ANALYSIS OF OAU/AU RESPONSES TO UNCONSTITUTIONAL CHANGES OF GOVERNMENT IN AFRICA

by

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II.   Abstract

This inquiry was prompted by the resurgence of the phenomenon of coups in Africa in the recent past. The most recent wave of coups has brought the phenomenon under the scrutiny of continental and international bodies. Unlike in the first three decades after independence, which were characterized by inaction and indifference in the face of coups, in recent times African leaders are determined to stem the tide of coups through an unprecedented set of continental and sub-regional norms and collective action.

The mini-thesis analyses traditional, and modern security paradigms, as well as comparative politics in order to understand and situate African coups. It argues that the African coup oscillates between the realist, organizational and praetorian paradigms of civil-military relations.

Unlike its predecessor, the moribund Organisaton of African Unity (OAU), the African Union (AU) through normative instruments has demonstrated greater enthusiasm not only in reversing the coup tide, but more fundamentally in entrenching a culture of democracy and good governance. Its pronouncements and active engagement in coup-affected countries have been consistent, unambiguous and forthright.

In conclusion, the mini-thesis identifies and assesses a myriad of factors at state and regional levels, as well the interests of foreign actors which have over the years conspired to limit the ability of continental bodies to deal effectively with unconstitutional changes of government. These factors, which are largely located at state level, at the core of which is the nature and form of the African state, need to be addressed first in order to rid the continent of the coup contagion.

III. List of Acronyms and Abbreviations

ANC – African National Congress

AU – African Union

AUPSC – African Union Peace and Security Council

APRM – African Peer Review Mechanism

BWIs – Bretton Woods Institutions

CAR – Central African Republic

CEEAC – Economic Community of Central African States

CEMAC – Economic and Monetary Community of Central Africa

CEN SAD – Community of Sahelian Sub-Saharan States

CEWS – Continental Early Warning System

CMJD – Military Committee for Justice and Democracy

CNDD – Committee for the Restoration of Democracy

COMESA – Common Market of East and Southern Africa

CPLP – Community of Portuguese-Speaking Countries

CSSDCA – Conference on Security, Stability, Development and Cooperation in Africa

CSRD – Supreme Council for the Restoration of Democracy

ECOWAS – Economic Community of West African States

EU – European Union

GDP – Gross Domestic Product

GNU – Government of National Unity

HSGIC – Heads of States and Government Implementation Committee

MNSD – National Movement for the Development of Society

MoU – Memorandum of Understanding

NEPAD – New Partnership for Africa's Development

NLC – National Liberation Council

NCOs – Non Commissioned Officers

NPC – Northern People's Congress

NPDD – National Party for the Defence of Democracy

OAU – Organisation of African Unity

REC – Regional Economic Community

SADC – Southern African Development Community

TIM – Tiako I Madagaskara

T.M.I.S. – Total Military Involvement Score

UN – United Nations

UNGA – United Nations General Assembly

UNSC – United Nations Security Council

US – United States

CHAPTER 1

INTRODUCTION

This mini-thesis seeks to assess the effectiveness of continental bodies, namely, the Organisation of African Unity (OAU) and now the African Union (AU) in discouraging and preventing unconstitutional changes of government in Africa. In the main, the inquiry was prompted by the sudden resurgence of coups in Africa. At a time when the demon of coups has been exorcised in most parts of world, Africa is once more suffering from this virulent virus. However, unlike during the first three decades after independence, which were characterized by inaction and indifference in the face of coups, African leaders are now determined to stem the tide of coups through a myriad of norms and standards, and collective action. Consequently, the mini thesis will explain the coup phenomenon, its prevalence in Africa and will assess the effectiveness of continental efforts to deal with the scourge.

The subject of unconstitutional changes of government warrants scrutiny in light of the resurgence of this phenomenon in the recent past. The most recent wave of coups that has brought the phenomenon under the spotlight of continental and international bodies are those that have taken place in Mauritania (August 2008), Guinea Conakry (December 2008), Madagascar (March 2009), and lately in Niger (February 2010). In a resolution entitled 'Decision on the resurgence of the scourge of coups d'etat in Africa', the Assembly of Heads of State and Government of the AU held in Addis Ababa in February 2009 expressed '…its deep concern over the resurgence of the scourge of coups d'etat on the continent, which constitutes not only a dangerous political downturn and a serious setback to the democratic processes, but also a threat to peace and stability…' (African Union Assembly 2009). At its midyear Summit held in Site, Libya in July 2009, the AU Assembly

urged 'all member states that have not yet done so to take the necessary steps to sign/ratify the African Charter on Democracy, Elections and Governance…in order to strengthen the capacity of the AU to deal with the scourge of unconstitutional changes of government' (African Union 2009). Concern about this development has not been limited to Africa: the United Nations Security Council (UNSC) in its report of 15 April 2009, noted with alarm, "a pattern of unconstitutional changes in government has been emerging in Africa over the last several months". Most recently, the 14th ordinary Summit of the AU held in February 2010 in Addis Ababa noted that 'the surge of unconstitutional changes of government poses a real challenge to efforts aimed at the democratization and socio-economic development of the continent' (African Union 2010).

Notwithstanding the adoption of the Lomé Declaration, the Constitutive Act of the African Union (AU) and the AU Charter on Democracy, Elections and Governance, as well as the triumvirate of instruments designed to promote democracy and prevent unconstitutional changes, Africa continues to experience this phenomenon.

According to McGowan the military coup is today almost exclusively an African phenomenon (McGowan 1984: 632). Once frequent and widespread in the global South, since the mid-1980s successful military coups d'etat have become relatively rare in Latin America and the Caribbean, the Middle East and Asia; whereas between 1985 and 2001, Africa experienced 21 successful coups, and between 2003 and 2009 it experienced 11 military take-overs (McGowan, 2003: 351). The pervasiveness of African military coups and their subsequent anti-developmental nature warrant an analysis of their causes and impact on development, security and stability on the continent.

Figure 1 Coups d'Etat and Attempted Coups d'Etat by Region, 1946-2006
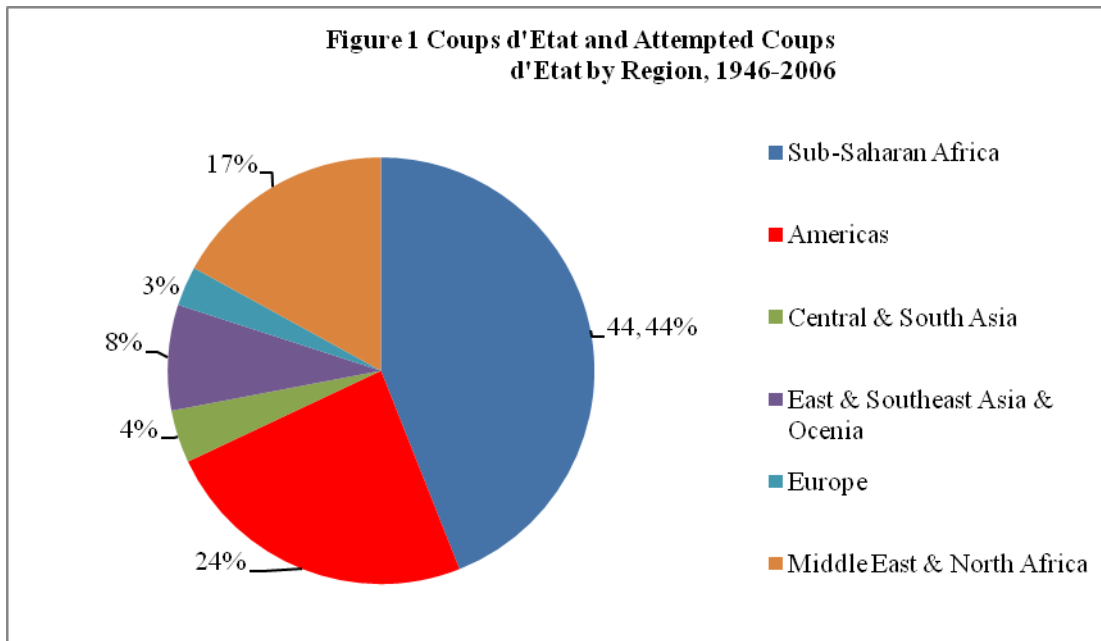
Source: Human Security Brief, 2007, Dying to Loose: Explaining the Decline in Global Terrorism, Fraser University.

Figure 1(Human Security Brief 2007) provides information on each of the world's region's share of the global coup total between 1946 and 2006. The prevalence of the coup phenomenon in Africa is unparalleled. Sub-Saharan Africa for instance accounts for over 44 per cent of all the coups in the world between 1946 and 2006. From the above figure it can be concluded that coups and coups behaviour is more prevalent in less developed regions of the world than in developed ones.

Patrick McGowan (1984: 659) concludes that military coups have led to "the disruption of government services, increased the pillaging of resources, and have negatively impacted on the economy". In some instances they have contributed to long periods of uncertainty and instability, thus prompting the migration of skilled labour to neighbouring countries or further afield. In the aftermath of a coup, it is not uncommon to see a humanitarian crisis develop, occasioned by shortages in the supply of basic goods as well as the displacement of large sections of the population due to instability. As a consequence, the withdrawal of foreign aid and the suspension of commercial activity, including investments also seriously

harm the image and economies of countries experiencing unconstitutional changes of government.

Fosu's studies (1992:829-841) have shown that coup related events had a clear impact on yearly growth in GDP (Gross Domestic Product) for 31 Sub-Saharan African states during the period 1960-86, reducing the rate of growth by as much as one-third of the observed average. Military-led political intervention also had a negative impact on the rate of improvement in human development (life expectancy + literacy) between 1970 and 1985 for a slightly reduced sample of 29 African states.

Military- led coups and coup plots harm the economic performance of countries experiencing them. In this regard, McGowan maintains that "unconstitutional changes in government establish dictatorships, subvert democratic governance, and preclude the exercise of the rights of people to constitute or change their government, and lead to gross violations of human rights" (McGowan 1984:636). It is evident that coups have a deleterious impact not just on the political environment, but also on the socio-economic situation. Before proceeding with an in depth examination of the subject, an explanation of some basic theoretical concepts and terminology, which are frequently used in this mini thesis, is imperative.

'Coup' is the French word for 'a sudden blow or strike'. A coup d'état, or simply a coup, is the sudden overthrow of a government against the general will (volonte generale) made up of the majority of the citizenry. It is usually carried out by a small, but well-organised group that threatens, or effectively uses force to replace the top power echelons of the state. It may or may not be violent in nature, and it is distinguishable from a revolution, which is usually staged by a larger group and radically alters the political system. According to

Luttwak (1968:110), a coup consists of the infiltration of a small but critical segment of the state apparatus, which is then used to displace the government from its control of the remainder. Usually, a coup involves the control of some active portion of the military, while neutralising the remainder of a country's armed services. This active group captures or expels leaders, and takes physical control of important government offices, strategic means of communication, and the physical infrastructure.

In modern times, some coups have enjoyed the will of the people and hence, they are regarded variously as 'popular' or 'good coups'. As will be postulated later in the mini thesis, this does not make this means of accession to power acceptable. Coups are illegal since they not only violate the supreme law of a country, and the constitution, but as empirical evidence has indicated, are likely to cause instability. As a consequence, the Organisation of African Union (OAU) and its successor the African Union (AU) have deemed coups and other related methods of taking power, or remaining in power as unconstitutional changes of government.

Thompson offers a useful definition for purposes of this mini thesis, when he states that 'a military coup d'etat can be defined as a sudden illegal displacement of government in which members of the security forces play a prominent role' (Thompson 2004:131). Thompson's definition underscores the role of the security establishment in effecting regime change. The same emphasis is made by McGowan when he states that "coups d'etat…refer to events in which existing regimes are suddenly and illegally displaced by the action of relatively small groups in which members of the military, police, or security forces of the state play a key role, either on their own or in conjunction with a number of civil servants or politicians" (McGowan 1984:635).

Luttwak argues that a coup succeeds if its opponents fail to dislodge the plotters, allowing them to consolidate their position; the plotters obtain the surrender or acquiescence of the population, surviving armed forces, and the sitting government; and they claim legitimacy. Coups have been described variously as successful or unsuccessful; moreover, they are either bloody or bloodless. Bloodless coups are those in which the mere threat of violence suffices to force the incumbent government to step down. Conversely, a bloody coup is one in which the incumbent ignores or is unaware of the threats of violence, and is forcefully removed from power, alive or dead, with other human casualties and material damage (so-called 'collateral damage'), the magnitude of which may differ depending on the force applied, and the level of resistance. Coups have also been seen as either internally inspired or externally instigated, or they have been products of a combination of both (Luttwak 1968:19- 28).

Military coups as a means of effecting regime change have taken place from time immemorial and occurred regularly in Europe from the 18th century: However, during the 20th century they have been confined to the developing states of Africa, Latin America and Asia. The 18th Brumaire of 1799 was a de facto coup that catapulted France's most charismatic leader, Napoleon Bonaparte, into power (Crook 1998:31-47). In Africa, one of the most well known coups was the ouster of the all conquering King Shaka ka Senzangakhona of the Zulus by his brother Dingane in a dramatic and intriguing palace coup that led to his brutal liquidation in 1824 (Ritter 1990:298-306). This coup bears a striking resemblance to the tragic events that led to the demise of Emperor Julius Caesar of the Roman Empire.

According to Samuel P. Huntington (1969:232-234) there are three major types of coups, namely: breakthrough, guardian, and veto coups. Breakthrough coups are those in which a

revolutionary army overthrows a traditional government and creates a new bureaucratic elite. These types of coups are usually led by non-commissioned officers (NCOs) or junior officers, and seldom occur. The most prominent ones include the 1911 coup in China, the 1952 coup in Egypt, the 1957 coup in Greece, the 1969 coup in Libya, and the 1980 coup in Liberia. The military led 'revolutions' of Mariama Mengistu in Ethiopia, Jerry Rawlings in Ghana, and Thomas Sankara in Burkina Faso, which were peppered with military-populist rhetoric could also be classified as typical breakthrough coups.

Guardian coups, also described as 'musical chairs', are those in which the ostensibly stated aims of their masterminds are to improve public order and efficiency, or to end corruption. There is hardly any fundamental shift in the structure of power, and the leaders of these types of coups generally portray their actions as a temporary and unfortunate necessity. Nations that witness guardian coups usually undergo numerous shifts between civilian and military governments. In the post-colonial period, Nigeria experienced more than one of such coups.

Veto coups occur when the army vetoes mass participation and social mobilisation. In cases such as these, the army must confront and suppress large-scale and broad-based opposition, and as a result the coups tend to be repressive and violent. Examples include Chile, where Salvador Allende was ousted in a US backed coup by the military led by General Augusto Pinochet in 1973, and in Argentina where Isabel Peron was overthrown by the army in 1976, as well as in Peru in 2000 where President Fujimori was displaced (Macune 2004:121-129). Coups can also be classified by the level of the military component that leads the coup. Veto and guardian coups tend to be led by senior officers.

In terms of the causal link between constitutions and constitutionality, Ikome observes that the notions of constitutions and constitutionality are hallmarks of the modern state system that emerged in the 17th and 18th centuries. He avers that constitutions emerged out of the perceived "antithetical relationship between power and liberty – with the wielders of political power always being inclined to want to extend and even abuse it. To guarantee liberty, it has been imperative to limit power by means of some rules of judicious organisation – simply known as the constitution. The constitution encloses the power of the state within a specific framework, and therefore limits it. Constitutionality is a technique of reconciling state authority and individual and group liberties" (Ikome 2007:10).

Constitutions and constitutionality therefore embody the practices, customs, and rules through which power is established, exercised, and transmitted in the state, ensuring the primacy and sanctity of the law over both the governed and the governors – in other words, no one is above the law.

Based on the above perspective, it can be deduced that any change in government that subverts the authority of the incumbent government or the constitution, is unconstitutional. According to the Lomé Declaration on the 'Framework for an OAU Response to Unconstitutional Changes of Government' (Organisation of African Unity 2000), herein referred to as the Lomé Declaration, the following circumstances could be considered as situations of unconstitutional change of government:

- a military coup d'etat against a democratically elected government;
- intervention by mercenaries to replace a democratically elected government;
- replacement of democratically elected governments by armed dissident groups and rebel movements; and

- the refusal by an incumbent government to relinquish power to the winning party after free, fair, and regular elections.

While the first three instances could be associated with the concept 'coup d'etat', and which has universal application, the fourth instance is an invention by African leaders and seeks to address particular circumstances that are germane to Africa, where some leaders have refused to relinquish power despite having lost elections.

Unconstitutional changes of government, therefore, refer not exclusively to the sudden overthrow of a government, but encompass the subversion of democracy as expressed by the will of the people through the ballot, and manipulating the supreme law, the constitution, in order to extend the incumbency of a serving government.

In terms of the methodology of this mini dissertation, the approach reflects in essence a historical and analytical deductive research method. Towards this end, the study seeks, through the employment of a spectrum of data sources, inclusive of documentary sources as well as direct and indirect observations as a foreign relations practitioner, to analyse and interpret the central theoretical thesis namely the phenomenon of unconstitutional changes of government in Africa and the response thereto by regional organizations as articulated by the OAU/AU. In this regard primary and secondary sources were applied extensively in the mini dissertation. These included books, data sets, academic journals, OAU/AU/NEPAD/APRM/UN reports, resolutions, declarations, as well as media and other electronic sources relating to the topic. The study hopes to contribute to efforts to improve policy efficacy by analyzing the role the AU has played in conflict resolution in relation to unconstitutional changes of government in order to contribute to an understanding of the dynamics and application of AU policies.

In this chapter, the factors that necessitated the inquiry into unconstitutional changes of government were explained. The socio-economic, political and security impact of coups, drawing on authoritative studies such as those of McGowan and Fosu were also assessed. Basic theoretical concepts and terminology frequently used were defined, and Huntington's typology of coups was applied to further illustrate the practical manifestation of coups. Lastly, the research methodology employed in the study was explained.

In terms of structure, the subsequent chapters the theoretical framework underpinning coups are analysed in order to understand how the coup phenomenon has manifested itself in Africa (Chapter 2). As will be illustrated, African coups straddle the realist, organizational and praetorian paradigms of international relations theory and comparative politics. The history of coups in Africa, their manifestation, as well as trends and various case studies are also analysed (Chapter 3). The mixed record of continental bodies to stem the tide of unconstitutional changes to government will also be probed (Chapter 4). Is this due to lack of political will, a consequence of political expediency, or is it a function of constraints, or a combination of these and others factors? The coup phenomenon is firmly located at state level and hence, an argument for the reconstruction of the African polity so that it gains legitimacy and is based on the will of the people is posited (Chapter 5). In conclusion, the importance of stable and harmonious civil military relations, and the building of a culture of democracy and good governance as sine qua non for ending the coup culture are highlighted (Chapter 6).

