowed to take part in any election. The opposition was excluded from the legislative (2019), the communal (2020) and the presidential (2021) elections. The institutional capture leads to the capture of the legal capture which lead to the capture of the substantial processes such as elections and fundamental rights enjoyment.

This systematic capture resulted in the edification of a personal, authoritarian power exercised by M. Talon. It is objectively impossible to say in Benin there is only an institution which is in the possibility of resisting to President Talon. It would be very difficult to find in the jurisprudence of the Constitutional Court in place since 2018 a single case on a very fundamental issue unfavourable to the executive, and particularly to his leader.

### *The political parties*

The political parties in Benin look like having the destiny of a mouse permanently under the holding jaw of the cat, the head of the State.

But under other circumstances, the political parties are a particular category of means used by the political leaders to bargain all kinds of advantages with the president of the Republic: material and financial advantages (the public procurements for example), important positions in the public administration and in some strategic institutions. The political parties then do not function as an instrument for conquering and exercising the State's power but as a tool for getting and sharing some parts of the collective good, that is the State. They appear in Benin as "electoral clubs"<sup>137</sup> without any distinctive ideology, established for the single purpose of elections and post-electoral negotiations. There were around 250 political parties till the political reforms in 2018<sup>138</sup>.

In effect, the political parties are captured by political leaders to achieve their personal goals and interests. That is one of the reasons why since 1990 till 2021, all the Benin's presidents of the Republic have been elected without being a member of any political party. They are independent personalities who obtain the support of the political parties for winning the elections. And then, at their arrival in office, they make what they want of the political parties and their leaders. In return, especially when the political parties and their leaders are frustrated by the incumbency, they use their alliances in the Parliament to fragilize the executive leader and his government. The institutional clash happens when the supporting parties for the head of the State's election are dissatisfied, join with the opposition and become majority in the Parliament.

The party system's reform occurred in 2018, even if it has reduced significantly the number of the parties, has not resolved the issue of their capture. In contrary, a rigorous observation shows that the immediate and mid-term objective of this political reform is for the incumbent, Patrice Talon, to have a stranglehold on the political system, to set up an authoritarian and personal power. The proof is that, only the two parties founded under his auspices in the late 2018 were allowed to take part in the April 2019 legislative elections. They took all the 83 seats in the parliaments. Upon that, all the laws sent by the government to the parliament are systematically voted. Rapidly, in November 2019 the Constitution of December 11 1990 was revised in an emergency procedure.

In 2020, the two ruling parties took 71 mayors on the 77 communes of the country, the remaining 6 mayors belonging to the FCBE a so-called opposition party, which is in fact very close to the regime. And according to the revised electoral code voted by the one-color parliament in November 2019, any citizen must mobilize at least 16 sponsors from members of parliament and/or mayors in order to be

---

<sup>137</sup> This expression originates in the colonial period during the first elections (1946-1947) which authorizes the *indigenous* political leaders to be candidates for a seat in the French Parliament. At that time there was no political party. So, the then political leaders constitute the "electoral clubs", a kind of informal groups put in place in all the localities of the colony and whose purpose was the organization and the mobilization of the "popular masses" around the chosen candidates.

<sup>138</sup> The political parties Charter of September 2018, revised in November 2019 (Loi n° 2019-41 du 15 novembre 2019 modifiant et complétant la loi n°2018-23 du 17 septembre 2018 portant charte des partis politiques en République du Bénin), has hardened the conditions of creation political parties. For instance, the number of the founding members of a party has increased from 120 to 1155 with a very long list of exacting documents. Consequently, in compliance with this Charter, only fifteen (15) political parties are registered in the Ministry of Homeland and therefore exist in Benin till February 2021.

candidate to a presidential election. As a result, no opposition party was in the possibility of having the necessary sponsors. Then, the ruling majority sponsors to two very little known candidates it chose for the April 2021 presidential election. Any significant opposition leader wasn't allowed to participate to the elections. Consequently, the election, won by President Talon, resulted in violence, riots, fights between the security and defense forces and the civil populations including the hunters in some localities (Savè, Tchaourou, and Bantè) where the vote did not operate, with a low rate of participation, and post-electoral arrests of opposition leaders<sup>139</sup>. Most of them have fled into exile just after April 11 2021 to avoid being jailed. The post-electoral situation resembles particularly to a grand boulevard to an authoritarian regime<sup>140</sup>. Finally, the political parties in a large extent are what the omnipotent head of state makes of them. The reform undertaken in 2018 confines them not in the position of the main actors of the political realm but as the instruments devoted to the big man of the country.

