UNCONSTITUTIONAL CHANGES OF GOVERNMENT IN AFRICA

What Implications for Democratic Consolidation?

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The opinions expressed in this volume are those of the author
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Contents

Foreword

This Discussion Paper explores the recent phenomenon of unconstitutional changes of government in Africa and its implications for the consolidation of democracy on the continent. Such changes are evident in the military coups in Mauritania and Guinea in 2008, Madagascar in 2009 and most recently in Niger in February 2010. This unwholesome trend in the face of sub-regional and pan-African norms proclaiming zero-tolerance for unconstitutional changes in government poses a major challenge to the democratic project in Africa. This paper raises some critical questions: what accounts for these acts of democratic regression? In what ways do political institutions and actors, including political parties, parliaments, opposition parties and the power elite respond to such changes? And what accounts for the inconsistencies in the responses of regional organisations and the international community to some of the African states affected by crises deriving from unconstitutional changes of government? The paper also explores the different forms of unconstitutional change of government in Africa, namely military coups, tenure prolongation through constitutional amendment by sitting presidents, manipulating the political system to facilitate father-to-son-succession and rigging elections by incumbent governments or their refusal to concede defeat. The analysis of the challenge to democratic change and consolidation includes critical examination of the institutional mechanisms for preventing unconstitutional changes of government in Africa, particularly Article 30 of the AU's Constitutive Act, the Lomé Declaration and ECOWAS Democracy and Good Governance Protocols. The inherent limitations of these instruments are shown, particularly at the level of implementation. There is also an analysis of the responses of African governments and sub-regional bodies to these developments. Drawing on empirical data to illustrate the pattern and trends in unconstitutional changes in government across the continent, the study demonstrates how these pose a fundamental threat to democratic stability, development and consolidation in Africa. The author notes that some of the democratic threats are more likely to arise from the nature of, and contradictions within democratisation processes in Africa. These include the substance of democratic politics, the nature of its ownership, marginalisation of ordinary people and rather weak democratic institutions, which struggle to structure electoral rules and ensure compliance by the main political players. This paper will be of interest to all those that follow the political trends in Africa and seek a thorough understanding of the underpinnings of and prospects for democratic consolidation on the continent.

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Introduction

Africa is once more at the crossroads of democratisation. The great hopes unleashed by the democratic wave that swept across the continent just over two decades ago as a result of a combination of internal and external forces have begun to fade. Part of the result of this trend is an astronomical growth in the number of 'democratic refugees' in many African countries. The term 'refugee' is used here not in the narrow, conventional sense, but refers to a combination of the marginalised and/or excluded citizens, leading to internal events that seriously threaten public order. Instead of popular empowerment, participation, competition and legitimacy, the democratisation process in some African countries seems to have engendered a feeling of dispossession and growing alienation among the people.

The mixed fortunes of democracy and a sense of foreboding about its reversal, which the foregoing typifies, appears to have compromised all known principles of good governance, including accountability and control, leading to the betrayal of the high hopes that attended the celebration of a new dawn of democracy in Africa two decades earlier (Omotola 2008a; Bratton and van de Walle 1997). As citizens are increasingly treated as clients/consumers rather than as primary stakeholders in the democratisation processes (Omotola 2008b; Aremu and Omotola 2007), there is a growing proclivity towards human insecurity. More people are being marginalised in and/or excluded from the politics and policy processes of their societies. More worrisome, perhaps, is that the (politically excluded) people, unlike conventional refugees, seem not to have access to asylum, through which they can be empowered for 'democratic repatriation and reintegration.'

This is perhaps because the basic institutions of democracy – political parties, electoral management bodies, oversight agencies such as the legislature – which could facilitate a process of political inclusion/reintegration, have been severely perverted by dominant political actors that rig the state against the people. The situation is further compounded by the seeming powerlessness of the international community to meaningfully intervene to prevent such pervasion, particularly when core interests are not at stake. The result has been political crisis and the ever-present threat of reversing the democratic gains of past decades.

The threat of democratic regression can be partly discerned in the growing phenomenon of unconstitutional changes of government in Africa. The recent reincarnation of military coups as experienced in Mauritania and Guinea in 2008; Guinea-Bissau and Madagascar in 2009; Niger Republic first in May 2009 and second in February 2010; as well as the failure of incumbents to relinquish power to victorious opposition candidates/parties, most recently in Côte d'Ivoire with the refusal of President Laurent Gbagbo to concede defeat in the

December 2010 election, are signs of the crisis of democratisation in Africa. The resurgence of military coups in Africa constitutes a major challenge to the prospects for democratic consolidation on the continent (Gyimah-Boadi 2005). Such prospects were strongly underscored by Posner and Young (2007:126) when they made a strong claim about what they consider to be the institutionalisation of political power in Africa, exemplified by the fact that 'the formal rules of the game are beginning to matter in ways they previously have not.' They came to this conclusion relying heavily on the refusal of some incumbent power-holders to amend the constitution to allow them tenure prolongation (third term), even in the face of glaring opportunities such as pressure from a section of the populace. They also reached this conclusion on the basis of the high level of failure in cases where presidents had succumbed and attempted to exploit such opportunities.

Posner and Young's finding becomes the more appealing when compared with recognisable indicators of democracy developed and used by Polity IV and Freedom House. According to Polity IV series data, many African countries made a positive movement from autocracy to anocracy, a 'sort of a hybrid regime on a scale somewhere between "autocracy" and "democracy" between 1990 and 2008 (Engel 2010:4). On average, Polity IV scored African countries –5.38 on the authority trend in 1990, but by 2008 the score was +1.34.[1] Using variables such as 'free,' 'partly free' and 'not free,' Freedom House also noted some improvement in the ranking of African countries: from an abysmal standing of only 4 free, 18 partly free and 30 not free countries in 1990, 9, 24 and 20 have become free, partly free and not free by 2009.[2] Distilling these datasets, Engel (2010:5) reveals that only eight and one African countries recorded better scores and better status respectively in 2009 than they had in 2005. Conversely, five countries recorded poorer status and 23 recorded poorer scores over the same period. Engel (2010:5) attributes this decline in quality of democracy in Africa to two closely interrelated factors, namely '(1) coups d'état and other forms of what African Union has labeled *unconstitutional changes of government* and (2) election-related violence' (emphasis in the original).

What accounts for this development? Beyond military interventions, in what other ways do unconstitutional changes of government manifest themselves in Africa? How do democratic institutions and actors, including political parties, parliaments, opposition parties and the power elite respond to the challenge? What consequences would unconstitutional changes of government have for democratic and political stability in Africa? The study addresses these and re-

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1.   See http:///www.systemicpeace.org/polity4.htm (accessed 22 October 2010). The coding of each category is as follows: autocracy (–10 to –6), anocracies (–5 to +5) and democracies (+6 to +10).

2.   See http://www.freedomhouse.org/template.cfm?page=1 (accessed 22 October 2010).

lated questions, and accounts for the growing phenomenon of unconstitutional changes of government and its portents for democratic consolidation in Africa.

Drawing on empirical data from across the continent, this paper argues that unconstitutional changes of government are a fundamental threat to democratic stability and consolidation in Africa. It is important to acknowledge the possibility of inverting this argument to note that the failure to consolidate democracy results in unconstitutional changes of government in Africa. Though logical, such argument should not be over-emphasised. This is because the first and most basic element of liberal democracy is to ensure the constitutional rise to power through regular, participatory, competitive and legitimate elections (Diamond 2008). This usually represents the starting point of transitional processes leading to the consolidation of democracy. Although liberal democracy has been critiqued in the African context as essentially frustrating the emergence of people/popular democracy, thereby becoming a source of popular disempowerment (for example, Saul 1997a, 1997b; Ake 1996; Omotola 2009b, 2008d), yet the liberal form of democracy continues to enjoy widespread legitimacy as the universally acceptable mode of human political organisation. The consolidation of democracy in Africa in such a way that it is no longer easily susceptible to threats of reversal therefore assumes broader significance in the context of liberal global governance.

This paper also advances the argument that military takeovers will remain a viable source of democratic regression on the continent inasmuch as insufficient efforts are made to deal with their predisposing factors, especially bad governance in all its ramifications. More fundamental, perhaps, to note is that the greater sources of democratic threat are more likely to be embedded in the contradictions within the democratisation process itself, including issues related to its ownership, social inequalities, justice and representation, and its impact on the political, economic and sociocultural rights of the people. The weak institutionalisation of democracy, which constrains the capacity to structure electoral rules and ensure compliance by political players, also imposes a heavy toll on efforts at democratisation. The tendency by some incumbents to manipulate the political system by imposing or pushing for constitutional amendments to ensure tenure prolongation/third term projects/father-to-son succession is another crucial factor undermining democracy on the continent. While it is noteworthy that certain regulatory norms and principles against unconstitutional changes of government are increasingly being codified into the democracy and governance architecture of Africa, such frameworks have proven obviously insufficient for many reasons, as will be demonstrated below.

The study is organised into six sections. The first situates the problem of democratic instability in Africa within theoretical and historical perspectives. In the second, a critical examination of institutional mechanisms for preventing

unconstitutional changes of government in Africa is undertaken, particularly Article 30 of the AU's Constitutive Act and the Lomé Declaration, showing their inherent limitations. The third explores the manifestations of, and new sources/forms of unconstitutional change of government in Africa, namely military coups, constitutional review for tenure prolongation, and refusal of incumbents to relinquish power after electoral defeat and their adoption of post-election conflict-resolution strategies, in this case power-sharing. In the fifth section, the responses of African governments, regional and sub-regional bodies to these developments are critically analysed. The concluding section recapitulates the main arguments of the study, and makes suggestions for the consolidation of democracy in Africa.