CHAPTER 2

COUPS IN AFRICA: A THEORETICAL PERSPECTIVE

This chapter seeks to situate continental responses to unconstitutional changes of government within the framework of international relations theory and comparative politics. In this regard, it is impossible to locate this phenomenon exclusively within one paradigm. Consequently, both traditional and modern theoretical approaches are explored in order to find explanations to the subject at hand. It is anticipated that the application of these analytical frameworks will help to illustrate the complexities of civil-military relations, and how an inability to manage these could result in political instability.

Huntington identifies civil–military relations as military security policy, which coupled with internal and situational security policies is an aspect of national security policy, functioning at both the operational and institutional levels. Military security policy's role according to Huntington is in minimising or neutralising efforts to weaken or destroy the nation by armed forces operating outside its institutional and territorial confines. Huntington concludes that civil–military relations are situated at the operational level, where it is also a dominant component and that by definition, the operational level provides the immediate means to meet security threats (Huntington 1995:10-11).

Studies of African military establishments that appeared from the late 1960s, following the first wave of coups, reflected the dominant thinking of the time. The theories of modernisation and political development that were their starting point represented the ideas of an epoch: that of decolonisation, nation-building, internationalisation of capital, consolidation of US hegemony, and globalisation of American social science.

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Spawned by the Cold War doctrine of modernisation, the military has been used as a tool to execute or support unconstitutional change in Africa. Huntington observes that in the mid 1960s the rash of military coups in Ghana, Dahomey (Benin), the Leopoldville Congo, the Central African Republic, Upper Volta (Burkina Faso) and Nigeria added to those which had taken place in Algeria, Togo, the Sudan and the Brazzaville Congo, "conclusively exposed the futility of hopes and arguments that Africa would somehow avoid the praetorian experience of Latin America, the Middle East and Southeast Asia" (Huntington 1968:192). Not surprisingly, there are renewed calls for taming the men and women in uniform through a civil-military doctrine that subordinates the military to civilian control.

Tensions in civil–military relations are not only limited to states in conflict. Some African states considered to be models of peace and stability, such as Cote d'Ivoire (1999) have experienced coups. Notwithstanding some progress in the transformation civil–military relations, particularly in Southern Africa, a number of African states still face challenges in the management of these relations. Consistent with liberal values, many of these states seek to embrace the modern concept of democratic civil-military relations. Democratic civil–military relations imply adherence to principles that conform to accountable, legitimate democratic authorities, and the existence of a parliament that exercises oversight over the military, authorises the declaration of war and also makes the executive accountable to it in terms of the character of its defence policy. Democratic civil–military relations are also defined in terms of good governance in the security sector, and accountability by individual members of the security sector to national and international law, as well as political neutrality.

This mini-thesis will investigate both international relations theories and theories of comparative politics in order to determine which of these best explain the coup

phenomenon in Africa. The choice of the realist, organisational and praetorian paradigms as theories that best explain the incidence of coups in Africa is premised on the dominant and unparalleled role played by the state, and by extension, the army in the African polity, while the liberal paradigm will be applied to assess the extent to which other social forces have challenged or contested the hegemonic role of the state. It is postulated that the value of the new security approach lies in the fact that it introduces a new dimension to the entire security debate by redefining security in a more radical manner juxtaposed to the more traditional approaches of realism and liberalism.

2.1 Realist paradigm

Realism, as an international relations theory is normally used to explain the behaviour of states in the international milieu. It is the pre-eminent and dominant paradigm that is employed to explain inter-state relations, defined as the pursuit of interests. In this regard, the use of power is a defining feature of politics. Consequently, this theory views the international environment as an anarchic one, in which states pursue their national interests. Particularly significant is the paradigm's assertion that conflicts within a community are unavoidable.

The relevance of this paradigm in the national system is the fact that the common denominator in unconstitutional changes of government is the use of power and force by a component of the state in order to settle conflicts and preserve its interests. These means and ends are not dissimilar to those used to explain the applicability of the paradigm in the international system. The contest for power in the national system, normally results in a conspiracy between military and civilian elites who use unconstitutional means to effect regime change. Lack of trust within the various factions in the ruling class leads to squabbles and tensions which, in the absence of democracy, are resolved through the use of

power or force. In this regard Ngoma observes that the realist paradigm entails "the inherent existence of distrust within the state and therefore the likelihood of poor civil-military relations. This appears to confirm the view that (dis)trust between soldiers and civilians remains a preoccupying concern for many African states which would imply a dialectical tension in the civil- military relationship, which may be explained by the deliberate physical separation between the military and the rest of society, characteristics of the contemporary military" (Ngoma 2004: 2-5).

The military in the realist paradigm is essentially modelled towards protecting the interests of the state and is not necessarily focused on promoting national welfare, which in effect could imply protecting regime interests. This in turn may be translated to mean favouring the regime's own 'loyal' membership and 'collaborators', such as big business, particularly the military-industrial complex. Hence, it has been observed that the military has been employed under questionable circumstances and for less than promoting national interests.

2.2   Liberal paradigm

As in the case of the realist paradigm, the state in the liberal paradigm is dominant. Unlike the former, however, the latter does not consider the state as the only critical factor. The paradigm is therefore characterised by a multiplicity of actors with a bias towards non-state actors, such as civil society institutions and the private sector. Although the military in this framework continues to occupy a place of prestige as the ultimate protector of the state, liberal democratic principles are well respected and the role of civil society as well as a preference for the subordination of the military to civil authority is regarded as integral components of civil- military relations.

Evidently, a more cooperative civil- military relationship appears to characterise this framework. However, competition for limited resources remains evident in the liberal paradigm. For instance, civil society would argue for increased government allocation for non-military expenditure and would question the rationale of maintaining a disproportionate percentage of the states' limited resources for the military in the face of other needy areas.

Luckham dismisses the 'Eurocentrism of these standards' of civil military relations. He argues that in Africa, states and the military establishments were externally imposed, offering little scope for the 'internal forging of mutual constraints between the rulers and the ruled' that took place in Europe. Hence in retrospect, 'the ideas that democracy and civilians could be engineered, interconnected with development, and assured by military professionalism seem more than a little naïve' (Luckham 1994: 10).

In this regard, Luckham asserts that "the liberal paradigm cannot be used to explain civil-military relations in Africa, since liberal political values have not fully taken root on the continent. The deficit of democracy and the attendant dominant and pervasive role of the army makes it impossible for civilians to exercise a restraining oversight role over the military and other organs of state security" (Luckham 1994: 10).

2.3   Organisational paradigm

Ngoma (2004: 2-5) describes the organisational theory of civil- military relations as that which focuses entirely on the military institution as unique from other non-military types. This exclusive emphasis on military organisations invites a perception of a military mystique, which has in part been exacerbated by society's own intrigue with it. This model also views the officer corps as "an exclusive repository of modernising values and

devotions to the ideal of the state as opposed to the regime in power". This understanding of civil- military relations suggests a military that not only is regarded as a special group with exclusive capabilities, but also has an equally comparable view of itself.

According to Thomas Cox, this "self- acclamation by the officer corps means that they see themselves as a notch above government in the art or science of statecraft; a phenomenon that could explain the motivation by some officers to conduct coups d'etat under the belief that the ruling regime is not sufficiently effective. In this regard, the organisational model exhibits a military with abilities to contribute in a positive manner to the running of the state and, at the same time, to make the government wary of possible military intervention" (Cox 1976: 4).

The model exhibits a link between the military and the political system, in that it places emphasis on close cooperation between the military officers and the new middle class or emerging middle sectors. Despite its professional ethics, the military in Africa, as will be illustrated in Chapters 3 and 4 has to be regarded as just another faction of the ruling elite, a 'partie militaire', a military wing of the ruling party. Thompson observes that "due to the continent's lack of legal-rational institutions, the military has to compete to protect its own corporate interests among day-to-day political manoeuvrings of other factions within the state" (Thompson 2004: 136). This alliance between the military and the middle class was regarded in the 1960s by US policy makers as the means of resolving the many challenges facing the developing world. This helps explain the apparent acceptance of military regimes by big powers during the early years of Africa's political development, until more recently when the continental body, the AU firmly resolved not to recognise any regime that comes to power through a coup d'etat.

Thomas Cox observes that the officer corps endeavours to pursue a modernising path dependent on the middle class. This alliance has been known in some countries to be reflected by the former employing "large numbers of civilian advisers who will in most cases hold middle-sector convictions" (Cox 1976: 3). Organisational theory reflects that although the military has certain valuable capacities to contribute towards the development of a state, it is not always successful.

The organisational model, has also not escaped the criticism of African scholars such as Hutchful and Luckham who were sceptical of the claim that post independence militaries were modernisers and models of rational organisation. In fact Luckham (1994: 12) concluded in his study of the role of Nigerian military that it was precisely the military's bureaucratic and professional attributes that accelerated its fracture into ethnic and regional cliques during the revolts of 1966.

2.4 Praetorian paradigm

Contrasted with the organisational theorist position is that of the praetorian perspective drawn from comparative politics. According to Ngoma, the praetorian model acknowledges that 'the military functions in an environment which has a number of other actors, all of which will be competing for the scarce resources available. However, its dominance in this group of actors assures it of all, if not most, of its requirements. South African civil-military relations under the Apartheid era provides a suitable example of this on the African continent' (Ngoma 2004: 3). The South African example can be located within the praetorian model because of the apparent ease with which the military was able to secure the resources it wanted in order to fulfil is mandate, or indeed the way in which it was seen as the most powerful group amongst the actors in the political system.

The praetorian model also fosters interaction between the military and society at large and in this regard acknowledges the role of other actors, albeit in a subordinate role relative to its own. While this may signify the potential existence of some tension between the military and the other actors, the nature of the model, in which there is a general expectation by 'all groups' that it intervenes in the running of the country, suggests the absence of such tension. Related to this is the fact that the model visualises a military that is neither autonomous nor neutral in political issues. This therefore implies that society would, in the context of the model, expect active military involvement in the activities of governance, including outright intervention. The Chilean and Algerian case studies appear to relate to the character of this model very well. The intervention by the military in Chile and the dominance of the military in Algeria respectively are a matter of historic record.

The praetorian model also addresses the question of internal cohesion within the military. In this regard it appears that there is a correlation between the lack of cohesion in the organisation and political fragmentation within the larger system. As a consequence, the homogeneity characteristic of the military is not a given as such, and thus points to the existence of divisions and rivalry within the rank- and file of the military (Cox 1976: 9).

It follows from the praetorian model that civil- military relations are considered to be closely interwoven, to the point that society 'pushes' the military into taking the reins of power, even if it does not consider itself to be particularly effective in this role. It therefore, appears that intervention by the military in government is more out of a deep sense of obligation, however 'misplaced', to ensure that the country meets the challenges at hand.

Luckham questions the tendency by praetorian theorists such as Huntington to miss the complex link between military power and popular sovereignty. He observes that "theories

of political order and modernization privileged stability over transformation". Both conceptualized progress in terms of rational administration of society from above, stabilized through military force, without regard to dialectic struggles (Luckham 1994: 12).

2.5   New Security paradigm

The new security paradigm is a radical departure from the state-centrism of conventional and orthodox security doctrines. It places emphasis on human rather than on state security. The 1991 Bonn Declaration describes 'human security' as …'the absence of threat to human life, lifestyle and culture through the fulfillment of basic needs' (Omari 1995: 4). It regards social strife and economic deprivation, as manifested by hunger, unemployment, disease, and ignorance, amongst others as major threats to the security of nations. According to this doctrine, national armies and military budgets should be reduced, and the army should be deployed only for peaceful purposes and in support of humanitarian efforts.

While the liberal school mentioned earlier, appears to favour a more balanced civil-military relations- that is, one in which 'the executive (president or government) enjoys purely political functions maintaining only a general overview of the military'- the new security paradigm provides a more 'radical' approach to civil- military relations, and is consequently more robust in its bias towards increased expenditure on non- military issues.

2.6 Analysis

On the basis of the above analysis, African coups can be located within the range of the realist, organizational and praetorian models of international relations and comparative political theory. As will be illustrated in subsequent chapters, the military is the common denominator in coups on the continent. Due to the nature and character of the African state,

the military has over time displayed an unparalleled capacity to project power and unleash violence.

With minor variations a number of similarities between the realist, organizational, and praetorian paradigms can be discerned. In these perspectives, the military occupies an unrivalled position in society. All other actors recognize the dominance and power of the military and military intervention in politics is not unexpected. African coups have been characterized by deep distrust between the political-civilian leadership, on the one hand, and the military leadership on the other. Traditionally, the military has always viewed itself as separate from the rest of society. The military acts in the interest of 'the state', not necessarily in the national interest. In this context, evidence of collaboration between the military and middle class, as well as the co-option of the latter in regimes set up by juntas has been observed. The military consequently regards itself as the avante garde of society and a cohesive entity that can modernize the state and set it on a path to development and prosperity. We have also noted how the military secures cooperation with sections of society and justifies its intervention in politics.

In the liberal paradigm, the military is but one of the actors, though the most powerful. Other social forces such as civil society play an important role in curbing military expenditure. As in the case of the liberal paradigm, the new security paradigm has less applicability in Africa due to the circumscribed political and social space and the dominance of the military.

Given the preponderance of the military, coups in Africa therefore straddle the realist, organisational and praetorian paradigms. These paradigms can be applied singularly or

jointly in the African context. Some coups reflect a combination of elements of each of the paradigms, while others can be associated with either of the models.

CHAPTER 3

AN OVERVIEW OF UNCONSTITUTIONAL CHANGES IN AFRICA

It is impossible to analyse the full scope of the incidence and phenomenon of unconstitutional changes of government in a singular chapter of a master's mini dissertation. Volumes of work and a sea of literature of variable quality have been dedicated to this subject since the outbreak of the first coup in Africa. This chapter will therefore limit itself to assessing the propensity and frequency of unconstitutional changes and their impact on the African political landscape. In illustrating the magnitude of the problem, some main patterns and characteristics of civil-military relations will be distilled, concentrating on selected cases which best explain the underlying trends.

According to Thompson (2004: 131) "Africa's post-colonial history has witnessed unconstitutional changes of government, principally through the staging of military coups. There were 71 military coup d'etat in Africa between 1952 and 1990. These resulted in the toppling of governments in 60 per cent of the continent's states". Cox makes a similar observation when he asserts that "military coups in post colonial sub-Saharan Africa have happened with such regularity that they were said to constitute, the principal bane of the region – and its dominant political reality" (Cox 1976: 4). Relief from these military take-overs came in the early 1990s. During this decade, the number of coups reduced significantly, with regime change more likely to be prompted by mass rebellion or democratic elections.

Ikome (2007: 5) observes that there are several reasons for this and states that, "beginning in the late 1980s, a combination of internal and external dynamics that included amongst others the demise of the former Soviet Union and the subsequent end of the Cold War, and unrelenting civil society pressures brought about a considerable broadening of Africa's hitherto constricted political space, with a majority of African states either voluntarily or

forcibly embracing a liberal political ethos". This trend evolved considerably, spreading to embrace a majority of African countries, partly as a result of the new emphasis on good governance and plural democracy by both continental and global actors. These include the Bretton Woods Institutions (BWIs) and Africa's bilateral donors, most of whom had been faithful allies of Africa's regimes during the Cold War – and to some extent the Organisation of African Unity (OAU) – which was itself beginning to shift from a policy of 'non-interference' to one of 'non-indifference'.

3.1   Coups and Geography

In Sub-Saharan Africa, West Africa, which is made up of 16 states, has been the region most prone to coups. All the countries in this region, with the exception of Senegal and Cape Verde have experienced from one to six successful coups (Benin; Burkina Faso; Guinea Bissau; Guinea Conakry; Mauritania; and Nigeria). East Africa and the Horn of Africa, with 10 states, have experienced coups only in the Sudan, Uganda, Burundi and Ethiopia.

Table 1

Distribution of Military Interventions by Region and Time
1956-84

Region	Type	1956-69	1970-84	Totals
West Africa	Coups	14	17	31
	Attempted Coups	6	15	21
	Plots	15	39	54
Central Africa	Coups	8	6	14
	Attempted Coups	5	13	18
	Plots	7	10	17
Eastern Africa	Coups	4	3	7
	Attempted Coups	6	13	19
	Plots	6	24	30
Southern Africa	Coups	0	0	0
	Attempted Coups	0	5	5
	Plots	0	3	3
African Islands	Coups	0	4	4
	Attempted Coups	0	2	2
	Plots	0	5	5

Source: McGowan, Pat and Johnson, T. H, 1984, African Military Coup d' Etat and Underdevelopment: A Quantitative Historical Analysis, page 649, The Journal of Modern African Studies, Vol. 22, No. 4 (Dec., 1984), pp 633-666.

Table 1 above (McGowan and Johnson 1984: 640) illustrates the distribution of military intervention by region and time between 1956 and 1984. It confirms the assessment that in Sub-Saharan Africa, military inspired coup d'etat have been unevenly spread with West Africa being the most prone to the incidence of coups d'etat. This region has seen over 55 per cent of all coups d'etat, as well as a third of attempted coups, and a half of all reported plots.

The other three regions of Central Africa, the Indian Ocean Islands and Southern Africa have all experienced coup behaviour, but proportionately less than the number of states in the region. In Central Africa, the Central African Republic, Congo-Brazzaville, São Tomé and Principe have witnessed the most unconstitutional changes of government. The Comoros, in particular, and Madagascar contribute most to the Indian Ocean Islands' occurrence of unconstitutional changes in government. In Southern Africa, only Lesotho

has experienced a successful military take over. This classic military coup, which brought Major General Lekhanye Metsing into power, was largely orchestrated by South Africa's Apartheid regime, which had blockaded Lesotho for three weeks (McGowan 2006: 110). Pretoria was concerned about the support given to the then banned African National Congress (ANC) by the government of Prime Minister Chief Leabua Jonathan.