### *The diplomacy*

The diplomacy remains "la chasse gardée" of the Head of the State, accordingly to the Constitution. But it has become obvious that political actors fight for diplomatic positions for their closes not only for the prestige of the function but also and particularly for the business opportunities it offers. In the last years, indiscretions in the political and diplomatic milieu point out that the fights are rude for the Ambassador's position in the Gulf countries (Dubai, Koweit, Saoudite, etc.) for the business advantages such a position can expose to.

In fact, since Talon's arrival in office, the main strategic diplomatic positions have been dedicated to the very president's close relatives, more precisely to personalities coming from his familial circle. Many observers saw these appointments as a strategy for ensuring that the clique's businesses will be efficiently and, most important of all, secretly dealt with by people of solid confidence. A couple of months ago, the Talon's regime decided to re-design the "diplomatic cartography" of the state. It strictly then reduced the number of the embassies basing on the argument of financial and efficiency 'reasons. But when it comes to the heads of these diplomatic missions, the critique poses that likely 70% of the positions are still held by key familial relatives of the President of the Republic. The critique alleged that these appointments are the symptom of a "familial-business" foreign policy, a kind of private foreign policy. The critique is not irrelevant when considering Mr Talon is the richest Beninese businessman and his governance does not appear to make a clear and transparent distinction between the public affairs and his own private ones. Nonetheless, constitutionally, the Head of State is the unique leader of the foreign policy and diplomacy of the country. And there is absolutely no legal limit to the number or the quality of those who should be appointed for the foreign affairs. The diplomats are considered as professionals who have to give competent and technical support to the heads of the diplomatic missions who are not necessary diplomats.

### *The media*

Media in Benin as likely the *vidomegons* of political and economic actors. The *vidomegon* is a young person placed in a family and who is employed for all types of hard and dehumanizing works. Generally, the *vidomegon* is synonymous of slave-child/young, without any will, any capacity of self-determination. Without any exaggeration, such is the case of Beninese medias. Medias, because of the absence a clear and viable economic model<sup>141</sup>, struggle in transforming themselves into

---

<sup>139</sup> Reckya Madougou, Alexandre Jean Hountondji, Joseph Tamégnon, Frédéric Joel Aïvo and their collaborators, and many other partisans of the opposition.

<sup>140</sup> Camille Malplat, Louise Dewast, "Benin's Talon Takes Tough Line After Re-election Win", URL: <https://www.barrons.com/news/benin-s-talon-takes-tough-line-after-re-election-win-01618417214>, consulted on April 19, 2021.

<sup>141</sup> Friedrich Ebert Stiftung, *Baromètre des Médias Africains. Bénin 2018*, Windhoek, 2019, pp. 21-32.



information clerks for political and economic actors. The medias' bosses utilize the media as a tool of negotiating money with political and economic protagonists. Those business-medias exist only for money, and for the money sponsors. The more an actor funds media the more widely, and regularly his/her voice is published and broadcasted. In the struggle for media' control by funding, the governmental authorities are the premier owner of the media. The different regimes since 1990, except Nicephore Soglo and Mathieu Kérékou's regimes, are used to signing some contracts with the private media whose main function is to undermine the capacities of the latter to divulgate critical information against the former. The contracts of silence use to on one hand mute the medias on all the bad governance issues of the regime and moreover to produce fake news to disorient the public opinions on critical matters. On the other hand, the contracts of silence are signed to oblige media for activating propaganda about the regime's positive actions. Those strategies of media manipulation culminate to of self-censure.

