

# Africa defends democratic rule

*"Zero tolerance" for coups, constitutional violations*

By **Ernest Harsch**

**N**ot long ago, Africa's coup makers and autocrats felt confident they could get a pass from their fellow rulers elsewhere on the continent. In recent months, however, as military officers and authoritarian presidents from Guinea to Niger and Madagascar are discovering, Africa is saying "no" — and starting to mean it.

In early February — as the crisis in Guinea finally seemed on the verge of a peaceful resolution, but yet another coup was looming in Niger — African leaders decided to step up the pressure. In a resolution on the prevention of "unconstitutional changes of government," a 1–4 February summit of the African Union (AU) proclaimed a policy of "zero tolerance" for military coups and other violations of democratic standards.

That stance is notable. For decades, most African countries were ruled by military or one-party regimes. In response to popular agitation, much of the continent shifted to multi-party systems in the 1990s, and coups became less common. Yet many of Africa's newly elected leaders were still reluctant to criticize their less democratic peers.

## **'Respect constitutions'**

Now that is changing, as the AU and other African regional organizations move more systematically and firmly to uphold democratic values. The process has taken a decade to unfold. The AU's predecessor, the Organization of African Unity (OAU), first decided to reject military coups in 1999. When the OAU transformed itself into the AU in 2002, the new organization's founding Constitutive Act included among its principles "condemnation and rejection of unconstitutional changes of government." Yet at the outset the AU focused much of its practical work on Africa's many armed conflicts, and developing ways to enforce its various democratic principles took time.

"Today the norm is that people should



Panos / Tim A. Helmerington

*Election in Liberia: The African Union is seeking to reinforce Africa's shift towards democratic systems by taking firmer action against unconstitutional changes in government.*

respect constitutions," the UN special representative on West Africa, Said Djinnit, told *Africa Renewal*. "Whoever makes a move that is unconstitutional should be condemned. And not only condemned, but subject to sanctions." (See interview, page 13.)

"Africa has engaged genuinely on the path of democracy," asserts Mr. Djinnit, who was a key figure in the transformation of the OAU into the AU before joining the UN in 2008. But he also acknowledges that progress along that road has not been easy or straightforward. Parliaments, political parties, court systems, civil society organizations and other institutions that could defend democratic practices remain weak.

For their part, Africa's continental and regional bodies are also struggling with the question of how to uphold the principles of democracy. The recent upheavals in Guinea, Niger and Madagascar highlight the challenges.

## **Opening in Guinea?**

In December 2008, just a day after the death of Guinea's longtime strongman Lansana Conté, the army took power. Both the AU and the Economic Commu-

nity of West African States (ECOWAS) promptly condemned the coup and suspended Guinea from their activities. Domestically, however, the initial reactions were less negative, since the new president, Captain Dadis Camara, promised a democratic transition.

But as months passed, it became evident that the officers were settling into power. Opposition parties responded with street protests.

The situation turned tragic in September 2009 when soldiers, many from the presidential guard, attacked a large opposition rally. The massacre cost more than 150 lives.

Facing domestic revulsion and strong outside condemnation, the junta experienced rifts. Captain Camara was shot and seriously wounded by his aide de camp in December. With Mr. Camara out of the country for medical treatment and his aide in hiding, the junta's de facto leadership shifted to General Sékouba Konaté. The general, who had not been in Guinea during the massacre, took a conciliatory stance.

On 15 January there was a breakthrough. Captain Camara and General Konaté signed an agreement in which

the captain promised to remain abroad. General Konaté pledged to consult Guinea's parties, unions and civil society groups to prepare a democratic transition.

Jean-Marie Doré, a long-time opposition leader, became prime minister. The presidency of the National Transition Council, responsible for drawing up a new constitution and electoral guidelines, went to Rabiou Serah Diallo, head of the largest union federation and a woman with a clear record of opposing repressive rule.

"Things have happened so fast," Sydia Touré, another opposition leader, marveled to reporters. He credited outside support for encouraging the process. "The pressure from the international community was very strong, and very fast. The horizon was closed very quickly."

So that pressure is kept up, Guinea will remain suspended from the AU until democracy is restored, says AU Commissioner for Peace and Security Ramtane Lamamra. "One has to be care-

### Niger: from one coup to another

The evolution of Niger's crisis was different from that of Guinea's. In Niger, the initial turn to unconstitutional rule came from *within* an elected civilian regime. President Mamadou Tandja was first elected in 1999, and then re-elected in 2004, providing a decade of relative stability after years of coups and turbulence.

According to Niger's constitution, the president could serve a maximum of two five-year terms. So Mr. Tandja should have stepped down when his second term expired in November 2009. But early that year he claimed that he needed a three-year extension, prompting an outcry from the opposition. The Constitutional Court ruled that any change in the presidential term limit would be illegal.

Mr. Tandja reacted by arbitrarily dissolving the court and the National Assembly. Regarding this as a coup, the opposition, trade unions and civil society groups organized large demonstrations

powers. In October ECOWAS suspended Niger, the AU demanded a return to the previous constitutional order and several key donors cut financial aid.

Amidst a tense stalemate, military units detained Mr. Tandja and most of his cabinet and assumed power on 18 February. They called their junta the Supreme Council for the Restoration of Democracy (CSRSD, by its French initials) and named Squad Leader Salou Djibo president.

Welcoming the military move as a possible way out of Niger's logjam, thousands of citizens hit the streets to express their support for the new authorities. ECOWAS and the AU condemned the coup on principle. But together with the UN, they also promptly sent a joint delegation to Niger under the leadership of Mr. Djinnit to press the officers to follow through on their pledges to restore democracy.