Figure 2

Five-year Frequency of Military Coup Attempts in West Africa, 1955-2004
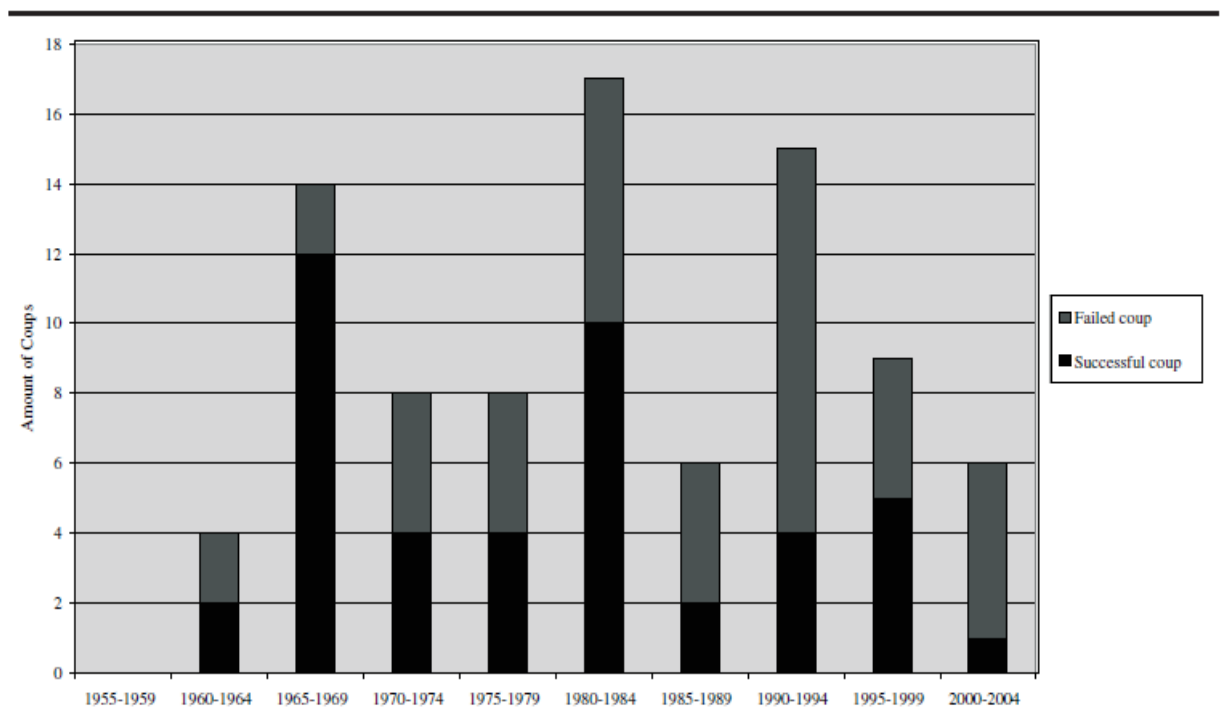
Source: McGowan, P.J., 2006, Armed Forces and Society: Coups and Conflict in West Africa, 1955-2004, Part II, Empirical Findings, page 239.

Figure 2 (McGowan 2006: 239) depicts the five-year frequency of coup behaviour in West Africa. Every five years from 1960 has seen a combination of failed or successful coups and rebellions. Due to the falling coup success rate since 1985 and the push for multiparty democracy since 1989, the past fifteen years between 1990 and 2004 have witnessed a steady decline in the proportion of coup-caused leadership changes in comparison with peaceful military-led transitions to civilian rule and democracy (McGowan 2006: 238).

Two trends can be discerned from Figure 2, namely, the increase of coup activity from the 1960s until 1980 to 1984, and the decline since then. Secondly, since 1985 there was a decline in the likelihood of success when a coup was initiated.

The above trends complement Hutchful's hypothesis that "civil-military relations have followed distinct regional and national trajectories" (Hutchful 1997: 5). In Sub-Saharan Africa, coups have been less prevalent in Southern Africa, but more common in West, Central and East Africa. While some countries have been subject to persistent military coups, others have escaped the coup contagion altogether. Part of the explanation derives from the pattern of decolonisation. On the whole, regimes that came to power through the armed struggle such as those in Southern Africa were able to create or reorganise their own armed forces, and were as a consequence more successful in imposing control. Secondly, among this second set of countries, some such as Tanzania, Kenya and Senegal, following initial challenges from their armed forces, were able to reorganise and institutionalise their civil-military relations and to sustain civilian rule; while others, such as Ghana and Uganda were unable to do so. Similarly, certain military regimes were able to terminate, or successfully avoid military interventionism and create durable political dispensations, while others succumbed in turn to a further cycle of coups.

Coup behaviour in Sub-Saharan Africa, influenced by a number of domestic and external factors, has been varied at given moments. During the era of independence, including in the late 1950s and 1960s Africa witnessed 29 coups. In the 1970s, a decline in the coup trend was observed with the continent experiencing 22 coups. This trend, albeit marginal, continued in the 1980s with 20 coups recorded in Sub-Saharan Africa.

FIGURE 3

AFRICAN MILITARY COUPS D' ÉTAT

Distribution of T.M.I.S., 1956-85

Source: McGowan, Pat and Johnson, T. H, 1986, Sixty Coups in Thirty Years-Further Evidence Regarding African Military Coups d'Etat, page 540, The Journal of Modern African Studies, Vol. 24. No. 3 (Sep., 1986), pp 539-546.

In the 1990s there was a further decline with 14 coups taking place in Africa. Since the turn of the century, Africa has experienced 9 coups d'etat. Figure 3 (McGowan and Johnson 1984: 540) illustrates the involvement of the military in African politics from 1956 to 1985. What is clearly striking is the increasing trend of military intervention over time. In the 1960s Africa experienced more coups than at any other time.

The latest wave of coups took place against the background of renewed efforts by the AU sub-regional bodies to rid the continent of this scourge. It is not surprising, therefore, that most analysts are unanimous regarding the trend that the most recent occurrence of coups on the continent marks a resurgence of unconstitutional changes of government.

At Africa's independence, it was widely assumed that the armed forces would accept their support role in relation to the duly constituted civilian authority. However, it did not take too long before this assumption was called into question. The first substantive coup d'état took place in Togo in 1963, ironically in the same year that OAU was established. This was followed by a rash of military takeovers across the continent, which consumed both the more fragile states like Benin, the Central African Republic (CAR) and Upper Volta (now Burkina Faso), as well as those which seemed more viable like Ghana, Uganda and Nigeria. The latter cases debunk a popular myth that coups take place only in weak, undemocratic and poor states. The reality is that coups have swept away regimes in plural, fragmented polities, but also in centralised one-party systems and personalised dictatorships. They have been staged in countries with stagnant, debt-burdened economies, but also in conditions of relative economic prosperity. By 1984, there were only sixteen African states left which had not experienced a successful coup, whilst takeovers averaged three per year since 1963.

In terms of coup modus operandi, a well organised group of conspirators who could deploy enough soldiers to arrest key figures and to take over strategic installations – notably the presidential palace, the radio- station and the airports, was all that was required to stage a coup. Baynham (1992: 4) observes that in Ghana, the National Liberation Council (NLC) came to power in 1966 when 500 soldiers from an army of 10000 overthrew Nkrumah, in former Zaire Mobuto 'neutralised' the conflict between Lumumba and Kasavubu by

occupying Leopoldville (Kinshasa) with 200 men, while Soglo of Dahomey (Benin) was ousted by five dozen paratroopers in 1967.

According to Thompson in the 1960s, 1970s and 1980s there was a familiar pattern that could be discerned in coups behaviour in Africa. "A faction of the military, usually led by middle-ranking or junior officers (occasionally non-commissioned officers), would seize government buildings and communication centres, and then detain the President and the cabinet. Once these symbols of the state had been captured, the coup-plotters would then use the radio station to broadcast to the nation. They explained how the civilian government's corruption and ineptitude had made it their duty to intervene and promised to withdraw to the barracks as soon as the military had restored a just and disciplined society"(Thompson 2004: 131).

The coups that took place in Togo in 1963, in the CAR, Nigeria and Ghana in 1966, in Mali in 1968, in Uganda in 1971, in Ghana in 1972, in Guinea Bissau in 1980, in Nigeria and Burkina Faso in 1982, and more recently in Niger in 2010, inter alia, best illustrate this pattern. In Togo, members of the army assassinated President Sylvanius Olympio in front of the US Embassy in January 1963, and handed power over to Nicholas Grunitzky (McGowan 2006: 104). In a bloodless coup, military officers in the CAR under the command of Jean Bedel Bokassa overthrew the elected government of President David Dacko in January 1966 (McGowan 2006: 61). In Mali, the army led by Lieutenant Mousa Traore overthrew the civilian government of President Modibo Keita in a bloodless coup in November 1968 (McGowan 2006: 26).

While he was out of the country, President Milton Obote of Uganda was overthrown by the army under the leadership of General Idi Amin (McGowan 2006: 27). In Ghana, Prime Minister Kofi Busia's government was toppled in January 1972 by the military while he was abroad (McGowan 2006: 56). Troops loyal to the Prime Minister of Guinea Bissau,

Major Joao Vieira, toppled the administration of President Luis Cabral in November 1980 and appointed Vieira as President (McGowan 2006:88). In Nigeria, the military under the leadership of Major General Mohammed Buhari overthrew the recently elected government of President Alhaji Shehu Shagari in December 1983 (McGowan 2006: 63). The government of Major Jean Baptiste Ouedraogo in Burkina Faso was overthrown by elements of the military led by Captain Thomas Sankara in August 1983 (McGowan 2006: 35). Some of the coup leaders became caretakers 'Ghana, for example, demilitarised its government in 1969 and 1979' (Thompson 2004: 140) and Nigeria too did the same in 1979 and 1999. In other instances, the military stubbornly refused to relinquish and cede power, thus becoming usurpers. Thompson (2004: 140) therefore concludes that these "caretaker governments commonly evolve into permanent institutions, resulting in the military-civilian hybrid…"

TABLE 2

Rank Order of 45 Sub-Saharan African States by their Total Military Involvement Score (T.M.I.S.), 1 January 1956 to 31 December 1985

Rank	State	T.M.I.S.	Coups	Attempted Coups	Reported Plots
1	Ghana	56	5	6	13
2	Sudan	48	3	7	12
3	Benin	42	6	3	3
4	Uganda	42	4	6	4
5	Congo	33	3	5	3
6	Burkina Faso	32	5	1	4
7	Nigeria	32	5	1	4
8	Central African Republic	26	3	3	2
9	Mauritania	23	3	1	5
10	Liberia	21	1	2	10
11	Burundi	20	3	1	2
12	Zaire	20	2	1	7
13	Ethopia	20	1	2	9
14	Guinea	19	1	2	8
15	Madagascar	18	2	2	2
16	Equatorial Guinea	18	1	4	1
17	Niger	18	1	4	1
18	Sierra Leone	16	2	1	3
19	Somalia	15	1	2	4
20	Togo	14	2	-	4
21	Chad	12	1	2	1
22	Guinea-Bissau	11	1	1	3
23	Comores	9	1	1	1
24	Mali	9	1	-	4
25	Rwanda	8	1	1	-
26	Zambia	7	-	2	1
27	Seychelles	6	1	-	1
28	Kenya	5	-	1	2
29	Tanzania	5	-	1	2
30	Cameroun	4	-	1	1
31	Gabon	4	-	1	1
32	The Gambia	4	-	1	1
33	Swaziland	4	-	1	1
34	Zimbabwe	4	-	1	1
35	Angola	3	-	1	-
36	Cote d'Ivoire	3	-	-	3
37	Mozambique	3	-	1	-
38	Senegal	3	-	1	-
39	Malawi	1	-	-	1
40	Saõ Tome & Principé	1	-	-	1
41	Botswana	0	-	-	-
42	Cape Verde	0	-	-	-
43	Djibouti	0	-	-	-
44	Lesotho	0	-	-	-
45	Mauritius	0	-	-	-
	Totals	639	60	71	126

Source: McGowan, Pat and Johnson, T. H, 1986, Sixty Coups in Thirty Years-Further Evidence Regarding African Military Coups d'Etat, page 540, The Journal of Modern African Studies, Vol. 24. No. 3 (Sep., 1986), pp 539-546.

Table 2 (McGowan and Johnson 1986: 540) includes 71 attempted coups, 60 successful coups, as well as 126 reported coups in Sub-Saharan Africa in which elements of the military, police, or security forces played a major role in effecting between 1956 and 1985. As can be seen, the majority of countries that experienced coup activity are in West Africa, followed by Central Africa, and a few in East Africa. More fundamentally, McGowan and Johnson (1986: 541) summarise the results of data collected by creating a quantitative index which provides a numerical score for each Sub-Sahara African country representing the extent of military intervention that had occurred since 1956. The resulting Total Military Involvement Score (T.M.I.S.) is a weighted sum of all such events. The T.M.I.S. values shown in Table 2 were derived by allotting to each African state 5 points for a successful coup, 3 for an attempted coup, and 1 point for each reported coup plot. Ghana's highest ranking score of 55, for example, is as a result of five coups, six attempted coups, and twelve plots (McGowan and Johnson 1986: 541).

3.2 Causes of coups

One of the questions which occupied political scientists in the 1960's and 1970's was why military intervention occurred with such regularity in Africa. Some thought the answer lay in societal tensions which, it was argued, more or less sucked the military into politics. Scholars such as Larry Diamond argue that the deficit of democracy in Africa creates conditions for unconstitutional changes. This view establishes a causal link between democratic governance and stability. Diamond postulates that "where civil society is weak and the politics are corrupt and divided, the military will prevail in that moment of opportunity" (Diamond 2000: 203). This argument presupposes that where there is democratic governance, characterised by a robust civil society, unconstitutional changes of government will not take place. While it may be true that the onset of democracy creates political space and avenues for the expression of different political opinions, this on its own

is not a guarantee that coup d'etats will not take place. In fact, despite the political pluralism that followed the post Cold War era, Africa continued to experience coups and attempted coups.

Accordingly, Naison Ngoma argues that the imperfections that characterise democracy make it rather tenuous to argue that adherence to democratic governance entail a stable environment. This is particularly the case in countries where democracy is yet to take root. It is, therefore, necessary not to assume a simple linkage between democracy and stability, but instead to acknowledge the complexity of an emerging democratic society and seek to interrogate other dimensions that contribute to bringing about a stable environment, free of coups d'etat. (Ngoma 2004: 2)

Similarly, Diamond (2000: 202), Huntington (1968: 86) and S.E. Finer (1962: 25-26) point to weak political institutions, social strife and economic hardships as major causes of coups. They regard military interventions as a manifestation of a broader phenomenon in underdeveloped societies, where there is a general politicisation of social forces and institutions. Huntington stresses this point when he argues that the causes lie in the absence or weakness of effective political institutions in the society (Huntington 1968:196). Morris Janowitz (1964: 69), on the other hand, concentrates on the organisational ability and character of the military. He argues that the relative strength of the army in relation to other components of society, namely, its discipline, professionalism and cohesion compel soldiers to intervene in the public interest in the wake of corruption and maladministration. The military is the only institution within the state that has the capacity to invoke and unleash violence and also to restore order. To support this view, Samuel Decalo asserted that the coup syndrome was rooted less in societal causes, and rather more in the military itself. In this regard, he observes that "corporate pride, ethnic jealousies and personal

aggrandisement were the demonstration effects, because after the first takeovers it became apparent that mounting a coup was actually not that difficult" (Decalo 1973: 107).

Greed seems to be one of the causes of coups in Africa. Given the nature of the political-economy of the African state, with the state being the main and dominant economic player, prospects of accumulation of wealth outside the state sector are limited. The only means, therefore, of accumulating wealth is by accessing state power. Those who pursue wealth will do anything, including staging a coup in order to realise their objectives. According to Collier and Hoefller (2005: 4-5) "…leaders and their supporters invariably do well when they capture the government". Accessing state power guarantees them control over natural resources, which is an important source of sovereignty.

The other likely cause of coups is grievance against the state. To the extent that it is motivated by grievance, the army is likely either to be representing national public good concerns, or at the other extreme, concerns about its own welfare such as military pay. Grievances may arise due to the absence of political rights, the level, growth and distribution of per capita income, and ethnic/religious tensions. In this regard, there is a likelihood of cooperation between some elements in the military and the middle class in terms of the organisational model of civil-military relations, as argued by Thomas Cox (Cox 1976: 5). While greed may be a driving force, the coalescing of the military and civilian components to effect change may usher in an era of political and socio-economic reforms. All these matters shall receive a more detailed treatment and appraisal in subsequent chapters.

More complex explanations have replaced military and societal factors respectively. First asserts that, "the army does not always move monolithically" (First 1970: 19). A more thorough inquiry ought to be conducted on the multiple actors and their varied interests within the military complex. To assume that militaries, particularly at their nascent stages

are a cohesive, homogeneous entity would surely be missing the point. Secondly, the military intervenes in response to crises and contradictions in the broader polity. Those who believed in the modernisation paradigm saw the problem as one of nascent political institutions which were unable to contain the effects of mass political mobilisation.

3.3   Coup trends in Africa

Unlike the first wave of military coups of 1963 and 1964, which in most cases resulted in the appointment of puppet civilian leaders to rule on behalf of the military, the second wave of military coups produced the first set of military juntas that decided to take charge of state affairs directly. Ikome asserts that 'this trend was in some ways in consonance with the prevalent intellectual discourse that presented the military as being better suited for governance in the newly-born and unstable African polities. As a result by the mid-1970's almost 50 per cent of the then 41 independent states were led by military or civil-military cliques' (Ikome 2007: 22). The dominance of this so called modernisation doctrine firmly entrenched the military in politics. It considered the military as the most modern, cohesive, disciplined and patriotic unit of society that could be entrusted with the responsibility of governing effectively and in the interest of the people.

Claude E Welch Jr (1970: 17-18) provides a useful perspective of factors that created conditions for military take-overs in Africa. These include:

- the declining prestige of the major political party, as exemplified by a) increased reliance upon force to achieve compliance, b) a stress upon unanimity(homogenisation) in the face of centrifugal forces, and c) a consequent denial of effective political choice;

- schism among prominent politicians, which had the effect of weakening the broadly based nationalist movement that had hastened the departure of the former colonial power;

- lessened likelihood of external intervention in the event of military uprising/takeover;

- apparent contagiousness of illegal seizures of power by the military in other African countries;

- domestic social antagonisms, most obviously manifested in countries where a minority group exercised control;

- economic malaise, leading to 'austerity' policies that affected the most articulate, urbanised segments of the population;

- corruption and inefficiency of government and party officials, most noticeably under conditions of economic decline; and

- heightened awareness within the army of its power to influence or displace political leaders.

While each coup had its own unique attributes, it can be concluded that the typical pattern was one in which the unpopularity of the incumbent regime provided the backdrop against which the soldiers felt empowered to act. Although military conspirators could technically overthrow a legitimate regime, they were much less likely to do so if they could not be assured of a measure of popular support and the compliance of other sections of the army and police. But official justification for a coup always needs to be distinguished from the underlying reasons. Coup leaders almost invariably produced a list of justifications, centering on the corruption and incompetence of the incumbent regime, as well as the fact that a change of regime was impossible under the one- party state. But underlying the protestations of patriotic responsibility lurked other considerations which were oftentimes corporate, ethnic or intensely personal.