Concerning the public media, they used to be literally subject to the regime with some episodic reflexes of resistance. The appointment of their managers is also controlled by the government.

It is not exaggerated to affirm that the media are captured by the political actors. Particularly it is evident with the influence of the ruling parties and the governmental authorities. Generally, the Beninese media work in a precarious economic environment. The economic model of the media does not allow the latter to be economically autonomous and independent. Upon that, all the different governments are at their ease to manipulate the media as they want.

### *The intellectual class*

In Benin, the political functions of the intellectuals vary according to their choices but also to the appeals of politicians. Among these functions there are those of explaining, justifying, defending the governmental actions and speeches. These functions are different from the official positions of spokesperson held by either a member of the government or an intellectual employed as a civil servant, playing the role of "organic intellectual". The political function of the intellectuals as the government's defender is in general a position without any official etiquette. The absence of official etiquette is used as an apparent proof of neutrality and legitimacy. But in fact, these "free" intellectuals are secretly appointed by political and financial interests or exposed to informal pressures. Generally, these intellectuals are paid secretly by some economic actors close to the regime if it is not the regime itself which pays them directly by obscure procedures.

As a result, they are committed to justify the unjustifiable, to defend the indefensible to in a certain manner applaud publicly what they privately hate. They take possession of the public space and the medias, prevent contradictory opinions from emerging.

Progressively, independent intellectuals, capable of critiques become rare. The reality is that most of the intellectuals capable of public interventions are captured either by political and administrative appointments and privileges or by political, judicial threats, harassments and imprisonments. This leads the country in a stage of poverty of the public debate about the crucial issues.

Overall, in a context where the medias are captured yet, if the intellectuals are captured, it goes without saying the public sphere will in a large part be captured and regulated by the private *desiderata* of the captors. This situation of privatization of the public sphere is a peculiar point in the capturing strategy. Why? Because the problem is not the capture itself. The real stake is the publicity of the capture, the possibility for the public opinion to be informed about the affairs and procedures captured. If this possibility is confiscated, the captors can be at their ease. The scandals cannot be revealed. The governance seems to be efficient and irreproachable. If finally, the public sphere is

captured – because medias and intellectual class are captured –, meaning the possibility of critique is captured, it becomes obvious that the democracy is captured.

### *The religious authorities*

The religious authorities, for a period of time, have been considered in Benin as the last recourse when the whole society face unsolvable difficulties. Nobody knows neither the colour of God nor the money's one. So, it has become an evidence without any complex that the moral and religious authorities, except the catholic Episcopal Conference, accept funding from the governmental authorities. And it is difficult to know clearly the amount and the procedures of the funding. So to say there has been an opaque system of funding the religious authorities in Benin.

To such an extent that there is sometimes a kind of hierarchical dependence between the two kinds of authorities. Particularly, since the aftermath of the National Conference, in reason of the famous and exceptional leadership of Archbishop Isidore de Souza at the presidency of the Conference, the religious authority has acquired an incontestable prestige within Beninese society. Thus, practically, the moral authority of the catholic leaders has been for a long time the last resort which all the political actors used to revert to when it comes to resolve sociopolitical crises. But progressively, the emergence of the evangelic leaders and their decisive influence upon the executive power, particularly under President Kerekou's regime (1996-2006) and moreover during President Boni Yayi's office (2006-2016), instead of reinforcing their moral supremacy, have eroded their authority and legitimacy within the society. As a result, towards the end of Boni Yayi's regime, the religious authorities have lost their respect and prestige. This loss has been accentuated by Talon's regime while paradoxically it seems to be amenable with a particular religious group: Parfaite and her Church of Banamè.

