



KOFI ANNAN INTERNATIONAL PEACEKEEPING TRAINING CENTRE POLICY BRIEF 3/ 2013

Coups d'état in Africa – A Thing of the Past?

Emma Birikorang

RECOMMENDATIONS:

- ECOWAS and the African Union should unanimously condemn and reject unconstitutional changes of government, and be consistent in their application of sanctions so as to avoid deliberately or otherwise supporting unconstitutional regime changes.
- Flawed elections, when passed as free, fair and credible, leaves citizens with little choice than to agitate for regime change. Regional and international organizations that monitor elections should ensure that when elections are passed as free, fair and credible, that they are indeed so.
- Unconstitutional regime change is not a thing of the past – it is a clear, persistent and present danger.

Introduction

In the immediate post-colonial period in Africa, *coups d'état* occurred in many parts of Africa, from East to North, from West to South. There were also many more failed coup attempts, announced and unannounced. This phenomenon in the post-independence phase was blamed on outside intervention during the Cold War. Unconstitutional regime changes seemed to have reduced in frequency at the end of the Cold War when many African states embraced democracy, organized elections and acceded to international human rights laws and other international norms and principles.

However, in the past decade, unconstitutional regime changes and “constitutional crises” have gradually crept into the African political sphere, occurring in Madagascar, Côte d’Ivoire, Togo, Guinea and Guinea-Bissau as well as Mauritania

and Mali. African regional and sub-regional organizations have been confounded by this renewed trend. Since unconstitutional regime change can no longer be blamed on external actors and external interests, what accounts for this recent surge? This Policy Brief seeks to identify and analyze the prevalence of unconstitutional regime change in Africa, identifying the risks and causes, and provides some recommendations for policy makers in the region.

One reason for the resurgence of this phenomenon is the failure of democracy in Africa. Democracy has been interpreted and applied in different ways throughout the continent according to the whims and caprices of politicians and ruling elites, causing significant discontent among many African people. A democracy is a regime in which: (i) there is meaningful and extensive competition at regular intervals among individuals and organized groups

for all effective positions of government power, and without the use of force; (ii) a highly inclusive level of political participation exists in the selection of leaders and policies, such that no major (adult) social group is excluded; and (iii) a sufficient level of civil and political liberties exists to ensure the integrity of political competition and participation.¹ In the same vein, a semi-democratic regime is one in which a substantial degree of political competition and freedom exists, but where the effective power of elected officials is so limited, or political competition is so restricted, or the freedom and fairness of elections is so compromised that electoral outcomes, while competitive, still deviate significantly from popular references. In addition, civil and political liberties are so limited that some people are unable to organize and express themselves freely according to their political orientation and interests.² An authoritarian regime is one in which little or no meaningful political competition or freedom exists.³

While many African states can lay claim to having accepted democracy in theory, in reality, the majority of them are semi-democratic. They have accepted democracy, but democratic principles of freedom of speech, human rights, free and transparent elections, are not being adhered to. Thus, even though most African people embraced democracy (at the end of the Cold War) as opposed to military rule and had great expectations of it, in some states, democracy has not brought the expected rewards, especially in terms of the guarantee of human security. To the extent that large segments of the population in developing countries remain poor, and faith in the ability of democratic regimes to improve living standards and provide security weakens, memories of the failures of military rule are likely to fade and it will

once again become a plausible (and even attractive) alternative.⁴ And therein lies the danger.

The reason why most regime changes in the past were successful was the level of popular support, especially at the local level.⁵ However, is public opinion and support enough justification for organizing a coup? This raises questions about the options that citizens have when they are unable to remove by democratic means an undemocratic president, who perpetuates him/herself in power. The lack of options will result in both open and tacit support for unconstitutional change in governments. But this should not be the only solution to removing autocratic rulers.

The military in Democracy

The wave of democracy in Africa in the 1990s and 2000s in places such as Benin, Mali, Ghana, Malawi, Uganda Nigeria, and several other countries in the region, led to the perception that the military had relinquished its hold on African political affairs to civilians, and subjected itself to civilian control. However, events in Mauritania, Guinea, Mali and Guinea-Bissau have proved the very opposite as the military in these countries have re-emerged. Coups have been organized with the stated intention of breaking with the troubled constitutional order for a limited period of time in order to reform a democracy which has supposedly been corrupted by ruling civilian elites/governments. This raises questions concerning the military's interpretation of its role as the protectors of the Constitution.