3.4   How coups manifest themselves

The objective conditions on the ground provided succour and justification for the displacement of incumbent regimes. Ruth First argued that the coup that ousted the icon of Pan Africanism, President Kwame Nkrumah of Ghana, was largely a "…result of the economic crisis following the fall of the price of cocoa in the international market" (First 1970: 19). These circumstances, of course, have to be distinguished from those of a banal nature, which often times were an expression of greed or were serving parochial interests of a particular grouping or even the personal interests of an individual. As Gberie notes, "military leaders saw their actions as necessary to prevent their countries' slide into greater economic and political rot through the excesses of the bungling political leaders; they saw their actions, in other words, as an extension of their basic duty to defend and protect the state", (Gberie 2005: 98). Officers and soldiers do not simply disappear into military headquarters and army barracks, but they play a key role in defining the process and the rules of the game. The circumscription of relations between the military, the polity and society is therefore crucial. In the final analysis, coups are often the product of hegemonic crises with international as well as regional and national dimensions.

In response to claims that tensions between the civilian and military leadership were due to budget allocations, Nugent argues that, "civilian- military relations were not merely coloured by crude matters of funding. There was also the delicate issue of the relationship between the soldiers and their supposed civilian masters. When politicians made decisions about promotions or recruitment, they encroached on terrain which the soldiers regarded as their own. Moreover, when the politicians used the military to settle scores, this threatened to drag the military into sectional squabbles" (Nugent 2004: 207).

Governments which created civilian militias had breached a mutual understanding, if at all it existed between the army and the civilian leadership. These militias and other

subterranean networks sustained regimes in Africa. The history of conflicts in Africa is resplendent with examples of ruthless militias that operate with gay abandon and impunity. For those who had graduated from military academies, this compromised the primacy of the professional army.

The singular role of the army and its centrality in the displacement of incumbent regimes is undisputed. Hence Luckham situates coups in the cumulative syndrome of militarization. In general, the political impact of plots, coup attempts and coups has been additive. Coups have been more likely in states which have already experienced successful coups and military government (Luckham 1994:1 2).

The impact of democratic change

The so-called third wave of democratization (Huntington 1993: 41) saw many African countries abandoning the one party model of governance, military regimes, personal dictatorships, and the racial oligarchy in South Africa in favour of a constitution-based model that makes provision for a plural political dispensation with a curb on incumbency in the form of a two-term limitation. This marked a major transition of African political landscape, and was an important step towards regaining domestic legitimacy and the respect of the international community.

However, it did not take too long for some African leaders to engineer processes aimed at elongating their tenure beyond two terms by removing the two-term limitation provision in the constitution. While some of these efforts succeeded, others failed spectacularly. It took peer pressure, and gentle nudging most notably by former President Mbeki to dissuade then Zambian President Frederick Chiluba from pursuing a third term agenda. President Bakili Muluzi of Malawi also had to abandon his third-term ambitions due to domestic, regional and international pressure.

President Obasanjo's spirited effort of extending his mandate was dealt a heavy blow when the Nigerian Senate voted overwhelmingly against a constitutional amendment that would have paved the way for him to contest Presidential elections for the third time. While Sam Nujoma of Namibia and most recently Abdel Aziz Bouteflika of Algeria met little opposition in pursuit of their third term agendas, the same cannot be said of Edries Deby Itno of Chad, whose ambitions invited domestic opposition and accounted for three successive rebellions that nearly toppled him. Encouraged by Bouteflika's success, President Tandja of Niger brazenly bulldozed the country's National Assembly and showed contempt towards the Constitutional Court in his ill-fated bid to extend his mandate by a further three years, despite wide spread domestic opposition, and disapproval of the Economic Community of West African States (ECOWAS) region and the international community. His third term project was brought to a dramatic halt by a military coup hardly a month after the beginning of his controversial third term. The example of the Nigeriené coup will be discussed in some detail in later chapters.

Notwithstanding the inclusion of the manipulation of the constitution in order to prolong a term of office, in terms of the AU's definition of unconstitutional changes of government, as well as the accompanying punitive measures, none of the above-mentioned countries have been censured for breaching this provision of the AU's Addis Charter on Democracy, Governance and Elections. This is largely because the Charter has not yet come into force and effect. Instead domestic opposition and resistance as well as international pressure have contributed to the failure of some of the third term projects in Africa. This underscores the importance of strong political institutions as guarantors and protectors of the constitution.

In this chapter, an overview of the coup phenomenon in post colonial Africa was provided, assessing trends until the turn of the century. Using graphs and tables we illustrated the propensity and frequency of coups in Sub-Saharan Africa, particularly in West Africa, while simultaneously conducting a comparative analysis with other regions in Africa. The modus operandi of putchists and the pattern of coups that have been experienced in Sub-Saharan Africa was also assessed. In addition various arguments ranging from societal to organizational factors about the causes of coups, as well as circumstances which create favourable conditions for coups to take place were identified and analysed.

In the next chapter, the responses of continental bodies, namely the OAU, and later the AU to the scourge of coups d'etat and other forms of unconstitutional changes of government is assessed. Using a number of case studies the responses by continental bodies, and more specifically the AU is described in some detail.

CHAPTER 4

CONTINENTAL RESPONSES TO UNCONSTITUTIONAL CHANGES OF GOVERNMENT

At its creation in 1963, the Organisation of African Unity (OAU) was too preoccupied with protecting the hard-won independence of its member states and devising a strategy to eradicate all forms of colonialism on the African continent to bother about issues of democracy and good governance. The OAU strove to promote unity and solidarity among its member states, and its Charter strongly upheld the principle of the territorial sovereignty of member states. Consequently the OAU strictly prohibited the organisation from intervening in the domestic affairs of any member state (OAU 1963). This was not unusual given the supremacy and sacrosanctity of the doctrine of sovereignty of states and the principle of non-interference adopted by most international and regional organisations at the time. In this regard, the OAU regarded unconstitutional changes of government as manifested in the form of coups as a matter of domestic jurisdiction of its member states and, therefore, not requiring the attention of the organisation. However, it became apparent that the OAU could not turn a complete blind eye to the effects of coups for a long time.

Ikome (2007: 21) notes that the earliest attempt by African leaders to respond to a coup was in 1963 following a military takeover by demobilised Togolese soldiers, which led to the overthrow of Togo's post independence President, Sylvanius Olympio. This is the starting point of our analysis since more African states were independent at this time and it in the year of this coup that the OAU was established. Ikome points out that the coup in Togo provoked public outrage across the continent and the coup leaders were seriously ostracised. This was mainly for three reasons: firstly, because of the violent character of the coup; secondly, because of the recognition and respect that Olympio commanded on the

continent; and thirdly, and probably more consequentially, because African leaders, a majority of whom were vulnerable to similar military upheavals in their own countries, needed to send unambiguous restraining signals to aspiring coup-plotters on the continent (Ikome 2007: 21).

A series of diplomatic meetings championed by the OAU soon followed, during which a myriad of proposals on how to curb the phenomenon of coups, and the legitimisation of coup regimes, were presented. However, Ikome (2007: 21) concludes that these proposals did not translate into any tangible and credible response strategy or mechanism. Therefore, what appeared to be an initial resolute stance against the illegal seizure of power slowly ebbed away, such that subsequent coups failed to provoke the kind of ripples that the coup in Togo had provoked (Ikome 2007: 21).

Subsequently a spate of other coups were to take place, whose success reflected the dominant and unrestrained role of the military in the African state system, and the inability of the OAU in stemming the tide of coups and other types of unconstitutional changes of government in the subsystem. Until the 1999 Algiers Summit of the OAU, and the adoption of the Lomé Declaration on unconstitutional changes of government in 2000, the OAU recognised almost all regimes that came to power by means of staging coups d'etat. This was one of the issues which called into question the legitimacy of the organisation as a credible institution at the apex of decision-making in the continent.

In this context, Odinkalu notes that during the lifetime of the OAU, the manner of accession to power was, "with few exceptions, an irrelevant factor in regime recognition". Occasionally however, recognition of usurper regimes was deferred or delayed because of strong opposition by a few member states based on ideological affinity with the deposed

presidents, as in the case of Tanzania's opposition to the usurpers of Nkrumah in Ghana and Obote in Uganda. According to Odinkalu, in some other cases, such opposition was founded on geo-strategic calculations as in the case of Libya's opposition to the regime of Hissene Habre in Chad (Odinkalu 2008: 1). Cox (1976: 23-24) also buttresses this view by maintaining that the initial isolation of the Liberian regime of Samuel Doe in 1980 seems to have been informed by "a collective fear within the OAU leadership of an indiscriminately bloody form of unconstitutional change master-minded by junior non commissioned military officers". These arguments appear to confirm a widely held view that the OAU's initial, half-hearted response to unconstitutional changes was largely due to political expediency of its member states and not based on a principled abhorrence of unconstitutional changes of government.

4.1 Review of the OAU position

The OAU's indifference to the unconstitutional manner of accession to power and flagrant disregard and violation of basic democratic principles changed in the 1980s largely due to the preconditions set by the Bretton Woods Institutions (BWIs), which placed emphasis on democracy and good governance. In 1981, the OAU adopted the African Charter on Human and Peoples' Rights, which recognised a number of fundamental human, civil and political rights (OAU 1981). This also took place against the background of what Adebajo describes as "a new urgency among African policymakers and scholars in the search for effective mechanisms for resolving African conflicts. A coincidence of interests now seems to have emerged: Africans freed of the constraints of the Cold War, are searching for ways to put into practice the concept of Pax Africana" (Adebajo 2002: 1)

Consequently in the 1990's, the OAU's stance was showing signs of change. One of the first indications of this came during the June 1997 Summit in Harare, which took place

shortly after a military coup in Sierra Leone led by Major Johnny Paul Koroma, which ousted the democratically elected government of President Ahmed Tejahn Kabbah. OAU leaders unanimously and unreservedly condemned the coup as an enormous setback for democracy in Africa and endorsed military action by ECOWAS if diplomatic efforts to restore democracy failed. For the first time OAU leaders agreed that the organisation would not accept or recognise any regime that had removed a legitimately elected government.

Paradoxically, this determination to deal decisively with unconstitutional changes was lacking with regards to the ouster of President Pascal Lissouba of Congo – Brazzaville by Denis Sassou Nguessou, a year earlier, in 1996. This caused some observers to conclude that African responses to unconstitutional changes is driven less by principle and more by expediency. Of course, it can be argued that at the time of this coup there was no Lomé Declaration in place, but the same argument would apply for the Congo coup. It appears that a complex set of local and regional dynamics, including the interests of foreign players, would probably best explain the inconsistency displayed by the OAU with respect to these situations.

OAU efforts at dealing with unconstitutional changes of government can be traced back to the organisation's Summit in Algiers in 1999, which proclaimed 2000 as the 'Year of Peace, Security and Solidarity in Africa' (OAU 1999). The Summit took a decision to suspend any government that comes to power through unconstitutional means from the organisation. This was effectively a sanction, a coercive measure until hitherto considered foreign in African approaches of dealing with problems. The Algiers Summit was followed by the Ministerial meeting of Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) in May 2000 in Abuja. According to Aderinwale (2002: 66-68), the underlying thinking of the CSSDCA process as contained in the so-called four

calabashes (security, stability, development and cooperation) of the Kampala Document of 1991 was a recognition of the fact that the problems of security and stability impaired the ability to achieve the necessary level of intra- and inter-African cooperation that is required to attain integration which is critical to the continent's socio economic development and transformation.

At the Lomé Summit of July 2000, African leaders came out with one of their most significant statements, namely, the Declaration on Unconstitutional Changes of Government (OAU 2000). In the decision adopting the Declaration, the OAU Assembly stated that it 'reiterates its condemnation of all types of unconstitutional changes of government as anachronistic and in contradiction of its commitment to the promotion of democratic principles and constitutional rule', and went further to "call upon the United Nations during the Millennium Summit to join in the rejection of all types of unconstitutional changes anywhere in the world , and take appropriate measures against their perpetrators". Although some analysts argue that the leaders were more interested in protecting themselves from military adventurers than with promoting democracy *per se*, this declaration contains some important principles and values for democratic governance and stability, namely:

- adoption of a democratic constitution: its preparation, content and method of revision should be in conformity with generally acceptable principles of democracy;
- respect for the constitution and adherence to the provisions of the law and other legislative enactments adopted by parliament;
- separation of powers and independence of the judiciary;
- promotion of political pluralism or any other form of participatory democracy and the role of African civil society, including enhancing and ensuring gender balance in the political process;

- the principle of democratic change and recognition of a role for the opposition;

- organisation of free and fair elections, in conformity with existing texts;

- guarantee of freedom of expression and freedom of the press, including guaranteeing access to the media for all political stakeholders;

- constitutional recognition of fundamental rights and freedoms in conformity with the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples' Rights of 1981; and

- guarantee and promotion of human rights.

From the afore-going, it is evident that the OAU linked the absence of democracy with the incidence of unconstitutional changes of government. As empirical evidence has confirmed, there are conditions other than democracy which are necessary sine qua non to assure a coup free environment.

Coming as it did on the very eve of the birth of the AU, the Lomé Declaration is now considered to be one of the canons in the AU's drive to promote democracy and good governance, and consequently to rid the continent of the coup malaise.

In terms of the provisions of the Lomé Declaration, whenever an unconstitutional change takes place in a member state, the sitting Chairman of the OAU and the organisation's Secretary General should immediately and publicly condemn such a change and urge a speedy return to constitutional order. The Chairman and the Secretary General respectively should also convey a clear and unequivocal warning to the perpetrators of the unconstitutional change that under no circumstances will their illegal action be tolerated or recognised by the OAU. In that regard, the Chairman and Secretary General should urge for consistency of action at bilateral, inter-state, sub-regional, and international levels. The

OAU Central Organ should thereafter convene as a matter of urgency to discuss the matter. Following the initial response of its condemning the unconstitutional change, a period of up to six months should be given to the perpetrators of such a change to restore constitutional order. During the six month period, the government concerned should be suspended from participating in the policy organs of the OAU. In addition to the sanctions provided for under article 115 of the OAU Financial Rules and Regulations, the government(s) concerned shall not participate in meetings of the Central Organ, the sessions of the Council of Ministers and the Assembly of Heads of State and Government.

The OAU Secretary General is also mandated during this period to gather facts relevant to the unconstitutional change of government, and establish appropriate contacts with the perpetrators with a view to ascertaining their intentions regarding the restoration of constitutional order in the country; the Secretary General should seek the contribution of leading personalities in the form of discreet moral pressure on the perpetrators of the unconstitutional change, in order to get them to cooperate with the OAU, and facilitate the restoration of constitutional order in the member state concerned. Consequently the Secretary General should also enlist the collaboration of the regional grouping to which the country a coup has taken place belongs.

At the expiration of the six-month suspension period, a range of limited and targeted sanctions against the regime that stubbornly refuses to restore constitutional order should be instituted, in addition to the suspension from participation in the OAU policy organs. These measures could inter alia include visa denials for the perpetrators of an unconstitutional change of government, restrictions of government-to-government contacts and trade restrictions. In implementing the sanctions regime the OAU is mandated to enlist the cooperation of member states, regional groupings, and the wider international donor

communities. Careful attention should be exercised to ensure that the ordinary citizens of the country concerned do not suffer disproportionately on account of enforcement of sanctions (Ikome 2007: 32-33).

4.2   The transition to the AU

The transition from the OAU to the AU in 2001 brought with it much hope for continental integration efforts and the ability the organisation to promote peace, stability and development. The democracy and good governance rhetoric of the new generation of African leaders such as Presidents Thabo Mbeki of South Africa and Olusegun Obasanjo of Nigeria also found expression in the founding document of the newly established African Union. The basic framework for promoting democracy and good governance among member states of the AU is laid down in the Constitutive Act hereinafter referred to as the AU Act establishing the Union and a number of treaties, declarations and other instruments (OAU 2000.). As an international treaty, the AU Act is binding on member states and is governed by the rules of the 1969 Vienna Convention on the Law of Treaties as well as the 1986 Vienna Convention on the Law of Treaties between states and international organisations or between international organisations.

The AU, as an international organisation, possesses the capacity to develop legal instruments and other acts that are necessary for the fulfilment of its purposes. However, not all these instruments are legally binding on member states. In this regard, a distinction needs to be made between acts adopted such as treaties and protocols, which are binding on those member states which have signed and ratified them, and other acts, such as declarations, decisions, recommendations and resolutions, which, although aimed at influencing the conduct of member states, are not necessarily legally binding.

Pursuant to the AU's objective of promoting democracy, Article 3 of the AU Act states, inter alia, that the objectives of the Union shall be to 'promote democratic principles and institutions, popular participation and good governance'. In addition, Article 4 stipulates that the Union shall function, inter alia, in accordance with the following principles:

> h. the right of the Union to intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances, namely, war crimes, genocide and crimes against humanity as well as a serious threat to legitimate order to restore peace and stability in the member state of the Union upon the recommendation of the Peace and Security Council;
>
> j. the right of a member state to request intervention from the Union in order to restore peace and security;
>
> m. respect for democratic principles, human rights, the rule of law and good governance; and
>
> p. condemnation and rejection of unconstitutional changes of government.

The significance of Article 4(h) lies in the fact that it tempers with sacrosanct Westphalian notions of sovereignty and non-interference, which were the hallmarks of the OAU. Nevertheless Article 4(g) of the Act still recognises the principle of non-interference in the internal affairs of member states. However, the AU Assembly or the Peace and Security Council can, if they deem it appropriate, intervene in respect of grave circumstances or in the event of a coup. For the first time in the history of continental bodies, the principle of the responsibility to protect and the duty to intervene in case of an unconstitutional change of government was acknowledged, thereby enjoining the AU not to be indifferent to circumstances that threatened incumbent governments.

The AU Act was followed in 2002 by the adoption of the Declaration of the Principles Governing Democratic Elections in Africa (African Union 2002) and the continental Charter on Democracy, Elections and Governance adopted in January 2007 in Addis Ababa (African Union 2002), which finally gave treaty status to the definition of unconstitutional changes, adding to the four existing categories recognised in the declaration of the Framework for an OAU Response, a fifth category, namely: 'manipulation of the constitutions and legal instruments for prolongation of tenure of office by (an) incumbent regime'. As a consequence the AU crystallized a sanction-backed prohibition against unconstitutional changes in government from regional custom to treaty law (Odinkalu 2008: 2).