In effect, the phenomenon of Parfaite (Perfect) a lady of 25 years old who claims herself as God<sup>142</sup> is the most eloquent example of collision and collusion between the religious and the political under Patrice Talon's regime. The lady, who is the founder of the "Very Holy Church of Jesus Christ of Baname", publicly is used to claiming that President Talon is her servant and as such the latter is unable to take any coercive decision against her<sup>143</sup>. The last declaration of Parfaite has become a subject of derision on the digital platforms, with the stress laid on the trivialization of the presidential function by Parfaite, who is overall a citizen like anybody. But the phenomenon poses a very profound question: what is the scope of influence of Parfaite on President Talon, so that she can defy him arrogantly in public without any consequence? Or is Parfaite's behavior the sign of the boomerang effect deriving from the instrumentalization of the religious by Patrice Talon? Parfaite and her church are known to have been the support of Talon's campaign in 2016. The plausible conclusion which can be withdrawn from this phenomenon is the mutual capture between the President of the Republic Talon and Parfaite.

---

<sup>142</sup> For a brief history of the phenomenon, read Donatien Gbaguidi "De Vicentia Tadambe Tchranvoun-Kinni à "Parfaite, Daagbo, l'Esprit Saint de Banamè": L'itinéraire d'une jeune élève devenue « Dieu »", *L'Événement précis*, 11 avril 2014, URL: <https://levenementprecis.com/2014/04/11/de-vicentia-tadagbe-tchranvoun-kinni-a-parfaite-daagbo-lesprit-saint-de-baname-litinaire-dune-jeune-eleve-devenue-dieu/>, consulted on 20 September 2021 ; Isaac Dachen, "25-yr-old female preacher declares herself God in Benin" March 2, 2017, URL: <https://www.pulse.ng/gist/blasphemy-25-yr-old-female-preacher-declares-herself-god-in-benin/xh28yfk>, consulted on 20 April 2020.

<sup>143</sup> Banouto, "Talon ne peut me demander aucune explication", URL :<https://www.banouto.bj/article/securite-humaine/20210913-daagbo-de-baname-talon-ne-peut-me-demander-aucune-explication>, consulted on 20 September 2021.

## 7. The consequences of democracy capture in Benin

The consequences of democracy capture are numerous. Some are more radical than others on the well-being of democracy in Benin.

Democracy capture in Benin is conducting the country into a process of **de-democratization**<sup>144</sup>. That is, apparently the country can be seen as a functioning system following the democratic lines and principles, but in fact, it is deviating on another way, probably either a semi-authoritarian or a very dictatorial one. The institutions, procedures, processes and principles are jeopardized, diverted to an objective far from being democratic. This de-democratizing approach shapes all the compartments of the society, deconstructs and in some extent destroys the fragile pillars of the on-going democratic experience.

Citizens can therefore lose the faith not in democracy but in the ruling leadership. Confusedly, this lack of faith in the ruling leadership can produce a lack of faith and respect to the existing democratic institutions. As a result, this lack of faith in democratic institutions can generate a desperate faith in hostile ideas against indifferently the ruling authorities and the democratic regime. Contestations and protestations can raise. The de-legitimization of the capturing regime becomes plausible with damageable effects on the whole society. Such is, for instance, the case with the conflictual and violent Beninese 2019 legislative, 2020 communal and 2021 presidential elections.

Moreover, the monopoly of the country's major sectors in the hands of a politico-economic oligarchy can be a source of sociopolitical crises in the future. The critiques and claims of citizens persistently focused on the control of the fragile country's wealth in the pockets of a very few part of the population have become a banal thing in Benin. The citizens' perceptions of State and the public good become more and more negative, and generate frustrations amidst the society.

Finally, democracy capture produces a substantial effect: the transformation of citizens' rights into privileges. Democracy capture succeeds in maintaining citizens in commonly shared logic that the policies implemented are not their rights but privileges given to them by the almighty governmental authorities. Then, the public action could not consequently be evaluated on the basis of the responsiveness, and accountability principles but on mendicant and "Good Samaritan" logic. By doing so, democracy capture has the chance to succeed in weakening continuously citizens and more and more strengthening the captors. This strategy follows a logic: the more the citizens are vulnerable even indigent the more the captors have the chance to reinforce their power for a long period of time.