To a large extent, one of the historical obstacles to the stability of democracy in developing countries

¹ Diamond, L., Linz, J. and Lipset, S.M. eds., (1990). *Democracy in Developing Countries, Vol. 4: Latin America*. Boulder: Lynne Rienner, pp. xvi-xvii.

² Ibid.

³ Ibid.

⁴ Barracca, S., (2007). Military Coups in the Post-Cold War Era: Pakistan, Ecuador and Venezuela. *Third World Quarterly*, Vol. 28, No. 1, pp. 137-154.

⁵ Aning, K. and Birikorang, E., Negotiating Populism and Populist Politics in Ghana: 1949-2012, in Aning, K. and Danso, K. eds.,(2012). *Managing Election-Related Violence for Democratic Stability in Ghana*. Accra: Friedrich Ebert-Stiftung.

has been subordinating the military to civilian rule.⁶ Having had power for considerable periods of time, the military has found it a challenge to remain under civilian control. In some states in West Africa, the military has largely remained in the barracks and not the presidential palace. However, these recent events indicate that there is a re-emergence of the phenomenon. These cases make it clear that the military coup is not a problem of the political past, but a continuing danger, even for electoral democracies that have persisted for over a decade.⁷

The Role of External Actors

The Economic Community of West African States (ECOWAS) in its Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of 1999, and the Supplementary Protocol on Good Governance and Democracy of 2001, reiterated its commitment to ensure that “every accession to power must be made through free, fair and transparent elections.” ECOWAS also asserted its “zero tolerance for power obtained or maintained by unconstitutional means”.⁸

ECOWAS has a number of options when confronted with unconstitutional changes of government. These include:

1. Imposition of sanctions, such as refusal to support the candidature presented by the member state for elective posts; and
2. Suspension of the member state from all ECOWAS decision-making bodies.

For example, after the 12 April 2012 military coup in Guinea-Bissau, ECOWAS imposed diplomatic, economic and financial sanctions on the country

after talks to return the country to constitutional rule within 12 months failed to reach an agreement.⁹ Similar sanctions were imposed on Mali after the military coup in March 2012. In addition, ECOWAS would also support processes toward the restoration of political authority, and such support will include the preparation, organization, monitoring and management of the electoral processes.

ECOWAS can also apply intense political and diplomatic pressure on member states to ensure that any attempt at perpetuating unconstitutional rule by a sitting regime can be prevented. This was the case in Niger and Senegal when President Mamadou Tandja and President Abdoulaye Wade wanted to change the Constitution of their countries in order to allow themselves a third term in office. Through intense regional diplomatic pressure, as well as pressure from local actors, these Presidents exited office after their two terms in power, averting potential crises.¹⁰ This was in line with the AU’s principle of rejecting unconstitutional changes of government, as stipulated in Article 4(p) of the Constitutive Act of 2000.

However, even at the regional level, there are inconsistencies in the application of these agreed principles. Inasmuch as the AU faces challenges in responding appropriately to the norm of rightful intervention in member states in respect of grave challenges, the newly established norm of rejection of unconstitutional changes of government faces even bigger challenges. What is evident is that the application of the norm pertaining to unconstitutional changes of government can be predictably uneven. Previously, within the OAU, the traditional response to unconstitutional changes of government was largely indifference. In this sense, *coups d'état* were accepted as the normal way of changing regimes since many sitting governments would in no way hand over power

⁶ Barracca, S., (2007).

⁷ Barracca, *ibid*, p. 138.

⁸ Articles 1(a), 1(b) and 1(c), ECOWAS Protocol A/AS1/12/01 on Democracy and Good Governance, Dakar, December 2001.

⁹ ECOWAS Press Release No. 124/2012.

¹⁰ Interview with senior ECOWAS official, Abuja, 6 March 2013.

peacefully. The consequence of any member state contravening this principle was suspension from the Union.

However, some *coups d'état* are considered as acceptable whereas some are completely rejected. The Mauritania *coup d'état* of August 2005 received muted condemnation from the AU as the overthrown regime had contravened international norms of human rights and good governance. Having imposed sanctions on the military regime after the *coup d'état*, the AU seemed impatient for elections to take place so it could lift the ban of disapprobation¹¹ and generally praised the efforts of the new military regime to return the country to constitutional rule.¹² A precedent had therefore been set. Approximately two years later, another *coup d'état* took place in August 2008 by the same coup plotters of the previous years. This time, condemnation of the coup was more widespread, with stronger criticism from the AU and regional powers.