The Charter, which draws on the 1981 African Charter on Human and Peoples' Rights, is inspired by the objectives and principles enshrined in the Constitutive Act of the AU. Consistent with the AU's determination to rid the continent of coups, the preamble of the Charter explicitly expresses concern about the unconstitutional changes of government which are the essential causes of insecurity, instability and violent conflict in Africa. It seeks, furthermore to enhance the Lomé Declaration, the Declaration of Principles

Governing Democratic Elections in Africa and the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (African Union 2002). Amongst others, the objectives of the Charter are to:

- promote and enhance adherence to the principle of the rule of law premised upon the respect for, and the supremacy of the constitution and constitutional order in the political arrangements of state parties;

- promote the holding of regular free and fair elections to institutionalise legitimate authority of representative government as well as democratic change of governments; and

- prohibit, reject and condemn unconstitutional change of government in any member state as a serious threat to stability, peace, security and development.

In response to a new practice of amending constitutions in order to prolong the tenure of incumbent regimes beyond the two terms provided for in the constitution, the AU requires its members to ensure that such amendments, if they are affected, should enjoy the support of the general population. To date, none of the attempts to amend the constitution have been subjected to the will of the people in an unfettered and transparent manner. In this regard, Article 10 (3) of the Charter states that 'State parties shall ensure that the process of amendment or revision of their constitution reposes on national consensus, obtained if need be, through referendum'. This provision should be read in conjunction with Article 23 of the Charter which adds a fifth category to the definition of unconstitutional changes of government, namely: 'Any amendment or revision of the constitution or legal instruments, which is an infringement on the principle of democratic change of government'.

A new and welcome innovation in the Charter is a provision that requires member states to prosecute coup plotters. Article 14 (2) states that: 'State parties shall take legislative and regulatory measures to ensure that those who attempt to remove an elected government through unconstitutional means are dealt with in accordance with the law'. Article 25 (5) further states that 'Perpetrators of unconstitutional change may also be tried before the competent court of the Union'.

Article 25 (4) prohibits putchists from participating in processes aimed at restoring constitutionality. It states that: 'The perpetrators of unconstitutional change of government shall not be allowed to participate in elections held to restore the democratic order or hold any positions of responsibility in political institutions of their state'. The application of this provision would make it impossible for those staging a coup to auto-legitimise themselves.

4.3   Challenges of enforcement

In order to institutionalise and entrench a culture of democracy and good governance, and hold member states to account, the Charter member states to take appropriate measures at the national level and to report at regular intervals about progress and challenges. In this respect, Article 44 requires member states to take measures to ensure that their laws are in conformity with the Charter, while Article 49 requires member states to submit reports every two years on measures they have taken to comply with the Charter.

While elements of the AU's policy on unconstitutional changes are a carbon copy of its predecessor, the OAU, they are nevertheless a major improvement on past policies. Sadly though, the Charter currently has no locus standi as it is yet to have force or effect. It requires 15 instruments of ratification to be effective. So far only Ethiopia, Mauritania, Sierra Leone, and lately South Africa have deposited instruments of ratification.

4.4   The role of the AU Peace and Security Council (AUPSC)

One of the pivotal organs for implementing the AU's democracy and good governance agenda is the AUPSC, established by the Assembly in terms of Article 5(2) of the AU Act, which authorises the establishment of other organs. The AUPSC effectively replaces the OAU's Central Organ for Conflict Prevention, Management and Resolution that was established in 1993. The AUPSC therefore acts as a collective security and early-warning arrangement to facilitate the timely and efficient response to conflict and crisis situations

on the continent. This is done with the support of the AU Commission, a Panel of the Wise, a Continental Early Warning System, an African Standby Force and a Special Fund. The common objective of these instruments is to "promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts."

The AUPSC comprises 15 members, ten elected for two years and five for three years. In composing the AUPSC, the principle of equitable representation is adhered to in order to ensure that all five African regions are represented in this primary AU organ charged with peace and security in the continent. Unlike its international counterpart, the United Nations Security Council (UNSC), all members have equal voting rights and there is no provision for veto rights or permanent seats. An interesting novelty is the introduction of a number of criteria that reflect the desire to ensure that only states willing and able to respect the AU's values become AUPSC members. Thus, a prospective member state of the AUPSC must inter alia, be committed to uphold the principles of the Union and respect the rule of law and human rights as well as constitutional governance in accordance with the Lomé declaration on the Framework for an AU Response to Unconstitutional Changes of Government.

The functions and powers of the AUPSC also underline the focus on promoting peace, security and stability in Africa. In conjunction with the chairperson of the commission, the AUPSC is given wide-ranging powers that require the Council to anticipate and prevent disputes and conflicts as well as policies that could lead to genocide and crimes against humanity. The Council is also mandated to institute sanctions whenever an unconstitutional change of government takes place and significantly, to "follow-up, within the framework of

its conflict prevention responsibilities, the progress towards the promotion of democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law by member states." The AUPSC protocol also underscores intervention in respect of certain defined grave circumstances or when requested by a member state to restore peace and security under the provisions of Articles 4(h) and 4(j), respectively.

The AUPSC is required to meet at least twice a month but can meet as often as deemed necessary and is organised in such a way that it can function continuously. What potentially gives the AUPSC real authority are three provisions in Article 7. By signing and ratifying the Protocol, a member state automatically agrees:

- that in carrying out its duties under the protocol, the AUPSC acts on its behalf;
- to accept and implement the decisions of the AUPSC in accordance with the AU Act; and
- to extend full cooperation to, and facilitate action by the AUPSC for preventing, managing and resolving crises and conflicts, pursuant to the duties entrusted to it under the Protocol.

These provisions are very similar to Articles 24(3) and 25 of the UN Charter, according to which UN members agree that the UN Security Council, when it acts under the powers conferred on it with respect to the maintenance of international peace and security, 'acts on their behalf' and they 'agree to carry out the decisions' taken by it in this regard.

The Panel of the Wise is composed of five highly respected African personalities from various segments of society who have made an outstanding contribution to the cause of

peace, security and development on the continent. Its primary function is in the area of conflict prevention and the Panel is required to advise the Chairperson of the Commission as well as the AUPSC on all issues pertaining to the promotion, and maintenance of peace, security and stability in Africa.

The Continental Early Warning System (CEWS) is required to anticipate and prevent conflicts in the continent. The early warning system consists of an observation and monitoring centre, 'the situation room' located in the AU's conflict management directorate in Addis Ababa, and is required to collect and analyse data. It is also linked to the observation and monitoring units of sub-regional bodies, from which data is transmitted to the situation room. The Commission's Chairperson is mandated to use the gathered data to advise the AUPSC on potential conflicts and threats to peace and security in Africa. Member states are required to commit themselves to facilitating early action on the basis of this information.

The functions of the third support structure, the African Standby Force are not exhaustively listed, but they inter alia include observation and monitoring missions and intervention under the circumstances specified in Articles 4(h) and (j) of the AU Act. To facilitate the operation of the Standby Force, the AUPSC is required to establish a military staff committee to advise and assist in all questions relating to military and security initiatives in order to promote and maintain peace and security in Africa.

Finally, Article 21 of the Protocol provides for the establishment of a Peace Fund to provide the necessary financial resources for peace support missions and other operational activities related to peace and security. The AUPSC certainly has the powers not only to prevent, manage and resolve continental disputes but also to advance democracy and good

governance. In this regard, the early warning system could play a very significant role. In this respect, it has been observed that there are often many early warning signs on governance issues, such as systemic corruption, the suppression of freedom of speech, the violation of human rights and the manipulation of elections before problems arise. Unlike the OAU, which lacked both the powers and the will to act, the AU Act and the Protocol provides the AUPSC with the legal basis for more robust engagement and greater scope for action.

Since its inception, the AUPSC has been seized of all unconstitutional changes of government in Africa. With varying degrees of success, it has studiously applied all the relevant provisions of the Lomé Declaration aimed at restoring peace and order in affected states. The AUPSC is by far the most prominent and visible organ in the AU's security architecture aimed at promoting peace, security and stability in the continent.

4.5 The New Partnership for Africa's Development (NEPAD) and the African Peer Review Mechanism (APRM)

The end of the Cold War and with it the birth of a culture of multi-party political pluralism saw the emergence of African leaders who were determined to promote democracy and good governance, and develop a framework in order to extricate the continent from the abyss of poverty and underdevelopment. These leaders, who President Bill Clinton of the United States dubbed the 'new breed of African leaders' (Rotberg 2002), were inspired by the vision of the African Renaissance (Vale and Maseko 1998: 271-278), whose modern day proponent was South Africa's Thabo Mbeki. It was as a result of the persistent work of Mbeki, Obasanjo (Nigeria) and Bouteflika (Algeria) that the AU adopted the New Partnership for Africa's Development (NEPAD), as the blue-print for Africa's socio-economic development programme.

As a concrete demonstration of their efforts to drive the good governance, democracy and development agenda, African leaders established the NEPAD Heads of State and Government Implementation Committee (HSGIC) which adopted the Memorandum of Understanding of the African Peer Review Mechanism (APRM) and the Declaration on Democracy, Political, Economic and Corporate Governance in March 2000 (Department of International Relations and Cooperation 2010). The latter document contains prioritised and approved codes and standards in the following four critical focus areas:

- democracy and good political governance;

- economic governance and management;

- socioeconomic development; and

- corporate governance.

The HSGIC also adopted documents that outlined the core principles, processes and objectives of the APRM including the APRM base document, the APRM organisation and processes document, as well as the document on objectives, standards, criteria and indicators of the APRM (African Peer Review Organisation 2003).

The APRM lies at the heart of the AU drive for a broad vision of Africa's rejuvenation and renewal that seeks to generate more goodwill from international trade partners and donors by proving good political and economic governance and accountability. It remains, however, a self-monitoring mechanism that AU member states can voluntarily accede to and aims, according to its designers, to foster inter alia the adoption of policies, standards and practices that will lead to political stability, higher economic growth, sustainable development and accelerated regional and economic integration.

During the 2000 Durban summit, the AU Assembly urged member states to adopt the Declaration and to accede to the APRM. To ensure that the primary objectives and purpose of APRM are realised, participating AU member states have committed themselves to adopt appropriate laws, policies and standards, as well as building the necessary human and institutional capacity. They have also committed themselves to adopt specific objectives, standards, criteria and indicators for assessing and monitoring progress in key areas on a regular basis in accordance with the APRM Base Document and the Declaration. This inter alia entails an undertaking by member states to submit to periodic peer reviews, as well as to facilitate such reviews and be guided by agreed parameters for good political governance as well as good economic and corporate governance (African Union 2002).

The strength of the APRM lies in the fact that it is a voluntary process. States, of their own volition, subject themselves to be reviewed by an eminent panel of experts in order to identify strengths, shortcomings and weaknesses in their respective national systems in order to effect, in a progressive manner, measures to improve democracy and good governance. Unlike an imposed edict which may elicit a negative response that could be counterproductive, this approach ensures political buy-in at the highest levels of government. However, Ikome (2007: 45) believes that 'the voluntary character of some of these initiatives has made them ill-suited to providing a comprehensive solution to domestic instability emanating from poor governance'.

In the *City Press,* Steven Gruzd (2010: 8) maintains that the APRM reports are 'solid, sober analysis of critical issues. They provide a comprehensive and candid diagnosis of key governance problems'. Some of the APRM's reports have sharply identified areas of potential instability in countries that have undergone reviews. In its country report on Kenya, the APRM identified ethnic tension as one of the issues that could lead to civil

strife (NEPAD Kenya Secretariat (New Partnership for Africa's Development Kenya Secretariat 2008). The South Africa APRM country report inter alia warned about the powder keg of xenophobia which ignited in 2008 (African Peer Review Mechanism South Africa Country Report 2007). In both these instances, the APRM's conclusive diagnosis was proved correct. The demon of ethnicism reared its ugly head in Kenya before and after the hotly contested Presidential elections of 2007, leaving in its wake thousands dead and injured. In South Africa, sporadic violent attacks targeted mainly at foreign nationals of African descent gripped the country in May 2008. The implementation of the APRM's recommendations in both these instances will therefore go a long way not only in contributing to tolerance, social cohesion and stability, but also in promoting democracy and governance.

In the same article, Gruzd (2010: 8) concludes that the APRM "process has started to open up the political space. Through its admixture of peer pressure, diplomacy and dialogue, the process can spark, spur and sustain change". Undoubtedly major political reforms are taking place in the continent, and increasingly ordinary people are reclaiming the political space by co-authoring the nature and character of the modern African state. Amongst others, this political renewal can be credited to the APRM process. To date more than half of African countries have acceded to the APRM process. As of October 2009, the following countries had signed the Memorandum of Understanding acceding to the APRM: Algeria Angola, Benin, Burkina Faso, Cameroon, Djibouti, Egypt, Ethiopia, Gabon, Ghana, Republic of Congo, Kenya, Lesotho, Mali, Malawi, Mauritania, Mauritius, Mozambique, Nigeria, Rwanda, Saõ Tome and Principé, Senegal, Sierra Leone, South Africa, Sudan, Togo, Tanzania, Uganda, and Zambia. Of these countries, only 12 have completed the review process, namely, Algeria, Benin, Burkina Faso, Ghana, Kenya, Lesotho, Mali, Mozambique, Nigeria, Rwanda, South Africa, and Uganda.

4.6 African Union (AU) Responses

Since the adoption of the Lomé Declaration and the AU Constitutive Act, seven African countries have experienced coups, namely, the Central African Republic (CAR) (15 March 2003); Saõ Tome and Principé Tome and Principe (17 July 2003); Guinea Bissau (14 September 2003 and 2009); Togo (5 February 2004); Mauritania (3 August 2005 and 6 August 2008); Guinea-Conakry (23 December 2008); and Madagascar (January 2002 and 17 March 2009). The success of the AU in dealing with these unconstitutional changes of government could be described as mixed and limited.

In accordance with its policy and without exception, the AU has been swift in publicly condemning coups after they had taken place. It has called for the speedy return to constitutional order in these countries and urged consistency of collective action at the bilateral, inter-state, sub-regional and international levels. The states in which unconstitutional changes had taken place were suspended from participating in policy organs of the AU and the AU engaged the de facto authorities in efforts aimed at restoring constitutional order, in collaboration with the Regional Economic Community (REC) to which they held membership. With the exception of Saõ Tome and Principé Tome and Principe, where the democratically elected leader was returned to power, the ousted leaders in the other countries were forced to relinquish power. Targeted sanctions were also imposed on the military juntas in Mauritania and Guinea Conakry for failing to take measures to restore constitutional order within the six month period as stipulated by the AU.

4.6.1 Central African Republic (CAR) (2003)

In the CAR, President Ange Felix Pattase was ousted in a coup led by army chief of staff, General Franscois Bozize, while attending a meeting of CEN SAD in Lomé, ironically the city in which the AU declaration forbidding coups was adopted (Cornwell 2003). The AU condemned the coup and demanded for the return of constitutional order in the country. A seasoned Tunisian diplomat, Fadok Fayala, was appointed by the AU as its special envoy to the CAR (African Union 2003). Central Africa's regional body, the Economic and Monetary Community of Central African States (CEMAC) took the unusual step of recognising the military junta in Bangui, and granted a symbolic $2.5 million for reconstruction. In the meanwhile, ousted President Pattase made an unsuccessful bid to attend the July 2003 AU Summit held in Maputo, aimed at mobilising support from his peers.

In Bangui, Bozize acted swiftly in announcing a programme for the restoration of constitutional order in the country, including the institution of a national dialogue aimed at promoting national reconciliation and unity. This culminated in elections that saw Bozize being elected President of the CAR, after which the country was readmitted to the AU. Two key questions though exposed the limitations of AU policy: firstly, a perpetrator of an unconstitutional change was allowed to stand in elections aimed at restoring constitutional order; and secondly, the deposed, de jure President was not allowed to participate in processes leading up to the elections, including the election itself. Theoretically, the first shortcoming has since been addressed with adoption of the Addis Charter, which inter alia, prohibits coup plotters and executers from participating in processes aimed at restoring constitutional order. The AU has yet to express its position on the role of a deposed leader in the aftermath of a coup.

4.6.2 Saõ Tome and Principé (STP) (2003)

In the case of Saõ Tome and Principé, the AU and other international bodies such as the UN, the Community of Portuguese Speaking Countries (the CPLP) as well as Nigeria, South Africa, Portugal, France and the US condemned the 16 July 2003 coup against President Fradique de Menezes, who was at the time attending the 6th Rev Leon Sullivan Summit in Abuja. Nigerian President Obasanjo urged the 'military adventurers' to return power to the ousted President. The Nigerian government also declared itself ready to act on any threat to its interests in the Gulf of Guinea. For its part, the AU declared its support for any action by Saõ Tome and Principé's neighbours aimed at the restoration of constitutional order, and the return of power to the country's democratically elected representatives (African Union 2003). The CPLP appointed a delegation headed by Angolan Minister of Interior, Osvaldo Serra Van Dunem, including representatives of Mozambique, Brazil and Portugal. Subsequently, the CPLP delegation met with the foreign ministers of the Economic Community of Central African States (CEEAC), which included the Foreign Ministers of Congo Brazzaville and Gabon, Rodolphe Adada and Jean Ping, respectively, as well as the Secretary General of the sub-regional body, Nelson Cosme. Prior to the joint CPLP/CEEAC delegation's meeting with the rebels, the rebels insisted that South Africa should be part of the mediation team (Gomes 2003).

Following hours of negotiations, the mediators emerged with a Memorandum of Understating reached with the coup plotters. The document was signed by President de Menezes, Major Pereira and Adada, head of the mediation group. The Memorandum of Understanding covered four main areas: the reinstatement of the President, the return of constitutional order, mechanisms for monitoring the agreement, and national problems.

In the Saõ Tome and Principé Tome scenario, it was not necessary for the AU policy to be applied in full, given the targeted and swift efforts by CEEAC, the CPLP and Nigeria in

particular that culminated in the restoration of President Fradique de Menezes. Just as in the Sierra Leonean experience mentioned previously, the Saõ Tome and Principé Tome and Principe case has demonstrated that it is possible to restore constitutional order and reinstate ousted leaders if continental bodies act decisively and in unison. Of course, geo-strategic factors cannot be ruled out as the main determinant that motivated key players to insist on returning the status quo ante.

4.6.3 Guinea-Bissau (2003 and 2009)

In Guinea Bissau, the usurpers of Presidents Kumba Yala (2003), and Nino Viera (2009) respectively, handed over power to the Chairman of the National Assembly who then organised national elections in accordance with the constitution. Further action by the AU was not necessary in this regard.