Democratic Instability in Africa: conceptual and historical issues

The 1980s was a decade of democratic instability, which continued until the 1990s, when the third wave of democracy swept across Africa. A political system can be said to be unstable when it is often confronted with situations, activities or patterns of political behaviour that threaten its peaceful existence. Such tendencies can occur at different levels. In extreme cases, instability can be so grave as to lead to breakdown of the political system or collapse of the state. This amounts to a form of systemic instability, resulting in unconstitutional and/or violent overthrow of governments. At another level, instability may not be systemic, but serious enough to impede the effective and efficient working of the political system. The activities of revolutionary movements that seek to change or overthrow an existing sociopolitical order and redistribute power and other resources in society may be either violent or non-violent. Violence is usually marked by resort to political assassination, kidnapping, extortion, strikes, demonstrations, protests and other forms of violence, including communal and sectarian strife.

The main features of political instability include 'frequent shifts from one type of government to another as well as regular changes in the personnel of the state. Recurring violence in the form of riots and coups and counter-coups, communal violence, religious intolerance, etc., are also features of unstable polities' (Boafo-Arthur 2008:16). These characteristics contrast sharply with the attributes of stable political systems, including legitimacy, effective conflict management and the durability of the system. It is largely for these reasons that political instability has been identified as an obstacle to sustainable democracy and development (Berthelemy et al. 2002; Edi 2006; Ong'ayo 2008).

But political stability is not exactly the same as democratic stability, though both are concerned with the maintenance of order in the public realm and be-

tween it and the civil realm. Osaghae (1995:65) addressed this question and made a powerful distinction between political and democratic stability. For him, the main difference is that the former emphasises a state-centric approach to the maintenance of order, while the latter relies heavily on a societal approach. It is for this reason that the concept of democratic stability becomes more appealing than political stability, especially now that most states privilege democracy over alternative political systems. In this way, it becomes possible to emphasise a people-owned and people-driven political system. As Osaghae puts it:

> It is to emphasize the critical role of the citizens in the stability calculus that the concept of *democratic stability* is to be preferred to that of *political stability*. While the latter adopts a top-down approach and sees stability from the perspective of orderly (not necessarily good or democratic) government, the former, from a bottom-up perspective, sees it as a function of the level of consent enjoyed by government. (Osaghae 1995:65; emphasis in the original)

Since all governments claim some form of democratic credentials, no matter how pretentious (Roth 2009), the question of democratic stability assumes greater significance. This is because 'the premise of democratic stability,' according to Osaghae (1995:65), 'is that what sustains government and ensures stability is voluntary support or consent of the citizens rather than reliance on coercion.' He continues, 'This is not to say that force is the opposite of consent as we find strongly supported governments having to sometimes use force to compel obedience (to put down demonstrations or workers' strikes for example)' (Osaghae 1995:65). Under normal circumstances, 'democratic stability presupposes that a people have, at any given time, the government which they choose and that, being rational beings, they are most likely to support a government which represents and pursues their interests.' In such a political system, the people also have the right to peacefully withdraw their loyalty from the government if it no longer serves their interests, for example by voting out the government in the next general election. Anything that contradicts these tendencies, or works to frustrate their actualisation, is an indication of democratic instability.

It should be recalled that with the attainment of political independence in 1960 ('the Year of African Independence') by many African countries, expectations were high that Africa would make steady progress. As it has transpired, 50 years later such expectations remain unfulfilled. For the better part of their post-independence existence, most African states have groaned under the oppression of one authoritarian regime or another (Mbaku and Saxena 2004; Amuwo 2004). One-partyism or military rule have reigned supreme, characterised by flagrant and wanton abuse of democratic values, particularly the fundamental human rights of citizens, the rule of law and equality. During the traumatic period that spanned the 1960s, 1970s, 1980s and in some cases the early 1990s,

Africans had to contend with dehumanising conditions occasioned largely by the prevalence of visionless leadership and an excruciating debt burden and rising poverty, resulting in a vicious cycle of armed ethnic conflicts, civil wars and unprecedented refugee flows, among other crises and contradictions (Adekanye 1995; Adejumobi 2001; Omotola 2008b; Onimode 2000).

The euphoria of independence had hardly abated when the promise of independence started to fade. Benin, a small West African country, for example, had no fewer than 12 heads of state in the first decade of its independence, 'every one of whom was overthrown in a coup d'état' (Posner and Young 2007:128). Barely six years into its independence, Nigeria was plunged into a vicious cycle of coups and counter coups, the first occurring on 15 January 1966. Indeed, the comparative study by Posner and Young (2007:128–9), whose sample includes some 227 leaders from 46 sub-Saharan African countries, found that 'nearly three-quarters of African leaders who left power in the 1960s and 1970s did so

Table 1. Coups d'état in Africa between 1958 and 2008

Region	Country	Year	Total
West Africa	Benin	1963, 1965 (x2), 1967, 1969, 1972	6
	Burkina Faso	1980, 1982, 1983, 1987	4
	Côte d'Ivoire	1999	1
	Gambia	1994	1
	Ghana	1966, 1972, 1978, 1981	4
	Guinea	1984, 2008	2
	Guinea-Bissau	1980, 2003	2
	Liberia	1980	1
	Mali	1968, 1991	2
	Niger	1976, 1996	2
	Nigeria	1966 (x2), 1975, 1983, 1985, 1993	6
	Sierra Leone	1967, 1968, 1992, 1997	4
	Togo	1963, 1967, 2005	3
Central Africa	Burundi	1966 (x2), 1976, 1987, 1996	5
	Central Africa Republic	1966, 1979, 1981, 2003	4
	Chad	1975, 1979, 1990	3
	Congo-Brazzaville	1968, 1999	2
	Democratic Republic of Congo	1965, 1964	2
	Equatorial Guinea	1979	1
	Rwanda	1973	1
East Africa	Somalia	1969	1
	Sudan	1958, 1969, 1985, 1989	4
	Uganda	1966, 1971, 1979, 1980, 1985, 1986	6
Southern Africa	Lesotho	1986, 1991	2
North Africa	Algeria	1965	1
	Libya	1969	1
	Mauritius	1978, 1984, 2005, 2009	4
	Tunisia	1987	1
Total			77

Source: Adapted from *Jeune Afrique* 2516, March 2009, and Souare (2006), as reproduced in Zounmenou (2009).

through a coup, violent overthrow, or assassination,' all features of instability. They also found that 'in the 1980s, this dropped to just below 70 percent, and by the 1990s it was surpassed by the share of those who left power through natural death, voluntary resignation, or electoral defeat.'

As Table 1 illustrates, many African countries have been the victims of instability since independence as a result of military coups. These coups cut across all regions, but have been more prevalent in the West African sub-region, which accounts for 44.4 per cent of African coups. In fact, by 1985 11 of the 16 West African countries had military regimes (Edi 2006:10). However, the table belies the reality of African instability engendered by coups by only accounting for successful coups at the expense of failed or aborted coups, which also constitute a source of political instability. Nigeria, for example, recorded several unsuccessful coup attempts that threatened the stability of the country. The most notable of these was led by Gideon Okar in April 1990 in an attempt to excise some northern states from Nigeria (see, Ojo 2006).

Table 2 includes unsuccessful and successful coups, both of which could threaten the stability of a political system.

Apart from coups, civil wars also contributed to the high level of instability in Africa. Nigeria, Sierra Leone, Liberia, Sudan, Guinea-Bissau, Ethiopia, Chad, Central Africa Republic, Congo, Côte d'Ivoire, etc., have at one time or other experienced civil wars. In the case of Nigeria, it was as a result of the Igbo's attempt to secede from the country to form the independent Republic of Biafra that precipitated the 1967–70 civil war, with its devastating effects on nation-building and development (Osaghae, Onwudiwe and Suberu 2002). In Sierra

Table 2. Military coups in West Africa, 1955–2004

Rank	Country	Plots	Failed Coups	Successful Coups
1	Ghana	11	6	5
2	Sierra Leone	5	7	5
3	Benin	6	3	6
4	Nigeria	5	2	6
5	Burkina Faso	7	1	6
6	Togo	3	6	2
7	Mauritania	8	3	3
8	Liberia	11	3	1
9	Guinea	9	3	1
10	Niger	1	2	3
11	Guinea-Bissau	5	2	2
12	Côte d'Ivoire	4	3	1
13	Mali	5	0	2
14	Gambia	2	2	1
15	Senegal	0	1	0

Source: McGowan (2006:236).

Leone, it was decades of misrule and corruption, compounded by the rebellion by excluded segments of society that caused the civil war (no doubt fuelled by natural resources) (Richards 1996; Bangura 1997; Omotola 2007). In Liberia, the civil war was a result of bad governance and the attendant struggle for power among competing interests (Omotola 2006).

Again, just as with coups, West Africa has dominated the African civil war league. It is hardly surprising that by 2000, according to the estimates of the United Nations High Commissioner for Refugees, more than one-third of African refugees and displaced persons were in West Africa (UNHCR 2000:260, quoted in Edi 2006:18). In 1994, there were 360,000 Liberian refugees in Côte d'Ivoire, 16,000 in Ghana, 16,000 in Sierra Leone and 398,000 in Guinea, while 1.1 million people were internally displaced. In the same year, Sierra Leonean refugees numbered 155,000 in Guinea and 120,000 in Liberia, with 700,000 internally displaced. The US Committee for World Refugees shows that in 2002 almost all West African countries hosted refugees, most from neighbouring countries (Edi 2006:18). West Africa has had many trouble spots (Agbu 2006).