## 8. Recommendations

When moving to the end of this brief study – a much deeper one is necessary – it is important to re-examine the issue of businessmen and women political involvement in low-income countries like Benin. As a citizen, a businessman has the right to elect and to be elected. The issue is how the societies deal with the high probability of confounding public and private interests when they allow businessmen or private groups to confiscate *democratically* the political power in addition to the economic one which is already in their possession.

---

<sup>144</sup> Charles Tilly, *Democracy*, Cambridge University Press, 2007.

As we saw *supra* that the fundamental and main consequence of the capture of democracy in Benin is de-democratization, the global solution should be a new, organized and strategic process of *re-democratization* of the country.

Generally, when it comes to this issue, some observers wonder if it would not be better to experiment a new form of governance which mixes dictatorship and democracy. The lessons drawn from Benin's history show that the dictatorial parenthesis from 1972 to 1989 under the auspices of Mathieu Kerekou did not lead the country to development. Moreover, not only the revolutionary regime conducted the country to bankrupt but it also contributed in a large part to the degradation of human rights in the society<sup>145</sup>.

It is very important to re-strengthening the civil society in its large sense. The civil society organizations in Benin seem to have lost a big part of their capacities and thus their credibility. The focus should be put on the emerging civil society organizations, for some of the oldest are fed up or committed in some compromises with the incumbent regime which has substantially broken them down.

The training of young citizens interested in engaging in public action and politics is a fruitful option. Sometimes, it is obvious that some young political actors are willing really to perform in politics. But their lack in many strategic and indispensable domains of knowledge, action and capacities underpins their engagement.

The strengthening of the citizen control of public action in order to support the citizens' political maturity is a necessity as well. This implies to go beyond traditional civil society organizations and to give individuals skills for, on one hand, being deeply aware of the main stakes of public policies and, on the other, taking action for a better monitoring of the country's governance.

A process of rebuilding the capacities of media is a fundamental issue. Some legislative reforms are necessary on one hand to extract the press infractions from the *Code du numérique*<sup>146</sup> and on the other to set up a policy of public media funding in order to give them a minimum of autonomy and independence. This can help designing a consequent economic model of media's development in Benin.

Anyway, this re-democratization at stake has to be a re-democratization by food. A veritable re-democratization won't be possible if it is brought in play without taking seriously into account the question of populations' well-being, beginning by food security. A country, such as Benin, where civil and political rights seem to be guaranteed wouldn't be a sustainable democracy if the social and economic rights don't exist, or partially exist.

---

<sup>145</sup> Philippe Noudjènoumè, *La démocratie au Bénin. Bilan et perspectives*, Paris, L'Harmattan, 1999, p. 395.

<sup>146</sup> This *Code* criminalizes the fact for the journalists to publish on digital platforms information that can generate "moral harassment" to other. Upon such a provision, a journalist, Ignace Sossou, was sentenced to 12 months including 6 months of imprisonment.

## 9. Conclusion

“Time is on the side of democracy”<sup>147</sup>. This assertion sentenced by Samuel Huntington in the early 1990s is not so evident nowadays, either all over the world or in Africa. After three decades of democratization, Benin, the “laboratory of democracy” in West Africa, is entering an era of de-democratization. This de-democratization has been operating in Benin by the capture of key institutions, procedures and processes susceptible to strengthen and consolidate the democracy. The capture takes formal and informal ways. The capture has been taking wider and wider scope, expanding to what can be called as radical capture. The radical or integral capture is the extreme form of capture that jeopardizes and prevents the targets from any capacity of autonomy and independence.

The quasi-totality of democracy’s indicators is in an uncomfortable situation in Benin. The weakness of democratic culture and the cupidity of the sociopolitical elites lead them falling totally in the hands of economic oligarchs who by all means capture for their own purposes the state and democracy. In other words, democracy in Benin seems to be reoriented from the government for all to “the government for few”. Few of Beninese draw the majority of the national wealth, procedures and processes for their own interests. Progressively, an economico-political oligarchy has been emerging in Benin. As a result, many domains of activity and powers are under its control for its interests. Without any exaggeration, one can say that Benin is following the way of radical or integral capture because of the concentration of all the – institutional, political, legal, economic – powers in the hands of a unique actor, the big man: the head of the State. The Benin’s presidential system has itself created the favourable conditions for that. But, the unlimited manipulation of it by the incumbent, on the name of economic development, shows the fragility and the reversibility of democracy, in Benin like in many other places in Africa and all over the world.