4.6.4 Togo (2005)

In Togo, the efforts of the political-military class to impose Faure Gnassingbe, the son of the late President, Gnassingbe Etienne Eyadema, were met with massive popular resistance and opposition. The AU, in collaboration with ECOWAS insisted that the succession issue in Togo be dealt with in accordance with the Togolese constitution, which prescribes that in the event of the demise of a sitting President, the President of the National Assembly shall act as caretaker President, and organise national elections within sixty days (Kayine 2005: 21-28). Faced with a chorus of condemnation from different quarters, the Togolese political establishment relented and ceded power to the President of the National Assembly. The ruling party fielded Gnassingbe as its presidential candidate in a subsequent election, which he duly won, thereby becoming the third President of Togo since independence in 1963.

4.6.5 Mauritania (2005)

In Mauritania, following the ousting of President Maaoya Sid'Ahmed Ould Taya by elements of the military and security forces united under the Military Committee for Justice and Democracy (CMJD), led by Colonel Ely Ould Mohamed Vall in 2005, the AU, consistent with its policy, condemned the coup and suspended the country from the organisation (Nkrumah 2005: 20). The CMJD presented the AU mission that was dispatched to the country's capital Nouakchott, with a programme for the restoration of constitutional order in Mauritania.

In an unusual and probably most welcome step, the CMJD undertook that none of its members would contest presidential and parliamentary elections that would take place 24 months later. These elections, held in August 2007, led to the election of Ould Abdallahi as President, thus completing the processes of restoring constitutionality in Mauritania. Again the issue of the position of the deposed President alluded to earlier, arises in this case as well. The undertaking made by Mauritanian coup leaders not to stand for elections gave impetus to AU efforts to tighten its existing measures of discouraging and preventing coups. In this regard, and as mentioned previously, the Addis Charter prohibits coup plotters from participating in elections.

As commentators were marvelling at the 'courageous and fortuitous' act of the 2005 Mauritania coup leaders not taking advantage of their position to contest elections, Mauritania was rocked by yet another coup in August 2008. President Abdallahi was ousted in a military coup d'etat hours after dismissing the country's four top military commanders including General Mohammed Ould Abdelaziz, the Head of the Presidential Guard, and General Mohamed al-Ghazwani, the Army Chief of Staff. The coup was preceded by heightened tension between the President and Parliament, leading to the resignation of 48 members of the ruling party, the National Party for the Defence of

Democracy (PNDD) two days before the coup. The AU policy on unconstitutional changes of government was applied to the letter on this occasion. The body condemned the coup and suspended Mauritania from the organisation. An unusual element of the AU Peace and Security Council Communiqué was the demand for the unconditional restoration of President Abdullahi to his position (African Union 2008). Compared to other statements issued by the organisation after coups d'etat, this ranks as the strongest and most forthright. However, the AU had to backtrack on its demand for the reinstatement of the dethroned Mauritanian President due to the meddling of the Libyan Leader Moammer Al Qhadafi.

Following a national dialogue convened by the military junta from 27 December 2008 to 6 January 2009, it was announced that elections would be held on 6 June 2009, and should there be no outright winner, a run-off would be held on 13 June. The ousted President indicated that he would not participate in the elections. In an unprecedented development, the incumbent Chairman of the AU, the Libyan Leader, Al Qhadafi, addressed the Mauritanian Parliament on 9 March 2009 urging Mauritanians to accept 6 June as 'the date for change'. This led to a spontaneous walk out by the opposition, accusing the Libyan Leader of bias in favour of the military junta. A month later, the Libyan Leader castigated the AUPSC, stating that it was out of line by sustaining sanctions against the military junta (Blunt 2009). Al Qhadafi counselled the AUPSC to find a solution to the problem by requesting that any member of the military junta who wished to stand in the elections should resign. Consequently, the head of the military junta, General Abdelaziz, resigned his position in the army on 15 May 2009, with his sights firmly set on the June elections. Despite widespread international condemnation of the coup, three-fourths of the Mauritanian parliament signed a declaration supporting the coup in May 2009. Power was thus transferred to the President of the Senate Ba Mamadou Mbare. On 27 May 2009, President Abdoulaye Wade of Senegal convened a meeting of all Mauritanian political parties in Dakar, Senegal with a view to finding a political solution to the crisis in

Mauritania. The Dakar mediation process was followed by shuttle diplomacy between Nouakchott and Dakar by Senegalese Foreign Minister, Cheik Tidiane Gadio (Al Arabia 2009)

After five days of intensive negotiations, mediators proposed that the election date be postponed from 6 June to 18 July 2009. They also proposed that a Government of National Unity (GNU) be established on a 50:50 basis, comprising pro-and anti-coup ministers as part of transitional arrangements until the Presidential elections on 18 July 2009. Opposition parties signed the Dakar Agreement on 4 June 2009, signalling an end to the political impasse. The leader of the military junta that ousted former President Ould Taya in 2005, Colonel Vall announced his candidature for the Presidential elections. The formation of the transitional government was delayed by disagreements over the cession of power from the junta to the GNU. The junta insisted that the deposed President should formally resign as Head of State. After a second round of Dakar talks, consensus was reached on the disbandment of the military council and the resignation of President Abdallahi. President Abdallahi resigned on 26 June 2009, signing a decree establishing a transitional government to conduct and manage the Mauritanian Presidential elections of 18 July 2009.

At the AUPSC meeting of 29 June 2009 held in Sirte, Libya, it was decided to lift the suspension of Mauritania after the presentation and discussion of the report by the Chairperson of the AU Commission, Jean Ping and Gadio, the Senegalese Foreign Minister. In its communiqué, the AUPSC undertook to mobilise financial and technical assistance necessary for the smooth conduct of electoral processes and to deploy a sufficient number of observers to the elections. General Abdelaziz was announced as the winner of the Presidential elections with 52.5% of the vote (Souare 2009). In a joint statement, the four opposition candidates rejected the results calling for an independent

inquiry into voting irregularities and further urging Mauritanians to mobilise to defeat the so-called 'electoral coup'. The AU observer mission and the international community adjudged the elections to have been 'free, fair, credible and legitimate and that the electoral processes were conducted in a climate that was free from political violence and intimidation'.

4.6.6 Guinea Conakry (2008)

In Guinea Conakry, it can be said that the AU took all the measures provided for in its policy on unconstitutional changes of government, at first to no avail due to the intransigence of the military junta called the Committee for the Restoration of Democracy (CNDD), led by Captain Moussa 'Dadis' Camara. Unlike other coup plotters, the regime failed to honour a programme discussed with the AU for the restoration of constitutionality in Guinea. Conflicting signals given by Camara about his ambitions or lack thereof set the stage for a major showdown with the civilian population. Guinea's political parties, trade unions and civil society organisations organised a mass rally to mobilise the Guinean population to resist attempts by Camara to stand for elections. Ahead of these developments, the AUPSC in its communiqué of 18 September 2009 gave Camara one month to formally confirm his commitment and that of the other members of the CNDD and the Prime Minister not to run for office in the upcoming presidential elections and to observe the neutrality expected of them in the conduct of the electoral process.

Under Camara's watch, the Guinean armed forces massacred over 150 unarmed civilians who had converged at the national stadium in Conakry on 28 September 2009 to protest against Camara's ambitions to stand in the presidential elections. This prompted widespread outrage and condemnation, and led to calls for the setting up of an international inquiry. The AU expressed its support for an arms embargo on Guinea by West African states in response to the massacre, and declared that the CNDD was no longer a partner in

the transition to democracy (African Union 2007). As members of the international tribunal were about to begin their work in Conakry, the military was plunged into a deeper crisis after Camara was seriously wounded following a shooting at an army base, thus further complicating matters. The man who shot Camara, Lieutenant Aboubakar "Toumba' Diakite, remains in hiding. According to an AP report in *The Sunday Independent*, Diakite said he 'shot the junta leader because Camara wanted him to take the blame for the September massacre'. In response to these developments, ECOWAS appointed President Blaise Campaore of Burkina Faso to mediate a political solution to the Guinean crisis. The Guinean junta, now under the leadership of General Sekouba Konate reacted forcefully to suggestions of the deployment of a peacekeeping force in Guinea. The junta further upped the ante by stating that they would treat such a threat as a declaration of war.

The Guinean political conundrum threatened regional security and could have had dire consequences for the most vulnerable countries in the Mano River Basin, namely, Liberia and Sierra Leone, both emerging from violent fratricidal wars. The crisis could also have unleashed a humanitarian disaster of monumental proportions leading to the displacement of large numbers of people who could have ended up as internally displaced people or refugees in neighbouring countries.

However, the rising tensions in Guinea and feelings of unease in the region were calmed down following the signing of the Ouagadougou Joint Declaration, which marked a turning point in the history of Guinea and paved the way for a peaceful, inclusive and democratic transition. Amongst others, the Declaration makes provision for the appointment of a civilian transitional Prime Minister, who has to constitute a transitional government, security sector reform leading to civilian oversight of armed forces and other security organs of the state, and the holding of presidential elections in six months. The Declaration also bars the CNDD and members of the transitional government from contesting elections

aimed at restoring constitutional authority. The international community, including the AU have welcomed the announcement by the transitional administration of newly appointed Transitional Prime Minister Jean-Marie Dore, for the Presidential elections to be held in June 2010. At its 220th meeting held in March 2010, the AUPSC expressed its satisfaction with progress made in the run up to the Guinean election scheduled for June 2010 (African Union 2010).

4.6.7 Madagascar (2002 and 2008)

The January 2002 coup in Madagascar took place against the backdrop of a closely contested presidential election. Malagasy businessman turned politician, and mayor of Antananarivo, Marc Ravalomanana, obtained 46, 2 % of the votes cast, as against incumbent President Didier Ratsiraka's 40, 8%. In terms of the Malagasy constitution, for a candidate to be declared the winner he must obtain 50 + 1% of the votes (Irin News 2002). With neither of the candidates having obtained the required threshold, a second round of elections was held. As counting proceeded, Ravalomanana auto-legitimised himself by declaring that he was the outright winner and therefore, President of the republic. The AU condemned this act by refusing to recognise Ravalomanana as a legitimate Head of State and in accordance with its policy, suspended Madagascar from the organisation.

In spite of being recognised by some major international players such as the US and France, as well as influential African countries such as Senegal, the Ravalomanana government faced a crisis of legitimacy due to the AU's principled position. This forced the government to organise legislative elections in December 2002, which were won by Ravalomanana's Tiako I Madagaskara (TIM) party. Following these elections, which gave Ravalomanana legitimacy, the AU decided to recognise the new authorities in Antananarivo at its Summit in February 2003.

The overthrow of the Ravalomanana government by Andre Rajoelina in 2008 is yet another episode in Africa's unending saga of coups d'etat. As in other instances, the AU condemned the coup and suspended Madagascar. It also dispatched an envoy to engage the parties in Madagascar in order to resolve the political crisis in the country. Unlike the cases of the CAR and Mauritania mentioned earlier, the role of deposed President Ravalomanana was recognised as an essential element in the all inclusive dialogue leading to the elections. This was largely due to the insistence of one of the AU's most prominent envoys, Amara Essy, former Ivorian Foreign Minister and the last Secretary General of the OAU. Early in the negotiations, Essy suggested that an inclusive government in which the opposition is not thwarted would be an ideal solution to the crisis. This, it was hoped would contribute to a more credible and broad-based political outcome. After a series of talks facilitated by the Southern African Development Community (SADC) mediator, former Mozambican President Joachim Chissano, the Malagasy internal political movements, including those of Ravalomanana, Rajoelina, and former Presidents Ratsiraka and Zhafy, signed a Charter of the Transition in August 2009 in Maputo, which envisages the establishment of a transitional authority (African Union 2009).

At follow-up talks in Antananarivo, the four internal movements representing the protagonists in the Malagasy political scene agreed on the allocation of the three top positions in the transitional government, namely, that Rajoelina would remain as President of the transitional authority, with Eugene Mangalaza, an ally of former president Ratsiraka, nominated for the post of Prime Minister, and Emmanuel Rakotovahiny, a former Prime Minister and ally of former President Zhafy, nominated for the post of Vice President (Janes Intelligence Review 2009). At a subsequent meeting in Addis Ababa, the four internal movements reached an agreement entitled the Act of Addis Ababa Additional to the Madagascan Charter of Transition, which allocated key posts in transitional institutions. Rajoelina, who had initially displayed antipathy towards talks was stunned in New York in

September 2009, during the UN General Assembly (UNGA), when delegates staged a walk out at the instigation of SADC, as an act of expressing their disapproval of the manner of his accession to power.

Although a follow up meeting aimed at consolidating progress made in Addis Ababa was scheduled to be held in Antananarivo, it was subsequently relocated to Maputo in order to accommodate the presence of former Presidents Ratsiraka and Ravalomanana who are considered personae non grata in Madagascar. Rajoelina boycotted the meeting ostensibly because of the change of venue. In a statement issued at the end of the Maputo meeting, the three movements agreed on, inter alia, the distribution of ministerial posts, proposed members of the High Council of Transition, provided names of their respective nominees for the transitional Parliament, agreed on the establishment of the National Reconciliation Council under the leadership of former President Zhafy, and invited civil society to nominate members to the Economic and Social Council. This infuriated Rajoelina who called the Maputo decisions a 'coup d'etat' and a violation of existing agreements. He further vowed that he will 'never accept a government formed abroad' (Laperozy 2009). These developments marked a new political crisis in Madagascar. The grandstanding and sabre rattling unfortunately served to open old wounds and delay the resolution of the Malagasy conflict. In the meantime, the AU sanctions on Madagascar remain in force until it has fully complied with all the requirements of restoring the constitutional order.

Hopes were raised at the February 2010 Summit of the AU when the organisation vowed to strengthen existing measures aimed at preventing unconstitutional changes of government by, inter alia, adopting punitive measures in the form of political and economic sanctions against putchists . Hardly a month after this resolute stand by the AU, hopes of a new beginning were dashed when dissident factions of the Nigeriené armed forces toppled President Mamadou Tandja from power on 18 February 2010 (Ohia 2010). Africa's latest

coup took place against the background of a deepening political and constitutional crisis that arose as a result of President Tandja's stubborn determination to forge through a third term against the will of the people. Soldiers in armoured vehicles stormed the Presidential Palace with gunfire and dissolved the government.

4.6.8 Niger (2010)

A Niger squadron leader, Salou Djibo, was named as the head of the military junta the same day, whilst the coup was reportedly led by Major Adamou Harouna. 'The government is dissolved,' said a spokesman for the junta, named the Supreme Council for the Restoration of Democracy (CSRD), in a statement on state television. "We, the defense and security forces, have decided to take responsibilities for putting an end to the tense political situation that you are already aware of". The CSRD said it had decided to suspend the constitution of the Sixth Republic and dissolve all its institutions. The CSRD further called on the people of Niger to 'remain calm and stay united around the ideals postulated by the CSRD, to make Niger an example of democracy and good governance'. They called on the nation and international community to support them in their patriotic action to save Niger and its population from poverty, deception and corruption. A newsreader on Niger television said the country's borders had been closed and a curfew was now in force (The Times 2010).

Many analysts believe that the Nigeriené coup was precipitated by President Tandja's third term agenda. Under the two-term limit prescribed in the constitution of Niger, President Tandja was scheduled to step down from office in December 2009. However, in the period leading up to the December 2009 elections the third term issue became a source of discord between the President and other branches of the state. The first of these tensions started when the National Assembly refused to approve Tandja's proposal that a referendum be

held to change the constitution to allow for a three-year extension of his term. This was followed by a non-binding ruling issued by the Nigeriené Constitutional Court that the referendum would be unconstitutional without the approval of the National Assembly. President Tandja subsequently dissolved the legislative body and continued with the referendum despite widespread domestic opposition and international condemnation. Official results of the referendum indicated that more than 92 percent of the voters approved Tandja's request to remain in power for an additional three years.

On 20 October 2009, an election was held to replace the National Assembly which was boycotted by the opposition. ECOWAS's pleas to President Tandja to postpone the election until talks could be held with the opposition fell on deaf ears. This prompted ECOWAS to suspend Niger's membership of the organisation. Election results indicated that President Tandja's National Movement for the Development of Society (MNSD) party won the majority of seats.

It is evident that President Tandja's actions created a constitutional crisis that sparked popular dissent and created conditions for the coalescence of political forces in opposition to the third term agenda. The CSRD and the rest of the military were warmly received by the population as if they were a liberating force. This coup fits Ikome's (2007: 35) paradigm of 'good coups', since it enjoyed the overwhelming support of the civilian population. Sadly though, the situation in Niger is a sobering reminder of the precarious state of democracy in a region all-too-familiar with military seizures of power.

Following the coup, the AU vowed to take severe measures against the instigators of the apparent coup in Niger. This is in line with the AU's latest decision to clamp down on unlawful changes to government. The African Union Commissioner for Peace and

Security, Ramtane Lamamra, confirmed on 18 February that the reports of a coup in Niger were a huge setback to Africa's dream of political stability and vowed that the organization would act swiftly. "We are always concerned about reports of a coup in the making in any country. This is contrary to what we aspire for the continent". Lamamra also stated that the 14th session of the AU Summit had authorized a list of the measures that the organization would implement immediately (PANA 2010).

At the March 2010 meeting referred to previously, the AUPSC also reviewed the situation in Niger, and urged the de facto authorities to ensure that measures are taken to restore constitutional order within six months. The AUPSC also welcomed the pledges by the CSRD that none of its members will contest elections to be held to restore constitutional order (African Union Peace and Security Council 2010). However, only time will tell whether the CSRD will honour its undertakings and restore constitutional authority in Niger.

It is evident from all the case studies in this chapter that continental bodies, specifically the AU were at the forefront of efforts to end unconstitutional changes of government and restore constitutional order on the continent. Unlike its predecessor, the OAU, the AU has demonstrated greater focus and determination in reversing the coup tide. Its pronouncements in this regard, followed by active engagement in coup affected countries have been consistent, unambiguous and forthright. Whether these AU injunctions and interventions have been effective, is a matter that will be evaluated in the next chapter.

CHAPTER 5

HAS THE RESPONSE BY CONTINENTAL BODIES BEEN EFFECTIVE?

The preceding chapter focused on how the OAU/AU responded to unconstitutional changes of government. Chapter 5 will examine whether the response by continental bodies has been effective in preventing and discouraging unconstitutional changes of government.

As observed previously, the AU has been focused consistent in the application of its policy on unconstitutional changes of government. From the first coup it had to deal with in the CAR in March 2003 to the latest one in Niger in February 2010, the AU has applied its policy to the letter. Unlike its predecessor, the moribund OAU, which until its latter years turned a blind eye towards coups, the AU has enthusiastically intervened in countries experiencing unconstitutional changes, albeit with mixed results.