Table 3. Refugee statistics for West Africa at the end of 2001

Country	Refugees Origin	Number
Benin	Togo, Congo and others	5,000
Burkina Faso	Côte d'Ivoire and 20 others	1,000
Côte d'Ivoire	Liberia, Sierra Leone and others	100,000
Gambia	Sierra Leone, Senegal	15,000
Guinea	Sierra Leone, Liberia	190,000
Guinea-Bissau	Senegal and Sierra Leone	7,000
Liberia	Sierra Leone	60,000
Mali	Mauritania, Sierra Leone and others	9,000
Niger	Mali and 15 other countries	1,000
Nigeria	Chad, Sierra Leone, Liberia and others	7,000
Senegal	Mauritius and others	40,000
Sierra Leone	Liberia	15,000
Togo	Ghana	10,000

Source: Edi 2006:18.

As table 3 shows, there has been a marked improvement in the number of refugees in the subregion compared to 1994. This improvement is partly the result of the wave of democratisation sweeping across the continent, which, in the words of Posner and Young (2007:127), has bolstered the institutionalisation of power. The gradual institutionalisation of power in Africa since the 1990s is manifested as follows: 'formal institutional rules are coming to matter much more than they used to, and have displaced violence as the primary source of constraints on executive behavior.' In place of violent coups and assassinations, elections are becoming more important in Africa's political transitions.

The missing link in the argument, however, is its failure to reflect on the democratic content of these elections. The argument, therefore, tends to reinforce Staffan Lindberg's submission about the surprising significance of African elections: he contends that the mere occurrence of elections, however flawed, naturally imbues society with '… certain democratic qualities. Repeated elections – regardless of their relative freeness or fairness – appear to have a positive impact on human freedom and democratic values' (Lindberg 2006:139). This begs the question whether elections can actually be used to disguise authoritarianism. If it were not so, Lindberg's earlier argument about the democratic qualities of elections in terms of participation, competition and legitimacy (Lindberg 2004) would merely amount to an academic exercise with little or no practical relevance. As recent African experience has shown, elections characterised by low democratic content are viable sources of democratic instability. In the recent elections in Kenya, Nigeria and Zimbabwe, for instance, the democratisation processes were stretched beyond their (elastic) limits as a result of undemocratic elections (Omotola 2010a).

Nevertheless, the drastic reduction in frequency and space in the number of coups and civil wars in Africa is a welcome development, as is the recourse to institutional channels, especially the constitution, in seeking to circumvent restrictions on executive terms. Whereas Posner and Young (2007) may be partly right in interpreting this development as a concrete indication of the institutionalisation of power in Africa, their conclusions may have been different if they had paid more attention to the processes and internal dynamics of the ruling parties in the cases examined, rather than just the outcomes. The fact that incumbents could even contemplate tenure prolongation beyond the statutory limit of two four or five-year terms suggests a lack of respect for the rule of law by political leaders. Besides, Posner and Young also ignore the tensions associated with the methods often adopted by African presidents to pursue tenure prolongation. Even so, their emphasis on outcome is sufficiently revealing. Take the Nigerian case, for example, where they argue, quite correctly, that the third term agenda did not succeed as a result of antagonism from civil society and opposition forces. However, they failed to underscore the pyrrhic nature of the victory, in the sense that defeat of the third term agenda became the strongest influence in the 2007 general election, credited as the worst in Nigeria's electoral history (Omotola 2009; Amuwo 2009; Obi 2008; Suberu 2007; Adebayo and Omotola 2007). Litigation arising from the disputed elections continued in Nigerian courts almost four years after.[3]

However, the recent resurgence of military coups in African countries in-

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3.   In fact, the last rerun of the governorship elections (Delta state) just held on 6 January, 2010, less than four months to another general election.

cluding Mauritania and Guinea in 2008, Madagascar in 2009 and most recently Niger in February 2010, remain a great source of worry.

Mechanisms for Preventing Unconstitutional Changes of Government in Africa

There are a plethora of institutional mechanisms for preventing unconstitutional changes of government in Africa. But first, what constitutes unconstitutional change of government? In the Lomé Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government adopted in July 2000, the assembly of heads of state and government agreed on the following definition:

  i)   Military *coup d'état* against a democratically elected government;
  ii) Intervention by mercenaries to replace a democratically elected government;
  iii) Replacement of democratically elected governments by armed dissident groups and rebel movements; and
  iv) The refusal by an incumbent government to relinquish power to the winning party after free, fair and regular elections (AHG/Decl.5 (XXXVI), quoted in Odinkalu 2008:3).

This definition was expanded in January 2007 through the African Charter on Democracy, Elections and Governance (ACDEG) to include 'manipulation of constitutions and legal instruments for prolongation of tenure of office by (an) incumbent regime' (Article 25 of ACDEG 2007). The inclusion of tenure prolongation, otherwise known as the third term agenda, was understandable. At that particular time, tenure prolongation had become very attractive to African leaders. Between 1990 and 2005, 18 African presidents had completed two terms and were constitutionally barred from seeking a third. Of these, nine resisted the temptation of a third term, while the other nine attempted it. Of the latter, three succeeded while six failed (see Posner and Young 2007:131–5).

The challenges of unconstitutional changes of government cannot be exaggerated, given their heavy toll on sustainable democracy and development in the continent. Such changes are symptomatic of a democratic deficit and instability, which in turn works against foreign direct investment, economic growth and freedom (Marshall and Cole 2009). Moreover, unconstitutional changes of government 'establish dictatorships, subvert democratic governance, preclude the exercise of the rights of people to constitute or change their government, and lead to gross violations of human rights' (Odinkalu 2008:1). The AU recognises this reality when it declares in the preamble of the Lomé Declaration that 'the phenomenon of coup d'état has resulted in flagrant violations of the ba-

sic principles of our Continental Organisation and the United Nations,' calling for strict adherence to 'principles of good governance, transparency and human rights' and the 'strengthening of democratic institutions' (quoted in *AU Monitor* 2009).

In dealing with any or a combination of these issues, regional, sub-regional and national instruments have been devised (see Akokpari et al. 2008). At the regional level, for example, the Constitutive Act of the African Union provides among the foundational principles of the AU measures to promote democratic values, including condemnation of unconstitutional changes of government. Article 4 of the Act states that the Union 'shall function in accordance with':

> …
> (m) Respect for democratic principles, human rights, the rule of law and good governance;
> ….
> (o) Respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities; and
> (p) Condemnation and rejection of unconstitutional changes of governments.

Specifically, Article 30 of the Constitutive Act provides: 'Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union.' The suspension of any member-state that assumes power in this way is a demonstration of the AU's commitment to this provision. Apart from suspension, the AU stipulates an ultimatum of up to six months for the reestablishment of an elected government in the event of unconstitutional change of government, and provides a peer-pressure instrument through the Eminent Persons Contact Group (EPCG) to be mobilised at the instance of the chairperson of the AU Commission.

Closely aligned to the foregoing is the emergence of the principle of non-indifference, as opposed to the age-old principle of non-interference in the domestic affairs of member states. The legal foundations of non-indifference are spelt out in the AU's Constitutive Act which, despite its emphasis on sovereign equality of member states, respect for borders existing at independence and non-interference, envisages in Article 4 (h) an organisation that can intervene in the domestic affairs of member states 'in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity as well as *a serious threat to a legitimate order* to restore peace and stability' (AU 2003, emphasis mine). In addition, Article 4 (j) guarantees the rights of member states to request intervention to restore peace and security. It is needless to add that in all its ramifications, unconstitutional change of government as defined by the Lomé Declaration constitutes *a serious threat to a legitimate order*.

The AU Peace and Security Council (PSC) was established in 2002 partly to

implement the doctrine of non-indifference. Essentially, the PSC's mandate is to serve 'as a standing decision-making organ for the prevention, management and resolution of conflicts, and a collective security and early warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa' (quoted in Nwanasali 2008:43). More broadly defined, Article 9 of the Protocol Relating to the Establishment of the PSC of the AU stipulates the role of the PSC thus. The PSC:

> … shall take initiatives and actions it deems appropriate with regard to situations of potential conflicts, as well as to those that have already developed into full-blown conflicts. The Peace and Security Council shall also take measures that are required in order to prevent a conflict for which a settlement has already been reached from escalating. To this end the Peace and Security Council shall use its discretion to effect entry, whether through the collective intervention of the council itself, or through its Chairperson and/or the Chairperson of the Commission, the Panel of the Wise, and/or in collaboration with regional mechanisms. (Quoted in Nwanasali 2008:43)

Furthermore, Article 7(g) of the Protocol Relating to the Establishment of the PSC adopted in Durban, South Africa on 9 July 2002, empowers the PSC to 'institute sanctions whenever an unconstitutional change of government takes place in member states, as provided for by the Lomé declaration.' This provision was energised by the ACDEG, which provides the following punitive measures in cases of unconstitutional change,:

- Non-participation of the perpetrators of the unconstitutional change in the elections held for the return to the constitutional order and a ban on them from occupying senior positions in the political institutions of the state,
- Their trial by the competent bodies of the AU, and
- The possibility for the AU to apply other forms of sanctions, including economic sanctions. (quoted in Engel 2010:9)

ACDEG also provides for the sanctioning of any state party that foments and supports unconstitutional change of government in another state, refusal by the state parties to receive or to grant asylum to perpetrators of unconstitutional change of government, and signing of bilateral agreements as well as adoption of legal instruments on extradition and mutual legal assistance. In order to strengthen these instruments, the PSC finally established the committee on sanctions on 13 March 2009 in conformity with the provisions of Article 8(5) of the PSC protocol.