Such a situation is a potential source of the society’s radicalization because of the sociopolitical and economic exclusion of the majority of the citizens. Thus, a captured democracy has a chance to become if not an authoritarian regime but at least a *fake democracy*.

---

<sup>147</sup> Samuel P. Huntington, “Democracy’s third way”, *op. cit.*, p. 34.

## References

- Acemoglu Daron, Naidu Suresh, Restrepo Pascual, Robinson James A., "Democracy, Redistribution, and Inequality", *Handbook of Income Distribution*, volume 2B, Elsevier B. V., 2015, pp. 1885-1986.
- Adagbè Tiburce T., *Mémoire du Chaudron. Conquérir le pouvoir d'Etat*, préface, Robert Dossou, Encreage édition, France, 2020.
- Adamon Afize, *Le Parlement béninois en mouvement (1990-2015), tome 2, Vie et œuvre des six premières législatures*, Porto-Novo, Editions du Journal Officiel, 2016.
- Afize Adamon, *Le Renouveau démocratique au Bénin. La conférence nationale des forces vives et la période de transition*, Paris, L'Harmattan, 1995.
- Adjovi Emmanuel V., *Une élection libre en Afrique. La présidentielle du Bénin, (1996)*, Paris, Karthala, 1998, p. 181.
- Agbota Sébastien, Dossavi-Messy Ephrem, Gnanvi Pothin, et al., *Les actes de la Conférence nationale*, Cotonou, Editions ONEPI, 2019.
- Ahanhanzo-Glele Maurice, *Naissance d'un Etat noir. L'évolution politique et constitutionnelle du Dahomey, de la colonisation à nos jours*, Paris, LGDJ, coll. Bibliothèque Africaine et Malgache, 1969, p. 537.
- Alonso Rosa Cañete, *Captured Democracy. Government for the few. How elites capture fiscal policy, and its impacts on inequality in Latin America and the Caribbean (1990–2017)*, Oxfam International, 2018.
- Richard Banegas, *La démocratie à pas de caméléon. Transition et imaginaires politiques au Bénin*, Paris, Karthala/CERI, 2003.
- Banegas Richard, « "Bouffer l'argent". Politique du ventre, démocratie et clientélisme au Bénin », in Jean-Louis Briquet et al., *Le clientélisme politique dans les sociétés contemporaines*, Paris, PUF, 1998, pp. 75-109.
- Bidouzo Thierry Sédjro, Koukoubou Emmanuel Odilon, Agué Afouda Vincent, *Le Parlement de rupture*, Cotonou, CiAAF, July 2019, 42 p.
- Eteka Cyrille Chabi, Floquet Anne, "Citizen Control of public action: the social watch network in Benin", in McNeil Mary and Malena Carmen (eds.), *Demanding good governance: lessons from social accountability initiatives in Africa*, Washington, World Bank, 2010, (251 p.), pp. 163-184.
- Adjaho Richard, *Bonne gouvernance au Bénin. Ma contribution*, Cotonou, Editions du Flamboyant, sans date.
- Adoun Wilfrid Hervé, Awoudo François K., Bénin. *Une démocratie prisonnière de la corruption. Investigation sur des faits et scandales de 1990-2006*, Tome 1, Cotonou, Friedrich Ebert Stiftung, COPEF, 2007.
- Adoun Wilfrid Hervé, Awoudo François Koffi, *Les dossiers de la République. Investigations sur des anomalies de gouvernance et pratiques corruptives au Bénin de 2006 à 2015*, Cotonou, sans éditeur, 2015.
- Awoudo François K., *Le mal transhumant. Les infidélités politiques dans le Bénin démocratique*, Cotonou, Editions Tundé, 2004.