Within just a few days the CSRSD had appointed a civilian prime minister and had begun consultations on a new constitution and preparations for elections. According to Mohamed Bazoum, an opposition party spokesman, "Our soldiers know the era of military regimes is over. There is always the risk they will try to stay in power, but we think the risk is minimal."

Seeking to reassure the sceptics, President Djibo signed into law a ban on any member of his junta or the transitional government running in an upcoming election. "The era of autocratic regimes," he said, "is well and truly over in this country, which has no other wish but to be democratic."

### Impasse in Madagascar

The crisis in Africa's island nation of Madagascar has persisted since early 2009, with repeated rounds of negotiations but, as of this writing, no clear resolution. It began when popular dissatisfaction with the elected government of President Marc Ravalomanana led to large street demonstrations. In the capital, Antananarivo, these were led by Mayor Andry Rajoelina, a rival of the president. Both sides called on the army to restore order. In March the military decided to back Mr. Rajoelina and the president fled the country.

Most major donor nations refused to



Associated Press / Rebecca Blackwell

*After Niger's former president tried to prolong his rule, provoking a political crisis, the military took power in February with promises to restore constitutionalism and democratic elections.*

ful not to rush to lifting sanctions."

ECOWAS, at a summit meeting on 16 February, also weighed how to best support Guinea's still-fragile democratic transition — including how to press the country's armed forces to restructure. As Mr. Djinnit told *Africa Renewal* earlier: "If you do not reform the army, you will not be able to find a peaceful solution."

and strikes. The AU expressed concern and ECOWAS warned of possible economic sanctions.

But Mr. Tandja pushed ahead, arresting many critics. With much opposition suppressed, a referendum approved his new constitution, extending his term by three years, allowing him to run for yet another term and further expanding executive

recognize Mr. Rajoelina's administration. The AU regarded the former president's removal as unconstitutional and suspended Madagascar's membership. So did the regional Southern African Development Community (SADC).

In coordination with the AU, SADC took the lead in seeking to broker an agreement. An initial deal was signed in Maputo, Mozambique, in August, in which the parties of Mr. Rajoelina, Mr. Ravalomanana and two other former presidents agreed to establish a transitional government until new elections.

However, disagreements over the allocation of posts stalled further progress. Then in December Mr. Rajoelina unilaterally dismissed the agreed-upon prime minister and replaced him with an army colonel.

The AU summit in February condemned "the illegal regime" and expressed its continued support for SADC's efforts.

Madagascar seem relatively straightforward: either soldiers took over or changed a regime, or a president arbitrarily scrapped a constitution in defiance of existing institutions. But there are other cases in which violations of constitutional norms have been less clear or ruling parties were accused of using repression or fraud to influence elections, as in Gabon, Togo and Zimbabwe. In such cases, other African leaders have not always agreed on how to respond.

Getting African governments and their institutions to fully and consistently promote democratic norms and practices remains "unfinished business," acknowledges Mr. Djinnit. He recalls that the former OAU Secretariat proposed a resolution in 2000 to condemn military coups, as well as coups "from within," in which rulers undermine their own constitutions. At the time, only the former was accepted.

wealth to manipulate elections and stay in office indefinitely. By 2005, 33 African constitutions contained provisions limiting the number of presidential terms.

Some leaders tried to modify those limits but were defeated by intense domestic opposition. Some succeeded, however, including in Chad, Cameroon and the Congo Republic. Yet others set positive examples by stepping down when their terms expired, as in Ghana, Mali and Mozambique.

In 2007, an AU summit approved a new African Charter on Democracy, Elections and Governance. Once it comes into force it will shift Africa further in the direction of "the universal values and principles of democracy and respect for human rights," the charter's first basic objective. Among other provisions, it recognizes "the supremacy of the constitution" and stipulates that any revisions of constitutions be based on "national consensus." It also prohibits any "perpetrators" of unconstitutional changes from participating in subsequent elections and even warns that coup makers may be tried before an African court.

So far 29 African governments have signed the charter. But only three (Ethiopia, Mauritania and Sierra Leone) have ratified it, notably short of the 15 ratifications needed to bring it into force. The AU summit in February appealed to all members to sign and ratify the charter "without delay."

A number of African pro-democracy activists and commentators have expressed scepticism about the ability of the continent's official organizations to push forward on their own, noting that the gains so far have taken considerable popular mobilization.

Given the number of sitting leaders in Africa who have violated basic democratic norms, commented Adama Ouédraogo Damiss in *L'Observateur Paalga*, an independent daily in Burkina Faso, "One can legitimately ask whether the AU is really able to face up to this repeated problem of constitutional fiddling." In West Africa, remarked Senegalese economist Mamadou Ndioune, a democratic revolution will not likely come from official bodies like ECOWAS. "It must come from the people." ■



Madagascar's Andry Rajoelina (left) seized power with army backing. The African Union has imposed sanctions against his government for failing to implement a compromise with the opposition.

The following month the AU Peace and Security Council imposed travel sanctions against Mr. Rajoelina and other members of his government.

#### 'Unfinished business'

As unconstitutional changes of government, the cases of Guinea, Niger and

One common target of constitutional manipulation has been the presidential term limit. According to H. Kwasi Prempeh, a Ghanaian expert in constitutional law, the adoption of such limits was an important gain for Africa's pro-democracy movements, designed to prevent incumbents from using their power and