Apart from these regional frameworks, there are also sub-regional instruments against unconstitutional changes of government in Africa. In the Economic Community of West African States (ECOWAS), for example, the 2001

ECOWAS Protocol on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Resolution, Peacekeeping and Security, December 2001, provides in Article 1 (b-e) thus:

- Every accession to power must be made through free, fair and transparent elections;
- Zero tolerance for power obtained or maintained by unconstitutional means;
- Popular participation in decision-making, strict adherence to democratic principles and decentralization of power at all levels of governance;
- The armed forces must be apolitical and must be under the command of legally constituted political authority; no serving member of the armed forces may seek to run for elective political office. (ECOWAS 2001)

Article 9 of the same protocol provides that 'the party and/or candidate who loses the elections shall concede defeat to the political party or candidate finally declared the winner, following the guidelines and within the deadline stipulated by law.'

Finally, national mechanisms against unconstitutional changes of government also abound in many Africa countries. These are contained in constitutional provisions that forbid unconventional ways of capturing power, especially military coups. In Nigeria, for example, Section 14 (1-2) of the constitution states as part of the fundamental objectives and principles of state policy, that 'the Federal Republic of Nigeria shall be a state based on the principles of democracy and social justice', therefore, 'sovereignty belongs to the people of Nigeria from whom government through this constitution derives all its powers and authority.' Unfortunately, the enforcement of this important constitutional provision cannot be totally predicated on legality, but requires a great deal of political will on the part of managers of the political system.

At a more specific level, however, Sections 217 (1–3) and 218 (1–4) detail the provisions regarding the establishment, purpose and control of the armed forces of Nigeria. Two relevant issues stand out. One, the military are not allowed any civil-related duties, only purely military duties, most notably defending the sovereignty and territorial integrity of the country against aggression. Two, all military establishments and officers are constitutionally subject to civil authorities. Specifically, the president of the country doubles as the commander-in-chief of the armed forces, with power to appoint all service chiefs, as well as power to appoint, promote and discipline all members of the armed forces of the federation. In fact, the operational use of the military is the sole prerogative of the president. These constitutional measures were instituted to subject the military to civilian control.

From the foregoing it is obvious that regulatory norms and principles are being increasingly inscribed into the democracy and governance architecture of

Africa, the primary aim being to deter any form of unconstitutional change of government across the continent. These norms and principles, existing at regional, sub-regional and national levels, are interconnected. For instance, regional and sub-regional frameworks only assume the force of law within a national jurisdiction when ratified by the affected country. What remains to be seen, however, is the level of institutionalisation of these regulatory norms and principles. The challenges of preventing unconstitutional changes of government in Africa only begin with the enactment of these norms and principles. However, the greater challenge lies in the degree of respect for and adherence to such norms and principles in practice. The law in theory is, after all, not the same as the law in practice. But before we return to this, it is important to explore recent cases of unconstitutional government change in Africa and their predisposing factors.

Forms and Manifestations of Unconstitutional Change of Government

This section of the paper discusses manifestations of three forms of unconstitutional change of government in Africa, namely military coups, tenure prolongation (third term politics) and the refusal of defeated incumbents to concede power to the winning opposition, resulting in various forms of power-sharing arrangements, as was the case in Zimbabwe and Kenya.

Military Coups

The resurgence of military coups in Africa may not be entirely surprising to those familiar with scholarly debate on whether democratisation reduces the risk of military intervention in politics (see Lindberg and Clark 2008). Although not an entirely settled issue in the literature, studies have demonstrated that democracies that rank very highly in their legitimacy rating stand better prospects of avoiding military interventions. What factors can enhance the legitimacy of political power? David Beetham gave an insight into this by arguing that the exercise of power becomes legitimate if and when (1) it is in accordance with existing rules; (2) if these rules can be justified by shared beliefs; and (3) if there is evidenced consent to the arrangements (Beetham 1991: 16, quoted in Lindberg and Clark 2008:88). These three conditions for institutionalised legitimacy were severely criticised by Lindberg and Clark, who felt shared beliefs hardly exist since the constitution usually reflects what the dominant elites at the time of its drafting considered to be the appropriate regime, and that those requirements depended heavily on the subjective evaluation of the people and the main elites. These criticisms and the dearth of longitudinal data across African countries perhaps made Lindberg and Clark (2008:89) simply submit that 'when military

interventions occur, it seems more likely than not that the regime in question has not "earned" enough legitimacy among crucial elites,' and vice versa.

The import of this for analyses of recent military coups in Africa is that in most cases, the (overthrown) regime lacked sufficient legitimacy, either as a result of its mode of ascension to power, the creation of a power vacuum, unpopular policies or abysmal performance in power. For this and related reasons, the military is readily provided with a pretext for intervening in politics. Such a position is questionable, given that it portrays the military as 'liberators' who intervene to save the people/nation from an oppressive, dictatorial and corrupt government, and as a patriotic and disciplined force able to do better and govern in the overall interest of the people. From comparative African experience, this is seldom the case. Rather, military regimes have been afflicted by corruption, intolerance and authoritarianism. Such regimes show a tendency to devote a huge chunk of national budgets to the defence sector at the expense of other crucial sectors, such as health, education, agriculture and infrastructural development (Adekanye 1993). Worse still, military regimes govern without respect for the rule of law, principles of accountability and the fundamental human rights of the people.

For analytical purposes, attention is focused on the most recent manifestations of military coups in Africa. These cases are represented in table 4 below:

Table 4. Most recent military coups/interventions in Africa, 2008-10

SN	Country	Date
1	Mauritania	6 August 2008
2	Guinea	23 December 2008
3	São Tomé and Principe	February 2009 (foiled)
4	Guinea-Bissau	2 March 2009
5	Niger	29 May 2009 and 18 February 2010
6	Madagascar	17 March 2009

Source: Author's compilation

In the case of Mauritania, then head of state President Sidi Ould Cheikh Abdallahi was arrested by the military on 6 August 2008, after which they established a High Council of State led by General Mohamed Ould Abel Aziz. Also arrested were Prime Minister Yahya Ould Ahmed el-Waghef and Interior Minister Mohamed Ould R'zeizm. Although the presidential decree removing the nation's four top military officials from their positions, including the coup leader General Abdel Aziz and Muhammed al-Ghazwani, the army chief, the army chief of staff and the head of the National Guard and national police, could be taken as the immediate cause of the coup, there were also a number of remote underpinnings of this event.

First, the country had a history of military intervention and rule, given that

the ousted regime was its first democratically elected government since independence in 1960. Accordingly, 'Mauritania has seen more than 10 coup attempts, several of them successful, over the last three decades' (BBC News, 14 August 2008). Second was the high level of corruption and rising poverty. Among others, 'allegations of corruption, claims of inadequate representation, and ongoing disputes with parliament' (Boucek 2008:2) were noted as the hallmark of Abdallahi's administration. Allegations of corruption peaked when Abdallahi appointed to important positions in his government several key members of the administration of the former Mauritania leader, Maaouya Ould, overthrown in a coup in 2005 for endemic corruption (Azikiwe 2008:1). The effect of corruption was particularly felt given that Mauritania is considered one of the poorest countries of the world, 'with an estimated 20 percent unemployment rate and much of the population living on less than $2 a day' (Boucek 2008:2).

It was, therefore, hardly surprising that in spite of hostile international responses, an appreciable level of domestic support for the coup existed, especially among the political class. According to the BBC, '67 of the country's 95 parliament members and 37 out of 56 senators have put their names to the statement supporting General Mohamed Ould Abdelaziz's takeover' (BBC News, 14 August 2008).

There is, however, a need to avoid the misleading assumption that the seemingly high level of domestic support reinforces the claims by coup plotters that the military had acted to save Mauritanian democracy by putting the country back on course (Boucek 2008:1). The fact is that the new military head of state went ahead to participate in the transition programme by contesting the elections as an (incumbent) candidate and transforming himself into an elected civilian president, contrary to the provisions of an AU protocol. In short, the coup plotters were able to escape sanction for their unconstitutional seizure of power by legitimising their hold on it through elections.

The case in Guinea was slightly different. The coup followed the death of Lansana Conte, the country's long-serving dictator of 24 years, on 23 December 2008. Young military officers led by Captain Moussa D. Camara capitalised on the situation to seize power and establish a National Council for Democracy and Development (Engel 2010). As the *New York Times* (24 December 2008) puts it, 'Guinea was plunged into its current political turmoil after Lansana Conté, 74, … died Monday without publicly announced plans for a successor. Junior and mid-ranking officers sought to fill the resulting power vacuum by seizing the state broadcasting institutions early on Tuesday and announcing what a senior lawmaker called a "putsch".'