- CERTI, *La corruption et la gouvernance au Bénin. Rapport des résultats de l'enquête diagnostique*, 2007.
- Friedrich Ebert Stiftung, *Baromètre des Médias Africains. Bénin 2018*, Windhoek, 2019.
- Houssou Angelo D., *Je ne suis pas un héros. Affaires Talon*, Paris, AFRIDIC-CDA, 2016.
- Huntington Samuel P., *The Third Wave. Democratization in the Late Twentieth Century*, Norman, London, University of Oklahoma Press, 1991, xvii p., 366 p.
- Maha Rafi Atal, "Competing forms of media capture in developing democracies", in Anya Schiffrin (ed.), *In the Service of Power: Media Capture and the Threat to Democracy* Washington DC, 2017, Center for International Media Assistance, pp. 19-31.
- Kolstad Ivar, Wiig Arne, *Does democracy reduce corruption?*, CMI working Paper, 2011, n°4.
- Mèdé Nicaise, *Bénin : Constitutions et documents politiques*, Dakar, L'Harmattan Sénégal, 2020.
- Mètinhoué G. Pierre, *Les gouvernements du Dahomey et du Bénin. 1957-2005*, Porto-Novo, CNPMS, 2005.
- Meirotti Melanie, Masterson Grant (eds.), *State capture in Africa. Old Threats, New Packaging*, Johannesburg, EISA, 2018.
- Minkonda Hermann, Mahini Bertrand-Michel, "Analyse sociopolitique de la fragilité de l'État du Cameroun", *ADILAAKU. Droit, politique et société en Afrique*, 2019, 1(1), pp. 35-57.
- Nanako Cossoba, *Approfondir les processus de décentralisation en Afrique de l'Ouest francophone*, Cotonou, Editions du CeDAT, 2018.
- Noudjènoumè Philippe, *La démocratie au Bénin. Bilan et perspectives*, Paris, L'Harmattan, 1999.
- Ologou Expédit, « Le parlement du Bénin : une affaire à suivre », Position Paper, n°1, 04 juin 2019, URL : [https://www.ciaaf.org/storage/2019/06/Le\\_parlement\\_beninois\\_Ciaaf\\_Expe%CC%81dit\\_Ologou.pdf](https://www.ciaaf.org/storage/2019/06/Le_parlement_beninois_Ciaaf_Expe%CC%81dit_Ologou.pdf).
- Ologou Expédit (ed.), *Législatives 2019 au Bénin : le piège fatal ?*, Cotonou, CiAAF, April 2019, 48 p.
- Ologou Expédit, *Les violences électorales dans les nouveaux systèmes politiques africains : sociologie historique comparée des cas du Bénin et de la Côte d'Ivoire*, thèse de doctorat en Science politique, Université d'Abomey-Calavi, Bénin, mars 2019, 667 p.
- Rafael Ch, Hounkpe Mathias, Wantchekon Leonard, "Campaign Finance and State Capture", in François Bourguignon et al. (eds), *Benin Institutional Diagnostic*, chapter 4, 2019.
- Tilly Charles, *Democracy*, New York, Cambridge University Press, 2007.
- Wantchekon Leonard, "Clientelism and Voting Behavior. Evidence from a Field Experiment in Benin", *World Politics*, n° 55, April 2003, pp. 399–422.
- Yahouédéhou Janvier, *Crépuscules d'un dictateur*, Cotonou, Planète Communications, 2003.
- Yahouédéhou Janvier, *Les vraies couleurs du caméléon*, Cotonou, Planète Communications, 2002.

## Stay in touch and join the debate!

Web: <https://cddgh.org/>

Tel: [+233 30 277 6142](tel:+233302776142)

Email: [info@cddgh.org](mailto:info@cddgh.org)

Twitter: [@CDDGhana](https://twitter.com/CDDGhana)

Stop by: No. 95 Nortei  
Ababio Loop, North Airport  
Residential Area, Accra