Since the adoption of the Lomé Declaration, the Constitutive Act of the AU and the AU Charter on Democracy, Governance and Elections, eight African states have experienced a total of nine coups. These events took place over a period of less than ten years. Relative to other periods, this may appear as an improvement. However, the difference is that the latest coups have taken place in the context of a continental framework to deal with unconstitutional changes, while previously there was no such injunction. Again, these coups occur against the background of renewed continental efforts to promote democracy and good governance as reflected by NEPAD and the APRM. Earlier waves of coups, as indicated in chapters 1, 2 and 3 were not just an African phenomenon but affected most of the global South. Apart from the 2006 Thailand military coup in which Prime Minister Thaksin Shinawathra was deposed and the Honduran coup of June 2009 that led to the ousting of President Jose Santos Zelaya, it appears that Africa is the only continent that is

still experiencing coups. It can be said, therefore, that Africa seems to be regression and going against the current.

The efficacy of any policy is measured by its propensity and ability to meet its purposes and objectives. The purposes and objectives of the OAU/AU doctrine in this regard have been clearly expressed, namely, to prevent and discourage unconstitutional changes of government. Superficially however, it may appear as though the OAU/AU have both failed to curb the coup contagion on the African continent. This is because coups have resurfaced with wanton regularity in Africa notwithstanding the existence of an appropriate framework to address the phenomenon. This approach however appears simplistic and fails to appreciate the multiple dimensions at play as well as the complex nature of the issue at hand.

The AU cannot be blamed or held solely responsible for the parlous state of affairs in Africa vis-a-vis the recurring incidence of the phenomenon of unconstitutional changes of government. The success or failure of any policy is subject to a combination of factors including inter alia, the willingness and ability of those responsible for the implementation such policy. Consequently policy cannot be adjudged to have failed if objective conditions for its implementation do not exist or have not been created. AU member states should therefore individually and collectively accept responsibility, not for the failure of the policy per se, but for failing to create conducive conditions for its application. As will be illustrated, a number of factors, largely located at state level have conspired and contributed to render AU policy ineffective. These and other factors are explored below.

5.1   Africa's leadership challenge

One of the perennial problems that the OAU and AU, respectively have faced over the years is the reality that most member states do not honour and comply with undertakings and decisions they have committed to at meetings of the organisation. As a consequence, very few member states have taken measures at state level to be in line with the provisions of the AU dealing with democracy and good governance. This is corroborated by Ikome when he bemoans the "unwillingness of member states to honour their various commitments to the continental organization" (Ikome 2007:44).

Another factor that complicates AU efforts is the political opportunism and expediency displayed by some of its leaders in particular circumstances. This has been substantiated in the previous chapter where it was described how the Libyan Leader brought his weight to bear in the Mauritanian situation, and in the process undermined and ridiculed the AUPSC, the primary AU organ mandated to deal with such situations. The trigger mechanism for AU sanctions as stipulated in the Lomé Declaration is the failure of the usurper regime to restore constitutionality at the expiration of the six month period. By instituting limited and later targeted sanctions against the junta in Nouakchott, the AUPSC was executing its mandate in accordance with the prescriptions of AU policy. Surely, it would be unfair to accuse the AUPSC of activism or over-enthusiasm.

True to form, the Libyan Leader also took an extraordinary and rather unorthodox step of directly addressing the Mauritanian parliament. This unusual act was not only a source of great consternation within the opposition but it also raised serious questions about the motives of the Libyan Leader. By directing the AUPSC to request those members of the junta willing to stand for elections to resign, the Libyan Leader was indirectly giving his tacit support to General Abdelaziz to stand as a candidate in the Presidential elections. This

is in breach of Article 25 (4) of the Addis Charter which states that "the perpetrators of unconstitutional change of government *shall not be allowed* (my emphasis) to participate in elections held to restore the democratic order or hold any positions of responsibility in political institutions of their state". The Chairman of the AU is expected to uphold and be the custodian of the policies of the organization. The Addis Charter though not yet in force, was adopted by the supreme decision-making organ of the AU, the Assembly, and as such represents the official policy of the organization. Consequently, when a leading member of an organisation acts in breach of organisational policy, this disempowers and marginalises the structures of the organisation and in practice renders its policies ineffectual.

Another disconcerting factor regarding the AU's handling of the Mauritanian question was the haste with which the AUPSC took the decision to lift the suspension on the country. The AUPSC took the decision to lift Mauritania's suspension three weeks before the Presidential elections were held. The question therefore arises whether the AUPSC, for instance, would have reconsidered its decision should something have gone terribly wrong with the Mauritanian elections? Given the heightened and polarized nature of the political contestation in Mauritania, the AUPSC should have exercised a higher degree of circumspection and delayed its decision until Mauritania had fulfilled all requirements of restoring constitutionality, including the conduct and certification of elections, as provided for in the Lomé Declaration.

Many observers believe that the Madagascan situation regarding the status of the Ravalomanana government in 2002 presented the AU with its first real test. Ravalomanana declared himself President after the incumbent who was widely regarded as having lost the elections had attempted to declare himself the winner. This led to divisions within the AU and resulted in an absurd situation where several African countries such as Mauritius,

Burkina Faso, and even Senegal which had been negotiating on behalf of the AU as well as the regional body COMESA and the UN itself, ignored an AU decision not to recognize the Ravalomanana government (Cornwell 2003). The subsequent failure of the AU to act in unison and with cohesion, as illustrated in the Malagasy situation, hampered the ability of the organisation to effectively deal with unconstitutional changes of government. The AU therefore needs to seriously consider taking decisive action against member states that get out of line and undermine decisions taken by the organisation; otherwise its injunctions stand the risk of being nullities.

Although the CAR coup is regarded as a popular coup in some circles, given the widely belief that it enjoyed the support of the majority of the population, the fact of the matter is that it fell within the AU's definition of unconstitutional change of government, and as such did not warrant any different treatment. The decision of CEMAC to recognize Bozize even before the regime commenced with a programme to restore constitutionality, was a slap in the face of the AU and seriously undermined its resolve to deal decisively with unconstitutional changes in Africa. It did not take too long though before the Bozize administration lost the goodwill and support which existed when it ascended to power. Since then the CAR has been paralysed by political instability and insecurity due to numerous incidents of political and armed rebellion.

5.2   Democracy and governance linkage

A common thread that runs through the AU's instruments of dealing with unconstitutional changes of government is the promotion of democracy and good governance. Evidently, the AU's philosophy is predicated on the notion that there is a causal link between the absence of democracy and coups. It, therefore, assumes that coups or any other form of unconstitutional changes will not take place in an environment where there is democracy.

This view appears simplistic and narrow, and fails to take into consideration other dimensions and factors essential for the maintenance of an environment that is free of coups. The singular and preponderant role of the military in planning, supporting and/or executing unconstitutional changes remains a critical factor that ought to be addressed.

Surprisingly, the AU does not accord adequate attention to the role of the military in unconstitutional changes. This, despite the fact that the military executed Sub-Saharan Africa's first coup in Togo and its latest coup in Niger. Article 14 (1) of the Addis Charter states that: "State parties shall strengthen and institutionalise constitutional civilian control over the armed forces and security forces to ensure the consolidation of democracy and constitutional order". While this appears appropriate, it is nevertheless considered inadequate. It therefore seems natural that a key element of the AU's response should focus on the military. Due to historical reasons, the military in most African states functions as an autonomous or independent entity. In this regard, Luckham (2004: 12) remarks: "Even in retreat they influence the composition and behaviour of incoming regimes and are formidably equipped to destabilize or re-intervene against them if they threaten their interests. Their failures have also been crucial in contributing to the political instability, armed conflict and warlordism…"

Without being prescriptive thereby eroding state sovereignty, the AU should insist on security sector reform with a view to transform and normalise civil-military relations. It is critical that the army should be brought under civilian control. African states should therefore make a clear break with the tradition of parties' militaire by depoliticising and professionalising their militaries so that they become the guardians of the constitution. An army left to its devices is a law unto itself. Ngoma (2006: 11) is however more cautious on the effects of professionalisation and observes that: '…the jury is still out on the general

consequences of the combined effect of depoliticisation and professionalism on civil-military relations'. Laurie Nathan (1996) concludes that the answer to the building and maintenance of sustainable civil-military relations lie "…in the principle of civil supremacy over armed forces. The military should accept that it is subordinate to civil authority, and appropriate mechanisms should be established to ensure civilian control". Given the history of the militarisation of the polity in the continent, and its pre-eminent role in coups and other forms of unconstitutional changes of government, the AU should insist on the circumscription of the military in accordance with the modern security doctrine.

5.3   The limits of intervention

The preamble of the AU Act emphasises the important place accorded to democracy when it affirms the commitment and determination of member states to "promote and protect human and peoples' rights, consolidate democratic institutions and culture and to ensure good governance and the rule of law." These basic democratic tenets of the AU Act are carefully developed in the objectives and principles, which appear far more elaborate and radical than those that were contained in the OAU charter. The most significant and radical provision that marks a departure from 'non-intervention' to 'non-indifference' is contained in clauses (h) and (j) respectively of Article 4 of the AU Act, namely:

(h) The right of the Union to intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity *as well as a serious threat to legitimate order to restore peace and stability in the member state of the Union upon the recommendation of the Peace and Security Council*; (emphasis added)

(j) The right of member states to request intervention from the Union in order to restore peace and security;

In theory, the AU, unlike the OAU, is now mandated to intervene under the circumstances defined in Article 4(h) in respect of grave circumstances, specifically defined as amounting to "war crimes, genocide and crimes against humanity," as well as in circumstances where there is a serious "threat to legitimate order."

However, the intervention envisaged in the Declaration appears solely political and diplomatic. As a consequence the AU lacks the capacity to enforce coercive measures, except for sanctions which are provided for in the Declaration. This is largely due to the fact that the AU template on the resolution of conflicts is based on the principle of political and negotiated settlements. Any other measure, including military intervention is frowned upon as it may exacerbate an already difficult situation. It may be argued however that this is a ruse for lack of will to act decisively since there exists a precedent for successful military intervention or threat of military intervention as illustrated in the case when the Tanzanian army invaded Uganda to restore Milton Obote and in Sierra Leone when ECOWAS restored Ahmed Tejan Kabbah to power. These interventions were not strictly continental but were led by hegemonic regional powers in their respective regions based on a particular calculus.

The earlier stalemate in Guinea also exposed the limitations of measures which the AU can institute in order to restore peace and stability. AU efforts were put into a tailspin by the procrastination and vacillation of the ruling CNDD junta, whose leader Mousa Camara exacerbated the unfolding political crisis in the country when he gravitated from caretaker to usurper. With the AU having exhausted measures aimed at restoring peace and stability

in Guinea, all hopes are now pinned on ECOWAS and its mediator, President Compaore, to help find a solution to the Guinea imbroglio.

The other issues worth noting in the Lomé Declaration is that it is aimed at restoring constitutional order and not necessarily restoring the ousted government. As an indirect admission of its inability to restore dethroned governments, the AU has maintained a stoic silence on this issue. Understandably, to expect a de facto regime, controlling all levers of state power, to relinquish power and step aside appears not only idealistic, but rather naïve. Some have argued that the AU's silence is due to its recognition of the lack of legitimacy of the ousted regime. Indeed, commentators such as Ikome (2007: 35, 47, 48) have waxed lyrically about so called good coups, hailing putschists as liberators, and denouncing the ousted governments as dictatorships. This is the dictum of the means justifying the ends. A coup is a coup, is a coup. Decalo (1986: 40) concedes that, however popular and seemingly justifiable, "coups are sharp extra-legal seizures of power backed by the threat of force and triggered by specific consideration". There is no short-cut to the creation of conditions for people to express their will. Branding certain coups as good coups could set a dangerous precedent, giving justification and creating conditions for regime change through unconstitutional means. By his own admission, Ikome (2007: 48) concedes that '…empirical evidence suggests that coup-plotters have not governed any better than the regimes they replaced'. Democracy therefore, needs to be cultivated and nurtured organically and not decreed by a junta.

Attempts by continental bodies to reinstate ousted governments have fallen on deaf ears. The case of Madagascar is again instructive in this regard. Following the removal in 2009 of Marc Ravalomanana from power, SADC held an extraordinary Summit calling for the reinstatement of the ousted President and threatening the de facto regime in Antananarivo

with military action. The Rajoelina regime, buoyed by the support of the Malagasy army, contemptuously dismissed SADC's demand for the reinstatement of Ravalomanana, and SADC's threat of military action came to nought. This episode has demonstrated that the power of incumbency shifts the balance of power and provides the de facto regime the authority to determine the pace and course of events. The regime in power therefore, cannot be ignored. At the same time, the deposed regime may have lost legitimacy. Consequently, the AU's silence on the question of the reinstatement of the ousted government and willingness to engage with putschists should be understood within this context. This is realpolitik, which is indicative of political pragmatism in the face of the realities of the situation on the ground.

Ikome (2007: 44).observes that while poor leadership has been a good excuse for staging coups in Africa, the resurging coup culture in the post-Lomé period has been encouraged by the weak responses from the AU, which has always opted for 'soft measures'- limited to condemnations, attempts at peaceful resolution, and subsequent suspension from AU activities. While this approach has had some positive impact in some coup situations, it has not provided the kind of deterrent required to make coup-plotting a truly costly exercise for potential coup-plotters.

Unfortunately, those who call for stronger action by the AU fail to appreciate that the philosophy behind the creation of the AU, its architecture and model of integration are inimical to punitive or coercive measures. Though modelled on the European Union (EU), the AU does not have the same rigorous criteria for membership that applies to European states that have ambitions of acceding to the EU. Aspirant EU members have to fulfil strict conditions and standards of political pluralism and economic liberalism to qualify for consideration as members of the EU. AU membership, on the other hand, is open to all

sovereign, independent African states. The AU does not apply set criteria for membership. The only requirement for membership is accession to the Constitutive Act of the AU (African Union 2000). The nature of the state, whether it is a military dictatorship or a one-party state is irrelevant. From this it can be deduced that the AU adopts an incremental approach towards the attainment of standards of democracy. Moral suasion and persuasion, which are hallmarks of the organisation's approach, are consistent with the overall philosophy underpinning the continent's integration process. There is a correlation between the means that the organisation can deploy and its nature and capacity, and the conditions in which it operates. It is therefore rather disingenuous to isolate the means from the context.

5.4   External factors

Exogenous factors, manifested by the pursuit of interests by foreign powers have also undermined AU efforts of stemming the tide of coup d'etats in Africa. Fearing that their commercial or geo-strategic interests may be compromised by incumbent regimes, these foreign powers have singularly or with the collusion of certain disaffected or opportunistic forces effected or attempted to effect regime change in Africa. According to Ngoma (2004: 3) "foreign intervention as a significant cause of coups or coup attempts is a contentious matter that is often hastily dismissed as nothing but one of those conspiracy theories, bashers of Western states and business who are said to always see the hand of colonialists and imperialists whenever political upheavals due largely to the poor governance that occurs in their countries. Yet the history of foreign governments and foreign businesses in bringing down governments in Africa has been well documented. Tacit support for unconstitutional changes of government in the region during the Cold War era cannot be disputed". In addition, the role of mercenaries in effecting regime change in Africa is well documented. The late Bob Denard gained notoriety for his parochial military adventures by

staging a coup in the Comoros in 1978, attempting a coup in Benin in 1977 and repeatedly destabilising the Seychelles islands.

In recent times foreign powers have acted prematurely and recognised regimes that came to power through unconstitutional means, thereby undermining AU policy. A case in point was the recognition by the US and France of the Ravalomanana regime following the disputed election outcome in Madagascar in 2001.

Evidently, a myriad of factors at state and regional level, as well as the interests of foreign actors have over the years conspired to limit the ability of continental bodies to deal effectively with unconstitutional changes of government. The question of the AU's effectiveness or lack thereof would not arise if the African state were to be radically transformed to be substantively independent and people-centred. In such a state, regime change would be orderly and aligned to democratic values and norms.

CHAPTER 6

CONCLUSION

This study commenced by describing the issue at hand, namely, unconstitutional changes of government by offering definitions of some of the basic concepts frequently used in the mini thesis, namely, 'coup d'etat', 'constitutions' and 'constitutionality'. This was followed by an explanation why the coup phenomenon is not only the preoccupation of scholars, but is also a primary concern of continental bodies. At the same time the factors underlying coups and other forms of unconstitutional change were elucidated.

The study further sought to place the phenomenon of coups within an international relations and comparative politics theoretical framework. In this regard various models, namely, the liberal, realist, organisational, praetorian and the new security paradigms were explored. The realist, organisational and praetorian paradigms were subsequently identified as the most appropriate models within which to analyse coups in the continent. The evidence posited locates the African coup phenomenon within these paradigms, mainly because the military, which is the unit analysis in these paradigms, has and continues to play a dominant role in the African polity.

It is evident that the phenomenon of unconstitutional change in Africa is rooted in the very foundation and nature of the African state. The fact that the first wave of coups took place immediately after independence implies there was something fundamentally wrong with the African state. Ikome (2007: 15) observed that the African state has been characterised variously as "artificial, underdeveloped, dependent, weak, predatory, and neo-patrimonial". While Ikome concedes that some of the characterisation may be overstated, he nevertheless maintains that the notion of an African state is a misnomer. Though approaching the matter

from a different angle, Buthelezi (2005: 14) argues that "…in the African setting the state apparatus was born out of colonial rule, and shaped as an extractive entity for the prosperity of the colonial empire rather than the local economy". With a few exceptions, most African states maintained pre-independence power relations. In a critical appraisal of African leadership, Jean Francois Medard makes the observation that, "in accumulating economic, political and social resources, these political big men act in a system of personalised power in the name of the state. They represent both the patriarchal chief of an extended network of personal ties and the head of a formally institutionalised system of political authority" (Medard 1982: 170). Clapham (1996: 64) is convinced that "the artificiality and weakness of African states meant that, to be a client of a major state outside the continent was a way of protecting oneself against the ambitions of a regional leader within it."

Marinov and Goemans (2008: 10) analyse the relationship between the seizure of executive power and the resulting form of government. They argue that when the international community has ambiguous commitments to democracy, the principal explanation of why coups occur is state weakness. Weak states make it easy for coup- plotters to grab power and then keep demands for re-democratization through elections at bay. Hence, the paucity of election events after coups before 1990 is not surprising. A change of international attitudes in which democracy moves up the agenda alters the picture significantly. Weak states are also highly dependent on international support, and so a change on the international scene alters the incentives of precisely the group of leaders most likely to contemplate a power grab. The more than threefold increase in the incidence of elections after coups post-1990 is, therefore, expected (Marinov and Goemans 2008: 14). This and other expert arguments reflected in the mini thesis reinforce the argument that the building

of strong people-centred states buttressed by democratic traditions and culture is the only guarantee for a coup-free environment.