The coup leaders justified their intervention on the grounds of excruciating poverty, despite abundant resources, occasioned by massive corruption at all levels of government and the need to remedy the situation. They are quoted as

noting that the 'embezzlement of public funds, general corruption, impunity established as a method of government and anarchy in the management of state affairs have eventually plunged our country into a catastrophic economic situation which is particularly tragic for the overwhelming majority of Guineans' (BBC News, 23 December 2008). More specifically, the military claimed to have 'noted a lack of political will from the so-called broad-based government to initiate the necessary reforms to solve such a serious and permanent crisis that affects all sectors of the country.' The challenges identified were:

- The government's obvious failure to provide basic social services such as water and electricity
- The marginalisation of youths and women in the decision-making process
- The worsening insecurity in the entire country and the general corruption in the administration
- A fresh upsurge of drug trafficking throughout the country
- The government's flat refusal to further review mining agreements for fear of harming the personal and selfish interests of some government officials, lobby groups and Mafia-like clans
- The failure to prosecute people involved in embezzlement of public funds
- Arbitrary appointments to key government positions
- The government's lack of political will to hold free and transparent elections for a year
- The fact that some lobby groups have taken the government to ransom, preventing the government from initiating the necessary customs, fiscal, and monetary reforms that are necessary for an economic recovery of the country. (BBC News, 23 December 2008)

After an initial promise to conduct elections and return the country to civil rule within six months, the military government later said it would hold 'free and fair' elections within two years, and promised to fight corruption, especially in the mining sector (*Guardian*, 23 December 2008; BCC News, 27 December 2008). Despite these promises, there were mixed reactions to the coup. It is, however, important to note that Guinea eventually held its first democratic elections on 27 June 2010.

Guinea-Bissau recorded a military coup on 2 March 2009, when President Joao Bernardo 'Nino' Veira was murdered by a faction of the army. His death was said to have been instigated by the murder of the chief of army staff a day before (Engel 2009:6). It will be recalled that Guinea-Bissau, one of the poorest countries in the world, ranking third lowest in the 2008 Human Development Index, has witnessed coups and counter-coups since its independence from Portugal in 1973. In fact, after the murder of President Veira, there were various coup attempts, including the abortive 6 June 2009 attempt that resulted in the killing of former defence minister Helder Proenca and Baciro Dabo, presidential

candidate in the 28 June elections, for their alleged involvement in the attempted coup. Then came the 1 April 2010 attempt in which Prime Minister Carlos Gomes Jnr was captured and detained together with the head of Guinea-Bissau's armed forces, before eventually being released (see, *World News*, 1 April 2010; *Bangladesh2day*, 6 June 2009). Nevertheless, despite the failed 6 June coup, the election went ahead as scheduled. However, after the first round of the presidential election on 28 June 2009, in which 'Malam Bacai won 39.54 per cent of the vote and Kumba Yala, 29.42 per cent,' a run-off between the two leading candidates took place on 26 July 2009 (*The Courier*, 27 July 2009). In the end, Guinea-Bissau's supreme court announced that Malam Bacai Sanhá of the governing African Party for the Independence of Guinea was the winner, defeating Kumba Yalá of the opposition Social Renewal Party (United Nations, 31 July 2009; Security Council Report 2010).

The situation in Madagascar was different. Irresistible pressure from a section of the military forced President Marc Ravalomanana to resign. However, after deposing Ravalomanana, the military did not assume direct power. Rather, it mandated the 'opposition leader Andry Rajoelina, a 34-year-old former disc-jockey,' to take over (BBC News, 20 March 2009). But this does not disqualify this development as a military coup. Indeed, many world leaders and international organisations, including the AU and EU, saw it as such. Reacting to the development, French President Nicolas Sarkozy simply said: 'Of course it's a coup d'etat' (BBC News, 20 March 2009). The AU called it an 'attempted coup' (Howden 2009).

In the case of Niger, President Momodou Tandja was arrested and detained by the army on 18 February 2010. This was as a result of the dissolution of the country's parliament by Tanja on 29 May 2009 and attendant intrigues, following the refusal of the legislative body to amend the constitution to allow Tanja a third term in office, which in itself constituted another form of unconstitutional change of government. Despite international condemnation of the coup, key political actors in the country, most notably Niger's Coordination of Democratic Forces of the Republic (CFDR), an alliance of political parties; trade unions; and human rights advocacy groups welcomed the overthrow of the Tandja administration (Pryce 2010). The coup was probably the last resort after Tandja dissolved parliament and orchestrated a constitutional reform in 2009 that 'removed most checks on Tandja's authority, abolished term limits, and gave him an initial three more years in power without an election' (RTE News, 18 February 2010). The Supreme Council for the Restoration of Democracy (the name of the military junta), set and honoured 31 January 2011 as the date for the presidential and parliamentary elections and successfully ensured a return to democracy in the country.

Tenure Prolongation/Third Term Agenda

Attempts to foster tenure prolongation in office by incumbent power-holders has been another strategy often employed to disguise unconstitutional changes of government in Africa. African leaders who succumbed to the pressure and attempted to prolong their power beyond the statutory two terms, sought to do so within the ambit of the law by resorting to parliament for constitutional amendments:

> Some leaders have managed to circumvent restrictions on seeking more than two terms in office, yet have done so through formal institutional channels rather than extraconstitutional means … our claim is simply that leaders today are more constrained by formal rules in trying to achieve their most preferred outcome (Posner and Young 2007:127, 137).

These are dangerous and misleading conclusions, which not only disguise the 'third term or tenure prolongation agenda' as a form of constitutional change of government, but also reify it as a plus for African politics. It should be emphasised that tenure prolongation, in whatever guise, is wrong-headed. First, Posner and Young ignore the fact that there could be other more plausible reasons than mere commitment to the rule of law for the refusal by some African leaders to stand for a third term. For instance, fear of failure and humiliation may be a compelling factor. Second, the divisive tendencies such attempts may generate, especially among the political class, could provide the basis for military intervention, as in Niger in 2010, or set the tone for an unhealthy succession politics, electoral corruption and violence, as in Obasanjo's Nigeria in 2007. Third, Posner and Young also ignore the fact that even those who succumbed and pursued a prolongation agenda confronted many contradictions. For example, recourse to parliament for a constitutional amendment, as the Nigerian experience under Olusegun Obasanjo demonstrated, was at a huge cost to the country. These costs included the diversion of funds from the national treasury to 'mobilise' legislators. Also, the defeat of the tenure prolongation issue eventually set the tone for the controversial 2007 elections (see, Omotola 2009, 2010b; 2008c; 2006; Siddique 2006).

Nevertheless, Posner and Young's (2007) essay is useful for its comprehensive data on how African leaders exited power between independence and the end of 2005. Their findings reveal that around 70 per cent of Africa's leaders left power through unconstitutional means in the 1970s and 1980s, but that this number drastically dropped to 19 per cent between 2000 and 2005. Within this period, all 18 directly elected presidents in African 'who faced term limits,' according to Posner and Young (2007:132) 'heard strong calls from their supporters to find a way to stay in power.' Here again, Posner and Young fail to consider the politics of crowd-renting, which is gaining ground among African elites, civilian and

military alike. This was the case with Daniel Kanu's 'one million man march' under his infamous Youth Earnestly Ask for Abacha (YEAA) campaign to drum support for the late General Abacha's self-succession bid (see, Omotola 2008a). Similar things happened more recently during the health crisis and resultant absenteeism of then President Yar'Adua of Nigeria. During the crisis arising from the power vacuum created by the president's absence to receive treatment in Saudi Arabia, rented crowds were used to counter the public demonstrations spearheaded by the Save Nigeria Group (SNG) led by Professor Wole Soyinka and Pastor Tunde Bakare (Omotola 2011). No guarantees exist that these so-called 'strong calls from their supporters' that Posner and Young allude to in justifying the behaviour of sit-tight rulers are not cases of crowd-renting or manipulation of sections of the media. Much, therefore, depends on the basis of the so-called 'strong calls' and the more important issue of how the leaders dealt with them.

Table 5. Outcome of third term agenda, 2000–10

SN	Countries	President then	Mechanism/Date	Outcome
1	Algeria	Abdelaziz Bouteflika	CA 12 Nov. 2008	Successful
2	Cameroon	Paul Biya	" 10 April 2008	Successful
3	Chad	Idriss Deby	"	Successful
4	Djibouti	Ismail Omar Guelleh	" 19 April 2010	Successful
5	Gabon	Omar Bongo	"	Successful
6	Guinea	Lansana Conte	"	Successful
7	Malawi	Bakili Muluzi	" July 2002	Failed
8	Namibia	Samuel Nujoma	" December 1998	Successful
9	Nigeria	Olusegun Obasanjo	" 2006	Failed
10	Togo	Gnassingbe Eyadema	"	Successful
11	Tunisia	Zeni el-Abidine Ben Ali	" 2002	Successful
12	Uganda	Yoweri Museveni	"	Successful
13	Zambia	Frederick Chiluba	" April 2001	Failed

Source: Compiled by the author from various sources.
Note: CA= Constitutional Amendment

As can be seen from table 5 above, these 13 presidents at various times attempted a constitutional amendment that would allow them to prolong their stay in power. Of these, ten were successful, the remainder not. In the successful cases, the presidents were able to take advantage of the power of incumbency, especially control over national resources including the treasury and security agencies, to silence opposition voices. But the attempts were not without initial resistance and/or criticism from within and without the ruling party, which, however, was countered through state resources. This was particularly the case where the ruling party did not have the required majority to effect constitutional amendment, as in Museveni's Uganda (see Posner and Daniel 2007:134). Success was, however, greatly eased in those countries where the ruling party had the required two-thirds of seats in parliament, and was able to effectively hold itself

together, preventing it from splintering into factions, as in the case of Namibia's South West African People's Organisation (SWAPO) (see Vondoepp 2010).

One interesting aspect of the politics of constitutional amendment to extend tenure, especially in successful cases, was the usually high rate of approval in parliament. In Namibia, for instance, 50 SWAPO members in the 72-seat National Assembly supported the bill to ensure smooth passage. In Tunisia, Ben Ali reportedly got almost 100 per cent support for the constitutional amendment, while Guelleh of Djibouti got backing from 59 MPs in the 63-seat parliament (see, Roble 2010; Reuters 2010; Vondoepp 2010). This speaks to the strong influence of the executive on the legislature, thereby reinforcing the widespread perception of the relative weakness of legislatures in Africa (Randal and Svasand 2002), as well as their seeming corruptibility, both of which allow the executive to hijack and dominate politics.