One particular difficulty for the institutionalization of this norm has been caused by those leaders in Africa who have openly supported unconstitutional changes of government, despite the overall condemnation by the AU Commission. In March 2009, the then Chairman of the African Union, Colonel Muammar Gaddafi, intimated that sanctions against Mauritania should be lifted and the “case closed” as the coup leaders had promised to hold elections in June 2009. Even before the sanctions were instituted against the coup leaders, President Abdoulaye Wade of Senegal, had been opposed to the AU’s proposed application of sanctions on Mauritania.

¹¹ International Crisis Group Report, (2006). Guinea: No Coups are Good Coups. 22 March. Available at www.crisisgroup.org/home/index.cfm?id=4040. (Accessed on 14 November 2013).

¹² African Union, (2006). Brief on the Developments in the Transition Process in the Islamic Republic of Mauritania. AU PSC/PR/2(LVII), Addis Ababa, 21 June.

Even though the AU as an entity had suspended Mauritania’s membership and threatened further sanctions, showing a willingness to take action, it was the attitude of “senior members” of the Union which continually threatened to weaken the organization’s resolve. There have been similar unconstitutional changes of government in Africa, such as, within the space of three months, there were constitutional breaches in Guinea, Guinea-Bissau and Madagascar. It was, therefore, not surprising when the then Senegalese President was equally against the suspension of Guinea from the AU after the *coup d'état* in December 2008. The argument was that as a result of the bad governance of the late President Lansana Conté, a large part of the population supported the unconstitutional move.

However, it needs to be established within the African Union and the general African consciousness that irrespective of the misrule of a constitutionally elected regime, overthrowing the regime through a military coup, or other unconstitutional means is unacceptable. This places greater responsibility on the African Union, ECOWAS and other international organizations who monitor elections, to ensure that the elections are genuinely free, fair, credible, and a reflection of the people’s choice. When flawed elections are passed as free and fair, it leads to contestation within the state, as citizens are left with no choice than to wait another four or five years.

The contradictions inherent in the application of the norm against unconstitutional changes in government lie in the African regional organizations’ lack of coherence in applying standards, irrespective of the particular circumstances or regime in power. Most importantly, it is critical to underscore the fact that even though many ECOWAS/AU member states may not want to be suspended from the Union, the consequences of suspension seem not to discourage contravention of the collective norms. In other words, AU/ECOWAS suspensions and sanctions do not “hurt” enough.

Recommendations

- ECOWAS and the African Union should unanimously condemn and reject unconstitutional changes of government, and be consistent in their application of sanctions so as to avoid deliberately or otherwise supporting unconstitutional regime changes.
- Flawed elections, when passed as free, fair and credible, leaves citizens with little choice than to agitate for regime change. Regional and international organizations that monitor elections should ensure that when elections are passed as free, fair and credible, that they are indeed so.
- Unconstitutional regime change is not a thing of the past – it is a clear, persistent and present danger.

Conclusion

ECOWAS and the AU need to be consistent in their reaction to member states' behaviour and most importantly, consistent in their responses and actions so as to elicit compliance and shape behaviour. This process might take a considerably long time, for the very reason that the old norms and principles (such as non-interference and sovereignty of territorial borders) had been so entrenched, even internalized within Africa states over such a long period of time. It might, therefore, take an equally long period of time to internalize new norms of condemnation and rejection of unconstitutional changes of government and rightful intervention in the internal affairs of member states.

About the Author

Emma Birikorang is a Senior Research Fellow at the Kofi Annan International Peacekeeping Training Centre (KA IPTC). She is currently undertaking research on African Peace and Security Mechanisms and ECOWAS/AU regional peacekeeping frameworks. She also facilitates training modules on Security Sector Reform, Risk Assessment and Conflict Vulnerability and the ECOWAS Standby Force. Emma Birikorang has an MA in International Politics and Security Studies from the University of Bradford, UK, and a Diplôme Universitaire d'Etude du Français from the Université du Bénin, Cotonou, Bénin. She is currently a Doctoral Candidate at the School of Oriental and African Studies, University of London.

Emma.Birikorang@kaiptc.org

About the Kofi Annan International Peacekeeping Training Centre (KA IPTC)

The KA IPTC is an internationally preferred centre of excellence that provides globally-recognized capacity for international actors on African peace and security through training, education and research to foster peace and stability in Africa.

www.kaiptc.org

The opinions expressed in this policy brief do not necessarily reflect those of the Kofi Annan International Peacekeeping Training Centre, its Governing Board or donors. Authors contribute to KA IPTC publications in their individual capacity.



The Government of
Norway



The Government of
Denmark



The Government of
Sweden