Analysing the nature of the post-independent African state, Cawthra (2009: 17). borrows Jackson's concept of 'negative sovereignty'. According to this concept, the political economy of post-colonial states largely rests on guarantees given by the political and legal framework of the international system and the influx of resources via international aid". As a consequence of their failure to deal with these realities, most African states missed an opportunity to transform their societies and embark on nation-building programmes aimed at the development and prosperity of their countries. As a result the state became unpopular and lost legitimacy. Schoeman (2006: 242) characterises post-independent African states as 'quasi states', whose viability was threatened by "the skewed distribution of resources across national borders and the lack of social and political coherence inside these states". For his part, Afoako (2005: 61) observes that, "…African elites were too engrossed in the politics of power after independence, hence little attention was given to the crucial question of social revolution". As it became alienated from the people, the state became paranoid and used all possible means at its disposal to secure its survival. Therefore, a combination of political and social factors, including the militarization of the African state, have over time coalesced to make the state vulnerable and call its legitimacy to question.

As a result, most African states need to restart the state/nation-building project, which in some cases was interrupted by coups, and in others never took root since decolonisation. There are no short cuts to achieving a sustainable people-centred, peaceful and stable environment. This requires bold and visionary leadership with the requisite political will to transform society in order to make better the lives of ordinary people. The project to transform the African state should be predicated on the principles enshrined in the AU

Declaration on Democracy and Governance and the Addis Charter. As a consequence, sustained efforts should be focused on building and strengthening the capacity of the state to deliver on basic services. As mentioned elsewhere in this mini-thesis, it is crucial that the army and other security organs should be subordinated to civilian control and oversight.

Responses and efforts by the OAU and the AU to unconstitutional changes of government have been both reactive and proactive. The Algiers decision, though it was a radical departure from the hitherto culture of indifference, was nevertheless reactive. The seminal Lomé Declaration, whose genesis can be traced to the Algiers decision, combined both proactive and reactive elements. The AU Declaration on Democracy, Governance and Elections, as well as the Addis Charter seek to close some of the loopholes identified in the Lomé Declaration. These instruments represent a major advance in continental efforts to build democracy and discourage unconstitutional changes of government. These instruments are also aimed at building democracy based on a modern liberal ethos. In the Lomé Declaration, the OAU notes that "experience has shown that unconstitutional changes of government are sometimes the culmination of a political and institutional crisis linked to non adherence to …common values and democratic principles". The AU embraced this philosophy and used the Declaration on Democracy, Governance and Elections, as well as the Addis Charter to expand on the Lomé Declaration and to close loopholes and strengthen some of its provisions.

The study also provided a historical overview of coups since independence to illustrate the prevalence of the coup phenomenon in Africa. In this respect the pattern and frequency of coups on the continent was assessed. Subsequently the geographic spread of coups was analysed in order to understand the reasons behind the prevalence of coups in some regions and not in others.

Without being exhaustive, the study focussed on coups that took place after the adoption of the Lomé Declaration in 2000 with a view to assessing the responsiveness and effectiveness of the AU. In this regard, it was observed that while the AU has been consistent with its message of condemning coups and insisting on a return to constitutional order, there have been variations in some of its statements, particularly with regards to the restoration of deposed leaders. This shortcoming, which does not receive treatment in the Addis Charter, for instance, needs to be closed. The AU should continue with its principled stand against unconstitutional changes of government. On the occasion of the 10th anniversary of the Lomé Declaration, the AU should make a critical evaluation of the application of the Declaration to unconstitutional changes on the continent.

As has been seen, moving from the rhetoric of democracy and good governance to concrete acts that will give substance and effect to these concepts will always remain a challenge. More than a decade of democratisation has brought about only modest gains. Nevertheless, the AU Act and the various instruments designed to implement its democracy agenda provide a better framework for robust engagement than the OAU ever did. Not surprisingly, Eso (2006: 4) observes that, "There are now more democrats at AU summits than the OAU ever had and the West is now more willing to support genuine democratic efforts than it ever was in the past. One can only be cautiously optimistic about what the future holds for genuine democracy in Africa. The legal framework is not the best but it is a good starting point. Peer pressure must continue to be applied". (Eso 2006: 4).

The above challenges notwithstanding, the democracy and norm-setting agenda in Africa is well developed. Increasingly, more and more African states are instituting socio-political reforms and embarking on major economic development programmes, which potentially at

least will have the effect of eliminating conditions for unconstitutional changes of government. As indicated in preceding chapters, the AU has within a period of ten years developed an impressive and progressive normative framework aimed at building democracy and good governance, and ending the so called coup virus on the continent.

The research methodology identified a range of issues related to the focal point of the mini dissertation which could warrant further academic scrutiny and analysis. In this regard, it is opined that the study of unconstitutional changes of government in Africa should be an ongoing preoccupation not only for scholarship but also to help strengthen the continental policy framework and contribute towards the agenda in order to deepen and entrench democracy in Africa. It is beyond the limitations of this study, and hence it was not possible to trace and analyse the evolution of the post- independence African state. As has been argued, the coup syndrome is rooted at the very foundation of the African state. As a consequence, any attempt to study unconstitutional changes of government without understanding the nature of the African state will be futile and superficial.

Given the fact that continental bodies only recently adopted tighter measures against unconstitutional changes of government, it is not possible to make a more detailed, informed and more conclusive analysis of their ability to deal effectively with this phenomenon. More so as most African countries have not ratified some of these instruments.

Future studies on the theme of unconstitutional changes of government should focus on the democracy and governance agenda of the AU, particularly the APRM. In this regard, APRM reviews are likely to be a better barometer to measure the development of democracy and practices of good governance on the continent. In addition, within the

doctrine of preventive diplomacy, the following areas need to be considered for further research:

- evaluation of the effectiveness of the AU early warning mechanism

- analysis and evaluation of the AU sanctions regime as a deterrent in cases of unconstitutional changes of government with specific reference to the nature of the African state and the question of sovereignty

Further research may also need to be undertaken on the modalities of cooperation and coordination between the AU and sub-regional bodies regarding unconstitutional changes of government. In addition to this an assessment of linkages between the AUPSC, the UNSC and other multilateral institutions needs to be made so as improve coordination within the multilateral system.

Bibliography

1.	Afoaku Osita G, 2005, *Explaining the Failure of Democracy in the Democratic Republic of Congo*, New York, The Edwin Mellen Press.

2.	Adebajo Adekeye, 2002, *Liberia's Civil War*, International Peace Academy, Colorado, Lynne Reinner Publishers.

3.	AP, 2010, *Leadership vacuum threat to Guinea peace*, The Sunday Independent, 7 February: 4.

4.	Baynham S, 1992, *Civil-military relations in post-independent Africa,* South African Defence Review, Issue no. 3.

5.	Buthelezi S, 2005, *Regional Integration in Africa: prospects and Challenges for the 21st Century*, East London, Ikwezi Afrika Publishers.

6.	Cawthra Gavin, 2009, *Africa Security Governance Emerging Issues*, Johannesburg, Wits University Press.

7.	Clapham C, 1996, *Africa in the International System: The Politics of State Survival,* Cambridge, Cambridge University Press.

8.	 Collier Paul and Hoeffler Anke, 2005 *Coup traps: Why does Africa have so many coups d'etat?* Centre for the Study of Africa, Economics Department of the University of Oxford.

9.	Cornwell, Richard, 2003, *Madagascar: First test for the African Union*, African Security Review, No.12.

10.	Cox Thomas, 1976, *Civil-Military relations in Sierra Leone: A Case Study of African Soldiers Politics,* Cambridge, Havard University Press.

11.	Crook, Malcolm, 1998, *Napoleon Comes to Power: Democracy and Dictatorship in Revolutionary France,* 1795-1804, University of Wales.

12.   Decalo S, 1973, *Military Coups and Military Regimes in Africa*, Cambridge University Press, Vol. 11.

13.   Decalo S, 1986, *Military rule in Africa: Etiology and Morphology* in Baynham S, *Military Power and Politics in Black Africa*, Kent, Crown Helm Ltd.

14.   Diamond Larry, 2000, *Developing democracy in Africa: African and international imperatives*, Cambridge Review of International Affairs, Vol. 14 Issue No.1.

15.   Finer SE, 1962, *The Man on Horseback: The Role of the Military in Politics*, London, Pall Mall.

16.   First R, 1970, *The Barrel of the Gun: Political power in Africa and the coup d'etat*, London, Penguin Press.

17.   Fosu AK, 1992, *Political instability and economic growth: evidence from Sub-Saharan Africa,* in *Economic Development and Cultural Change*, The University of Chicago Press, Vol. 40 No. 4.

18.   Fosu AK, 2002, *Transforming Economic Growth to Human Development in Sub-Saharan Africa: The Role of Elite Political Instability,* Oxford Development Studies, Carfax Publishing, Vol. 30 No. 1.

19.   Gberie Lansana, 2005, *A Dirty War In West Africa*, Indiana, Indiana University Press.

20.   Gruzd S, 2010, *Peer review under scrutiny*, City Press, 14 January: 8.

21.   Hutchful Eboe, 1997 *Demilitarising the political process in Africa: Some basic issue,* African Security Review Vol. 6 No 2, Wayne State University.

22.   Hutchful Eboe and Bathily Abdoulaye, 1994, *The Military and Militarism in Africa,* Dakar, Codesria Books.

23.   Huntington S, 1969, *Political order in changing societies*. New Haven, CT: Yale University Press.

24.   Huntington S, 1991, *The Third Wave: Democratization in the late twentieth century:* Oklahoma, University of Oklahoma Press.

25.   Ikome Francis, 2007, *Good Coups and Bad Coups,* IGD Occasional Paper No 55.

26.   Janowitz, M, 1964, *The Military in the Political Development of New Nations*, Chicago, Chicago University Press.

27.   Kayine Ebeku, 2005, *The succession of Faure Gnassingbe to the Togolese Presidency*, Central African Issues No 30, Nordiska Afrika Institutet.

28.   Luckham, 1994, *The military, militarization and democratization in Africa: A survey of literature and issues',* in *The Military and Militarism in Africa,* edited by Eboe Hutchful and Abdoulaye Bathilly, Dakar, Codesria Books

29.   Luttwak Edward, 1968, *Coup d'Etat: A Practical Handbook,* London, Penguin Press.

30.   Macune Charles, 2004, From A (Allende, Che, Evita,) to Z (Zedillo, Fujimori): The Transformation of Latin American Culture at the end of the Twentieth Century, Journal of American Culture, Vol. 20 Issue No 2.

31.   Marinov and Goemans, 2008, *What happened to the coup d'etat: International response to the seizure of executive power* MPSA Annual National Conference, ISA, Research Paper.

32.   McGowan Patrick J, 2006 (Unpublished), *African military intervention events January 1, 1995 to December 31, 2006,* Codebook and data file.

33.   McGowan Patrick, 2006, *Coups and conflict in West Africa, 1955-2004: Part II, Empirical Findings,* Sage Publications.

34.   McGowan, P & Johnson T H, 1984, *African military coups d'état and underdevelopment :Quantitative historical analysis'*, Journal of Modern African Studies, Vol. 22 No. 4.

35.   McGowan, P & Johnson T H, 1986. `*Sixty Coups in Thirty Years :Further Evidence Regarding Africa Military Coups d'Etat`*, Journal of Modern African Studies Vol. 24 No. 3.

36.   Medard Jean Francois, 1982, *The underdeveloped state in tropical Africa: Political Clientelism or Neo-patrimonialism?* In Clapham C. *Private Patronage and Public Power: Political Clientelism in the Modern State,* New York, St Martin's Press.

37.   Nathan Laurie, 1996, *Stabilising Civil-Military Relations in Africa,* Pretoria, Conference on Military and Civil Society, African Leadership Forum.

38.   Ngoma Naison, 2004, *Civil-military Relations: Searching for a Conceptual Framework with an African Bias,* in Ngoma N (et al*), Civil-military relations* in *Zambia: A Review of Zambia's contemporary CMR History and Challenges, Disarmament, Demobilisation and Reintegration*, Institute for Security Studies.

39.   Ngoma Naison, 2004, *Coups and coup attempts in Africa: Is there a missing link?* African Security Review Vol. Institute for Security Studies, 13 No. 3

40.   Nugent Paul, 2004, *Africa Since Independence*, New York, Palgrave Macmillan.

41.   Odinkalu Chidi Anselm, 2008, *Concerning Kenya: The Current AU Position on Unconstitutional Changes in Government* , Open Society Justice Initiative, Open Justice Institute, Africa Governance Monitoring and Advocacy Project, AfriMap

42.   Omari AH, 1995, *Regional Security: One view from the frontline states*, Bellville, University of the Western Cape.

43.   Porto Joao Gomes, 2003, *Coup de'Etat in Saõ Tome*, African Security Review, Institute for Security Studies, Vol.12 No. 4.

44.   Ritter, EA, 1990, *Shaka Zulu: The Rise of the Zulu Empire,* Greenhill Books.

45.   Schoeman M, 2006, *Africa's International Relations* in McGowan et al, *Power, Wealth and Global Equity*, Cape Town, UCT Press.

46.   Souaré K Issaka, 2009, *The African Union and the challenges of unconstitutional changes of government in Africa,* African Security Analysis Programme, lnstitute for Security Studies.

47.   Souare Issaka K, 2009, *Mauritania: Auto-legitimising another coup-maker,* African Security Studies, Institute for Security Studies.

48.   Thompson Alex, 2004, *An Introduction to African Politics,* Oxon, Second Edition, Routledge.

49.   UN Security Council Report, 2009, *The resurgence of coups d'etat in Africa,* Update Report No. 3.

50.   Vale Peter and Maseko Sipho, 1998, *South Africa and the African Renaissance*, International affairs, Royal Institute of International Affairs, Blackwell Publishing, Vol. 74 No 2.

51.   Welch, Jr Claude E, 1970, Soldier and State in Africa: A comparative analysis of military intervention and political change, Evanston, North-Western University Press.

Internet Sources:

A.   Official sources

1.   APRM South Africa Country Report, 2007,   www.aprm.org.za/docs/SA CountryReviewReport5pdf

2.   1st Ordinary session of the AU Summit, Declaration on the Implementation of NEPAD, Durban, 2002 www.africa-union.org/au/Documents/Decisions/hog/pdf

3.   AU Assembly, Decision on the Resurgence of the scourge of Coups d'Etat in Africa, Addis Ababa, 2009, www.africa-union.org

4.   AU Assembly, Decision on the African Charter on Democracy, Elections and Governance, Sirte, 2009, www.africa-union.org

5.   AU Assembly, Decision on the Resurgence of the scourge of Coups d'Etat in Africa, Addis Ababa, 2010, www.africa-union.org

6.   AU Assembly, Declaration of the Principles governing Democratic Elections in Africa, Durban, 2002 www.africa-union.org/root/au/Documents/Decisions.htm

7.   AU Assembly, Charter on Democracy, Elections and Governance, Addis, 2007 www.africa-union.org/root/au/Documents/Decisions.htm

8.   AU 90th Ordinary Session of the Central Organ for Conflict Prevention Management and Resolution, Addis Ababa, 2003 www.africa-union.org/News_Event/Communique

9.   AU Peace and Security Council, Addis Ababa, 2009 www.africa-union.org/root/index/Madagascar

10.   AU Protocol Relating to the Establishment of the Peace and Security Council of the African Union, Durban, 2002 www.africa-union.org/root/au/Documents/Treaties/Text/Protocol_peace

11.   NEPAD Kenya Secretariat, The APRM Kenya Country Review Report, www.nepadkenyaorg/Documents/popularversion.pdf

12.   NEPAD, African Peer Review Mechanism, www.dfa.gov.za/au.nepad/nepad49.pdf

13.   OAU Assembly, Declaration on a Framework for Unconstitutional Changes of Government, AHG/Decl. 1-6 (XXXVI), Lomé, 2000, www.africa-union.org

14.   OAU Assembly, Declaration of the Year 2000 as the year of peace security and solidarity in Africa, Algiers, 1999 www.africa-union.org/root/Documents/Decisions/hog/9HoGAssembly1999_pdf

15.   OAU Assembly, Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government, Lomé, 2000, www.africa-union.org/root/Documents/Decisions/hog/10HoGAssembly2000pdf

16.   OAU Assembly, OAU Charter, Articles I and II, Addis Ababa, 1963 www.africa-union.org/root/au/Document/Treaties//texts/OAU/_Charter_1963. pd

17.   OAU Assembly, Constitutive Act of the African Union, Lomé, 2000 www.africa-union.org/root/constitutive act/document_pdf

18.   Summit of the HSGIC of NEPAD, Abuja, 2003 www.africanreview.org/docs/hsic6.pdf

B.   **News Articles**

19.   AFP, Military Dissolves Niger Government, The Times, Johannesburg, 2010 www.timeslive.co.za/article/africa.html

20.   Al Arabia, Mauritanian parties, mediators inch towards accord, www.alarabia.net/articles/2009/05/30.html

21.   Blunt Elizabeth, Mauritania sanctions to remain, BBC, Addis Ababa, 2009 www.news.bbc.co.uk/2/hi/stm

22.   Laperozy Eric, Tensions Mount between Madagascan Protagonists, China View, 2009 www.xinhuanet.com/english/content/2009.html

23.   Nkrumah Gamal, Moorish mayhem, Al Ahram Weekly, Issue No 755, Cairo, 2005 www.weekly.ahram.org.eg/2005/755/htm

24.   Ohia Paul, After a Third Term, President Ousted, This Day, Lagos, 2010 www.allafrica.com/stories/2010.html

25.   Rotberg Robert, New Breed of African Leaders, Christian Science Monitor, 2002 www.belfercentre.ksg.havard.edu/publication/1164/new_breed_of_african_leaders_html

C.   **Journals and Publications**

26.   Aderinwale Ayodele, CSSDCA: An African Agenda for Peace and Prosperity, African Leadership Forum, 2002, www.africanleadership.org/library/ALF/CSSDCA.pdf

27.   Cornwell Richard, 2003, Central African Republic: Bozize Replaces Patasse, ISS, Situation Report, www.issafrica.org/pgcontent/php

28.   Eso Hank, 2009, Deconstructing Democracy in Africa, The Impartial Observer www.kwenu.co./publications/hankeso/2009/deconstructing_democracy_africa .htm

29.   Jane's Intelligence Review, Malagasy Leaders Sign New Power Deal, 2009 www.janes.com/articles/intelligence/review/2009.html