The few cases where third term politics failed, especially despite a legislative majority by the ruling party, as was the case with Obasanjo's Nigeria, Chiluba's Zambia and Muluzi's Malawi, offer a totally different perspective on the subject. In each of these cases, the ruling party was unable to muster a united majority to achieve tenure prolongation. In Nigeria and Zambia, for example, there was a groundswell of public opposition to the agenda. This was mainly championed by civil society movements from all walks of life, including academia, mass media and democracy activists, which helped raise popular awareness about the agenda and its associated evils. The opposition gained further momentum in these two countries when serving vice-presidents, Atiku Abubakar of Nigeria for example, came out openly to oppose the agenda. This reflected the deep splits and fractionalisation within the ruling party and further weakened the internal cohesion that could have added impetus to the tenure prolongation project (see Omotola 2006; Olurode 2006; Vondoepp 2010).

In Zambia, where the ruling Movement for Multiparty Democracy (MMD) had a slim majority in parliament and what Vondoepp (2010:74) called 'shaky coalitions with other allies,' success was certainly going to be a function of MMD's ability to keep its MPs united. However, MMD was unable to achieve the unity and cohesion necessary to see the agenda through. Internal fractionalisation ensured the failure of the bill by three votes. A similar situation occurred in Malawi, where the church played a critical role in mobilising people against the tenure-prolongation project. As one of the strongest and most consistent organisations within civil society in Malawi in the current democratic transition (see Ross 2004), the church successfully rallied people to oppose the agenda.

Failure to Concede Power to Winning Parties[4]

Some incumbents have lost elections in Africa but refused to accept defeat and concede power to their opponents. In such cases, sit-tight incumbents deliberately engineer post-election violence that will help them remain in power at any cost. This development is another form of unconstitutional change of government, and has been complicated by one of the emerging mechanisms for resolving post-election conflicts in Africa, namely power-sharing. This was the case in Kenya and Zimbabwe, two cases where the opposition reportedly won but the incumbents either manipulated the final election results or refused to concede defeat. The post-election violence in Côte d'Ivoire appeared for a time to conform to this pattern until the final forceful removal of Gbagbo from power by the French/UN and Republican forces. In some cases where incumbents have fostered post-election crises by refusing to concede defeat, the trend has been for regional leaders and the international community to seek a compromise in the form of 'governments of national unity' or 'power-sharing' arrangements. 'Indeed, the popularity of power sharing among its promoters and negotiator after electoral conflicts in Africa, has made some analysts wonder if power sharing has become the "new" democracy in the continent' (see Moghalu 2008).

In Kenya, power-sharing was adopted as a viable option for managing the impasse between the two main political parties, the Party of National Unity (PNU) and the Orange Democratic Movement (ODM). This was largely facilitated by Kofi Annan, the former UN Secretary-General. After protracted negotiations and occasional setbacks, it was agreed that a Grand Coalition government would be created in which the two parties would share power in such a way that executive authority would be divided between the two, with the PNU maintaining control of the presidency and ODM filling the newly created prime ministership (Omotola 2010a). Cabinet positions would be distributed according to the principle of 'portfolio balance,' by which each party would receive a share of ministerial positions equal to the number of seats it controlled in parliament (Harowitz 2009).

The key points of the agreement are:

a. The post of prime minister will be created, with the holder having the authority to coordinate and supervise the execution of government functions;

b. The prime minister will be an elected member of parliament and the parliamentary leader of the largest party in the National Assembly, or of a coalition if the largest party does not command a majority in parliament;

c. Two deputy prime ministers to be appointed, one to be nominated by each member of the coalition;

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4. This section of the paper is largely adapted from a previous work by the author (Omotola 2010a)

d. The prime minister and deputy prime ministers can only be removed if the National Assembly passes a motion of no-confidence with a majority vote;

e. A cabinet to consist of a president, vice-president, prime minister, two deputy prime ministers and other ministers;

f. The removal of a minister of the coalition will be subject to consultation and agreement in writing by the leaders;

g. The composition of the coalition government will at all times take into account the principle of portfolio balance, and reflect the parties' relative parliamentary strengths;

h. The coalition will be dissolved if the current parliament is dissolved; or if the parties agree in writing; or if one coalition partner withdraws from the coalition. On this basis, the distribution of cabinet positions was as follows:

Table 6. The Grand Coalition Cabinet announced 13 April 2008

Party	Ministers	Assistant Ministers
ODM	20	22
PNU	14	11
ODM-K	3	3
NARC-K	1	2
Others	2	12
Total	40	50

Source: Harowitz (2008:3); as reproduced in Omotola (2010a)

The accord no doubt marks a significant path to post-election peace-building in Kenya. It succeeded in curtailing violence, at least in the short run, and helped in the formation and inauguration of a coalition government (Mehler 2009). But as Omotola (2010a) has argued, a more fundamental issue relates to the workability of and prospects the coalition harbours for sustainable democracy in Kenya. Can the coalition eradicate the basic fault-lines, especially ethnic divisions? Is it internally insulated against abuse/violation by either partner? Are there adequate institutions for implementing the agreements? To what extent does the coalition recognise the roots of the violence, including the identity politics underpinning the struggle for power at the centre? These are fundamental questions that were not adequately addressed in the coalition. Some have argued, once divisions already exist, no amount of power-sharing can remove them. Rather, 'what power-sharing does is it recognises those divisions and institutionalises them' (Holms 2008:3).

More fundamentally, observers hold that the scorecard of the coalition to date has been unsatisfactory (Baldauf 2009). Among other shortcomings, the coalition has failed to address substantial land reform and inter-ethnic tensions and economic inequalities, all of which underlay the electoral logjam. There are genuine concerns that if these issues are not addressed, the current peace may

unravel more devastatingly in the next general election (Omotola 2010a). This accords with the conclusion reached by Cheeseman and Tendi (2010:203-4) that neither modes of power-sharing in Kenya and Zimbabwe '[create] conditions for effective reform, which leads to a more general conclusion: unity government serves to postpone conflict, rather than to resolve it.'

The situation in Zimbabwe is not that different from Kenya's. In the 28 March 2008 presidential and parliamentary elections, opposition candidate Morgan Tsvangirai of the Movement for Democratic Change (MDC) won the first round of the presidential election. However, with his total votes less than the required 50 per cent, there was a need for a run-off, but he withdrew from this, citing violence against his supporters and himself. The failure of President Robert Mugabe's Zimbabwean African National People's Union-Patriotic Front (ZANU-PF) to concede defeat, and the subsequent resort to self-help strategies, including calculated onslaughts on opposition forces and the independent press generated a high level of violence in the country.

The attendant process of post-election conflict-resolution facilitated by regional leaders led to the Global Political Agreement (GPA), signed on 15 September 2008, between the contending ZANU-PF, MDC and a small breakaway faction of the MDC led by Author Mutambara (Peta 2009). The GPA basically calls on the signatories to 'build a society free of violence, fear, intimidation, hatred, patronage, corruption and founded on justice, fairness, openness, transparency, dignity and equality' (Human Rights Watch 2009: 2). It, however, stalled as a result of the reluctance of Morgan Tsvangirai to sign over disagreement relating to the sharing of ministries (Lunn 2009). On 30 January 2009, the MDC decided to join a unity government with the ruling ZANU-PF. This finally paved the way for the implementation of a September 2008 power-sharing agreement. The GPA effectively took off on 11 February with the swearing-in of Tsvangirai as prime minister, while Mugabe remained as president.

The development has since thrown-up many contentious issues. First, was the agreement desirable in the first place? What are the chances of its workability, considering Mugabe's track-record? More importantly, can the agreement salvage Zimbabwe and its oppressed people from the brink of political and socioeconomic collapse? It seems that Mugabe and his ZANU-PF entered the deal for reasons of self-interest and political survival. As *Strategic Comment* (2009) rightly argues, 'The new government desperately needs major financial help, but key donors want to see better governance and respect for human rights in Zimbabwe before releasing the purse strings.' One way to convince the international community about its willingness to shift ground was through the façade of power-sharing. This is true to the extent that most of the offices conceded to the MDC directly relate to the economy. Moreover, the agreement has been threatened on several occasions by accusations that Mugabe continues to act in

breach of the agreement's provisions (*Telegraph View*, 8 March 2009). The coalition does not seem to have significantly altered the pre-GPA structure of power (Lunn 2009; Cheeseman and Tendi 2010).

More importantly, Zimbabwe's power-sharing agreement, like Kenya's, has so far failed to address the underlying political economy issues. For example, the much anticipated constitutional reform, expected to be completed within two years of the agreement, has not taken off. The issue of citizenship rights has also not featured on the agenda of the government. Worse still, both ZANU-PF and MDC continue to trade accusations and counter-accusations about the level of compliance and non-compliance with the agreement (Zulu 2009; HRW 2009). While Tsvangirai asked the SADC to review compliance with the 2008 GPA, accusing ZANU-PF of 'acting in bad faith and failing to respect the terms of the GPA,' President Robert Mugabe's ZANU-PF kept lobbying SADC to create the impression that 'all is well in the inclusive government with the only problem (being) the Western targeted sanctions that remain in place' (Zulu 2009:1). Certainly, Zimbabwe needs 'a range of fundamental reforms that the power-sharing government should undertake to improve the human rights situation in Zimbabwe. Without these institutional and legislative reforms, as well as the establishment of genuine respect for the basic rights of all Zimbabweans, there can be no long-term, sustainable peace and stability in Zimbabwe' (HRW 2009:4).

Côte d'Ivoire has only recently seen the ouster of Gbagbo, but the post-conflict situation remains unclear. After a series of peace talks, elections were finally held in October 2010, which did not produce an outright winner. This necessitated a run-off between President Gbagbo and opposition leader Alasane Quattara, who was declared the winner of the run-off by the country's independent electoral commission. But in a dramatic move, Gbagbo went to a constitutional court to challenge the result. The court, after cancelling some votes because of alleged rigging in the opposition-dominated northern part of the country, declared Gbagbo the winner. Although the international community, including the UN, EU, IMF, US and France recognised Quattara, Gbagbo refused to concede defeat, as was the case in Kenya and Zimbabwe, leading to the emergence of two parallel governments in the country until the eventual forceful removal of Gbagbo.

Both the AU and ECOWAS expressed deep concern over the Ivorian crisis, but their responses left much to be desired. It can be argued that apparent divisions within ECOWAS, its lack of decisiveness, and the poor coordination between the ECOWAS, AU and UN, provided some leverage for Republican (pro-Quattara) forces, the UN and French peacekeepers (backed by a UN Security Council mandate) to forcibly intervene and effect the removal of Gbagbo, fuelling accusations in some quarters that the UN had sided with one of the parties to the conflict.

In all these cases, irrespective of official responses one thing stands out clearly. This relates to the ways some incumbents have devised extra-constitutional means of clinging to power, especially through electoral violence and power-sharing arrangements. In my view, these strategies amount to an unconstitutional change of government, at least by the standards and criteria of the AU. The situation could have been different if the AU has been more forthcoming in the application to such cases of its own rules. The failure of AU to decisively apply its rules in the Kenyan and Zimbabwean cases indirectly constitutes an open invitation to other incumbents who lose competitive elections not to concede victory to the winners, as was the case in Côte d'Ivoire. But the experiences of Kenya and Zimbabwe indicate that power-sharing only 'postpones the evil day' (Omotola 2010a; Moghalu 2008; Mehler and Bull 2005). This necessitates an analysis of the responses to unconstitutional changes of government in Africa.

Responses to Unconstitutional Changes of Government

Various international actors, including international and African regional organisations, particularly the AU, have responded differently to unconstitutional changes of government in Africa, depending on the issues/interests at stake. It should be noted that these responses have been largely structured by the regulatory norms and values of the affected organisation, though with a number of inconsistencies (Engel 2010).

With respect to military coups, the response has usually been condemnation, calling on putschists either to immediately revert to the old order or conduct elections within six months. In the case of Niger, for example, where the military seized power, the AU responded immediately by suspending the country the following day (AU PSC, 19 February 2010). This was in addition to sending a special envoy at the request of ECOWAS, but no sanctions were immediately imposed. In Mauritania, the AU not only suspended the country, but also imposed sanctions, which according to the AU's PSC chairman, Manuel Domingos Augusto, included 'a travel ban on civilian and military members of the junta, the systematic refusal of visas and checks on their bank accounts' (BBC News, 6 February 2009). The suspension and sanctions were, however, lifted by the AU on 29 June 2009 before the election (AU PSC, 29 June 2009), a move that reportedly consolidated General Mohamed Aziz's grip on power, thereby raising doubts about the AU's handling of the situation (Engel 2010).

In Guinea, AU responded by condemning the coup on 23 December 2008, suspended the country on 29 December 2008 and went ahead to impose sanctions on 17 September 2009. In Guinea-Bissau, the AU only condemned the coup and sent a special envoy to mediate in the conflict, but did not suspend

the country. For Madagascar, the AU applied all applicable norms, including condemnation of the coup and imposition of sanctions on 17 March 2009 and the eventual suspension of the country on 20 March 2009. In addition to these, the AU also established International Contact Groups (ICG) in Mauritania, Guinea and Madagascar through which the union coordinates and harmonises its efforts with the UN, the relevant regional economic community and other regional bodies as well as the permanent and African members of the UN Security Council (Engel 2010).

It is important to note that these policy responses produced different policy outcomes. In Mauritania, for instance, a framework of agreement was reached on 13 June 2009, which culminated in the lifting of the suspension and sanctions, preparatory to the presidential election held on 18 July 2009 and won by General Aziz. The participation of General Aziz in itself constitutes a major contradiction of the AU protocol, which forbids members of a military junta from participating in the transition process. In Guinea, massacre and mass rape was committed by the military on 28 September 2009 and the leader of the junta was shot on 3 December 2009, and replaced by the minister of defence. This paved the way for the joint declaration of Ouagadougou of 15 January 2010, which ushered in the presidential election of 27 June 2010. In Niger, AU's intervention led to the appointment of a transitional authority under Prime Minister M. Danda on 1 March 2010. This was followed by the appointment on 7 April 2010 of a transitional council to organise elections, which were eventually set for 26 December 2010, but were postponed and eventually held on 31 January 2011 (see Engel 2010:13, particularly table 6).

There were notable variations in the responses of the AU and ECOWAS to unconstitutional changes of government through constitutional amendment for tenure prolongation/third term. Such responses could be broadly described as lukewarm. This was most evident in the reactions to Nigerien President Tanja's unilateral dissolution of the democratically constituted parliament on 26 May 2009. He did this apparently to facilitate a constitutional amendment removing term limits (Pryce 2010). It was not until the military toppled the government that the AU intervened. In contradistinction to the AU's position, ECOWAS suspended Niger and imposed sanctions on it for violating the ECOWAS Protocol on Democracy and Good Governance. In almost all the other cases discussed in this paper, the AU was silent on the unconstitutionality of the amendments for tenure prolongation. Constitutional amendments to this end may, therefore, be part of what Ikome (2007) categorised as 'good coups' in Africa, since they attract little attention by and few sanctions from the AU, despite violating its protocols.

The AU's response to the failure of incumbents defeated in elections to concede power to winners has been somewhat different. The approach has been

largely conciliatory, through power-sharing arrangements facilitated by individuals designated by the AU or relevant sub-regional organisation. In Kenya, for example, the process was facilitated by Kofi Annan, and in Zimbabwe by Thabo Mbeki. In both cases, the incumbents retained the presidency with all its powers, thus ruling out fundamental change to the structure of rule and politics. That being the case, power-sharing in both cases set bad precedents. This is why Tendi (2010:1) describes it as 'the new military coup' in Africa because:

> Incumbents can now calculate that if they lose elections, waging violence and refusing to step down can facilitate the formation of a power-sharing government in which they will keep most of their power. This threatens to reverse the gains that electoral democracy has made in Africa. Armed coups were an effective means of reversing democracy in the 1960s and 1970s. Power-sharing governments threaten to become the new coups.

The Côte d'Ivoire case seems to bear out the foregoing claim. It is otherwise difficult to understand why Laurent Gbagbo held on to power in the face of overwhelming international agreement as to the actual winner of the election. The UN, EU, AU, ECOWAS and the US all recognised Alasane Ouattara as the winner of the 28 November run-off election (Fawole 2010). But Gbagbo appeared not to be interested in all that. Instead, he at a certain point in the crisis proposed a power-sharing option in which the actual winner of the election would become the prime minister. However, it is also possible that politics and strategic games underpinned the international recognition of Alasane Quattara as the winner. Ordinarily, electoral issues are matters under the internal jurisdiction of a country, with external actors only limiting themselves to supportive roles. The Ivorian case was much more complicated, given the contradictory verdicts of the electoral commission and the constitutional court in the context of a peace agreement endorsed by both presidential candidates that gave the special representative of the UN Secretary-General a say in endorsing the electoral outcome.

The AU and ECOWAS took some steps within their regulations in response to the Ivorian crisis. The AU's PSC at its 252nd meeting on 9 December 2010 adopted the following decisions on Côte d'Ivoire:

- Endorses the final communiqué on Côte d'Ivoire of the Extraordinary Session of the Summit of Heads of State and Government of the Economic Community of West African States (ECOWAS) held in Abuja, Federal Republic Nigeria, on 7 December 2010, recognizing the results proclaimed by the IEC, as certified by the Special Representative of the Secretary General of the United Nations, pursuant to resolution 1765 (2007) of the United Nations Security Council of 16 July 2007, and Mr. Alassane Ouattara as the President Elect of Côte d'Ivoire;

- Decides, on the basis of relevant AU instruments, to suspend the participation of Côte d'Ivoire in all AU activities, until such a time the democratically elected President effectively assumes State power;
- Strongly urges Mr. Laurent Gbagbo to respect the results of the election and to facilitate, without delay, the transfer of power to the President Elect, in the best interest of Côte d'Ivoire, the region and Africa as a whole; and
- Requests the United Nations Security Council and AU partners to continue to fully support the decisions and efforts of ECOWAS and the AU and, in this regard, notes with satisfaction the Press Statement issued by the Security Council on 8 December 2010; among others (Singh 2010).

Despite these and other interventions, including a second joint AU-ECOWAS visit and meeting on 3 January 2011 with Gbagbo, who was told in unmistakable terms to leave (UN Office for the Coordination of Humanitarian Affairs, UNOCHA, 4 January 2011), Gbagbo remained defiant and his hard-line posture may have been bolstered by the Kenyan and Zimbabwean experience. Besides, the emerging cracks within the AU and ECOWAS over the matter represented another problem. For example, President John Atta Mills of Ghana did not support the move, saying: 'I personally do not think the military option will solve the problem in Ivory Coast … Ghana is not taking sides … We have about one million Ghanaians living in Ivory Coast who could be victims of any military intervention' (BBC News, 7 January 2011). But before a final decision could be taken to resolve the festering crisis by the AU, pro-Quattara forces alongside UN peacekeepers and French LICORNE troops ensured the forceful removal of Gbagbo on 11 April 2011, thereby paving the way for the ascension to power of Alasane Quattara.

Overall, the response to unconstitutional changes of government in Africa has followed a similar path, notably condemnation, suspension, imposition of sanctions, deployment of envoys and the constitution of ICGs in redressing the problem. These responses vary from one case to another and manifest inconsistencies and ambiguities in terms of regional and international reactions, depending on the form of unconstitutional change of government and the country involved.

Implications for Democratic Stability and Consolidation

Unconstitutional changes of government in Africa have produced negative consequences for the democratisation project. First, the reincarnation of military coups in Africa has raised fundamental questions about the feasibility of democratic consolidation on the continent. It is a development that reinforces the scepticism of Afro-pessimists, who never believed that anything good could

come out of Africa (Omotola 2008d). With the latest development in Côte d'Ivoire, international media attention has focused on Africa as being 'backward,' and incapable of building effective and stable democratic systems. Consequently, African crises and conflicts appear to dominate the UN's peace and security agenda and, as with most cases in the past, for the wrong reasons. New modes of 'civilian coup,' such as the refusal to concede power to winners when defeated in an election or attempts to manipulate the constitution to facilitate tenure prolongation or father-to-son succession, negate Africa's aspirations for democratic stability and development. They also affect the continent in terms of its multilateral diplomacy, making it difficult for an African country (among other considerations) to successfully campaign for permanent membership in an enlarged Security Council.

Furthermore, unconstitutional changes of government in whatever guise alter the equilibrium of the political system. This is manifested in many ways. For one, unconstitutional changes of government generate political tensions and conflicts, which often degenerate into violence. Political violence leads to loss of lives and property, refugees and internally displaced persons (IDPs), among other things. For example, the violence that attended the 2007 Kenyan election was so terrible that within three months more than 1,000 people had been killed and at least 300,000 more displaced (Harowitz 2008:3). The regional breakdown of IDPs as a result of the violence is as follows:

Table 7. Regional breakdown of IDP camps and total IDPs in Kenya

Region	IDP Camps	Total IDPs
North Rift	53	67,220
South Rift	154	154,892
Nyanza	58	27,067
Western	19	19,941
Central	7	22,449
Nairobi and environs	5	10,074
Coast	0	0
Total	296	301,643

Source: Adapted from Omotola (2010a).

The post-election violence in Côte d'Ivoire also produced serious security problems in terms of huge refugee and IDP flows. As at 28 December 2010, the UNHCR in Liberia had registered a total of 15,120 Ivorian refugees, with 4,000 others awaiting registration (UNOCHA, 28 December 2010:1). By 1 January 2011, the number of refugees registered by the UNHCR had risen to 20,080 in Nimba City, Liberia and another 252 in Bossou town, Guinea. Also, by the same date the Catholic mission was hosting an estimated 1,579 IDPs, with another 1,000 IDPs sheltered in an IDP camp set up in the south of Duekoue,

Côte d'Ivoire. Another 1,157 internally displaced were in Danane, western Côte d'Ivoire, being accommodated in schools and churches (UNOCHA, 4 January 2011:1). These figures had increased by 10 January 2011 to a total of 23,270 Ivorian refugees in Liberia alone, with women accounting for 55 per cent of the refugee population. These were apart from the 293 and 45 refugees in Guinea and Mali respectively. There were also 16,000 IDPs in western Côte d'Ivoire, including Danane, Duekoue and Man (UNOCHA, 11 January 2011:1). Overall, 'nearly 500 people are confirmed to have died and up to 1 million' displaced (United Nations, 6 May 2011). The result is that people are experiencing immense suffering, including acute shortages of food, destruction of property, sexual violence and insecurity. This is apart from unspecified number of deaths, especially now that mass graves are allegedly being discovered in several parts of the country (United Nations, 6 May 2011).

Unconstitutional changes of government also undermine the institutionalisation of power in Africa. Contrary to the argument of Posner and Young (2007), constitutional amendments for tenure prolongation in particular play a prominent role in this regard. This is because in most of the cases explored, incumbents deployed many state resources to buy-off lawmakers and top politicians to support their unconstitutional ambitions. Whether successful or not, the exercise undermined the sovereignty of the people as ordinarily assumed in a democracy. The situation, however, seems worse in cases where the moves failed. In such circumstances, the contradictions of tenure prolongation/third term politics undermine democratic institutions and processes and create a crisis of the state, which in turn leads to the diversion of scarce resources from the social and developmental sectors to the security and defence sectors.

Tenure prolongation also undermines internal democracy within incumbent political parties. This in turn breeds a high level of factionalism and indiscipline, including party-switching/floor crossing and violence. These played out in the Nigerian case and almost singlehandedly gave rise to the malaise that characterized the 2007 general elections (Omotola 2006c; 2009a). This was particularly because the sitting vice-president openly voiced his opposition to the president's tenure prolongation agenda and worked assiduously for its failure. For this reason, the ruling party became hostile to his presidential ambitions, a development that forced his exit to mastermind the formation and funding of a new opposition party, the Action Congress (AC) (now Action Congress of Nigeria, ACN), on whose platform he ran for the presidency. The ensuing battle for supremacy between the president and his erstwhile deputy set the tone for the flawed 2007 elections.

Unconstitutional changes of government have also contributed to economic dislocations and stresses in many African countries. For example, before the power-sharing deal in Zimbabwe, the economy had almost collapsed, with of-

ficial inflation, as at July 2008, reaching a global record of 231 million per cent. This was followed by an outbreak of cholera, which reportedly killed 3,295 Zimbabweans and affected 64,000 others (Peta 2009:3). The decline of the economy and attendant dislocations in the health sector could not be totally divorced from the various sanctions imposed on the country, including the withdrawal of various forms of foreign aid pending the resolution of the political crisis. Donors were particularly concerned at the spate of third term constitutional amendments, a development that led Britain in the case of Museveni's Uganda to cancel £ 5 million (US$ 9.52 million) of budget aid (Matsamura 2005). Sanctions of this nature only further impoverish the economy and push people into more hardship.

In the long run, these complications dampen popular interest in and support for democracy and feed into mass apathy or a retreat into identity politics. As citizens become increasingly frustrated about having a say in who governs them as a result of various unconstitutional changes of government, they become increasingly cynical about the substance and relevance of democracy to their everyday survival. If democracy cannot better lives, people are bound to continue to raise questions and express doubts about its relevance. This is a fundamental challenge to the consolidation of democracy in Africa.

With respect to the reincarnation of military coups in Africa, some have argued that in some cases coups played an important role in removing an oppressive, dictatorial government when all other avenues have failed. Heinlein (2009:1) advances this position very strongly when he asserts that 'these coups could multiply because for some it is the easiest way to make your voice heard … because if they cannot be a political opposition party or have access to election by themselves, they will access by military means.' This perspective was well canvassed with regard to the Nigerien coup. Pryce (2010:2), for example, declared that though it was not in character, she 'support[s] the present coup in Niger, not because the putschists would be better managers of this impoverished nation, but because Mamadou Tandja had refused to leave office, after his constitutionally mandated second term ended in December 2009.' This thesis has gained credibility because many Nigeriens, including civil society groups, trade unions and opposition parties, declared their support for the coup and the military junta has lived up to its promise of using the coup to prepare the country for a peaceful return to democratic ways.

As appealing as the argument seems, it can hardly stand the test of time for at least three important reasons. First, the argument suffers from internal contradictions. As Pryce correctly noted, the coup leaders were not likely to deliver better governance. If they could not, why did they intervene in the first instance? Second, experiences and studies have shown that military regimes in most African countries end up as reactionary forces, rather than revolutionary

and developmental ones (Adekanye 1993). Finally, military intervention under whatever guise negates national, regional and international democratic norms and practices.

Concluding Remarks

The various forms of unconstitutional change of governments constitute grave dangers to the stability and consolidation of democracy in Africa. As Odinkalu (2008:1) argues, 'unconstitutional changes of government establish dictatorships, subvert democratic governance, preclude the exercise of the rights of people to constitute or change their government, and lead to the violations of human rights.' When sanctions are imposed on an unconstitutional government by the international community and donors, ordinary people feel the pain and suffer much more than the power elites. In these circumstances, both strategic and non-strategic elements of national security are compromised, especially human security. These consequences generate conditions that are inimical to the stability and consolidation of democracy.

In the final analysis, while the internal forces at play in various African countries, and the failure of sub-regional and regional governance structures to respond adequately in line with their norms and principles, underscore the phenomenon of unconstitutional changes of government, one must also not lose sight of the role of, or complicity of external hegemonic interests. Such complicity is often rooted in colonial and postcolonial history, particularly among ex-colonial powers seeking to protect long-term economic or strategic interests, or could result from economic, strategic and energy security calculations by the world's established and emerging powers keen to pursue or preserve beneficial relations. External actors can also take the form of neighbouring states with a stake in the outcome of elections or post-election violence. The result of adverse external meddling in countries afflicted by unconstitutional power changes, or the crisis arising therefrom, is the undermining of the emergence of autonomous state structures and institutions that can give rise to indigenous democratic governance structures and processes. In other words, understanding of the travails of democracy in Africa will be greatly enhanced through a careful reading of internal and external variables and the dynamics of the interplay between them. Such an understanding will serve an important role as the continent and its people grapple with the complex challenges of democratic development and consolidation.

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