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**Stemming  
Unconstitutional  
Change of Government  
in West Africa: The Role  
of Non-State Actors**

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**Working Paper**

The Working Paper is produced with the support of the Social Science Research Council's (SSRC) African Peacebuilding Network (APN), with funding by the Carnegie Corporation of New York.



## Introduction

This paper generally explores the phenomenon of unconstitutional change of government (UCG) in West Africa, with specific emphasis on possible mechanisms for stemming the tide and assigning particular importance to the role of non-state actors (NSAs) in the process. Such a focus is pertinent for a number of reasons. First, most interventions aimed at combating UCG, at the levels of both preventive and reactive measures and including normative and policy frameworks, have tended to focus almost exclusively on the role of the state, at the expense of NSAs. Second, despite these responses to it, UCG remains a constant feature of politics and democratization in Africa in general and West Africa in particular. The continuing manifestations of the problem in its diverse forms suggest the existence of certain gaps in the responses that require some remedy. Above all else, they show the task of stemming the tide of UCG can no longer be left in the hands of governments (national, subregional, or regional) alone and underscore the need to explore opportunities to tap into the potential of NSAs. This is imperative at a time when UCG has become one of the main sources of democratic trappings in the subregion. A trapped democratization is one that fails for whatever reasons to improve its democratic qualities, measured by its procedure, content, and results, often characterized by disequilibrium between the demand for and supply of democracy. Even more damaging, in such transitions, efforts geared toward regaining equilibrium are usually superficial, and where genuine enough as to be able to effect desirable change, often are hijacked by the political class/power elite to maintain the status-quo<sup>1</sup>.

The primary objective of this paper is to make a modest contribution toward filling the gaps in the responses to UCG in West Africa. While these gaps have been discussed in fair detail in some important sources, the extant literature appears to have focused exclusively on noticeable limits in state and official responses, including inconsistency in the application of the normative principles against UCG.<sup>2</sup> For this paper, however, we conceptualise these gaps differently in terms of the marginalisation, if not the exclusion, of NSAs in the fight against UCG in West Africa. Against the background of this conceptualisation, we argue that effectively stemming the tide requires not only recognising but also paying adequate attention to the

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<sup>1</sup> For a detail discussion of democratic trappings, see J. Shola Omotola, 'Trapped in Transition? Nigeria's First Democratic Decade and Beyond', *Taiwan Journal of Democracy*, Vol. 9, No. 2, pp. 171-200

<sup>2</sup> For a robust critique, see J. Shola Omotola, "Unconstitutional Changes of Government in Africa: What Implications for Democratic Consolidation?" (Discussion Paper No. 70, Nordic Africa Institute, Uppsala, Sweden, 2011). For a much more elaborate account, see also African Union Panel of the Wise, *Election-Related Disputes and Political Violence: Strengthening the Role of the African Union in Preventing, Managing, and Resolving Conflict*, African Union Series (New York: International Peace Institute, July 2010).

critical roles NSAs can play in the process. The central argument is that if adequately equipped, especially in the areas of capacity building, internal democracy promotion, effective coordination, and broad-based coalition, NSAs can be pivotal to the resolution of this lingering problem. Their role, among others, involves addressing the roots of UCG, most importantly democratic, governance, and development deficits in their diverse forms, including electoral corruption and violence, endemic corruption, the widening divide between the ruling elite and their cronies and the general populace, rising unemployment, excruciating levels of poverty, and infrastructural decay.

The first section of the discussion that follows presents a critique of the definition of UCG, especially as conceptualized by the regulatory norms of the African Union (AU). The second undertakes some theoretical reflections on the expected links between NSAs and UCG, especially with respect to stemming the latter. The third demonstrates how UCG in whatever form constitutes a threat to democratic stability and socioeconomic development, drawing lessons from specific cases of UCGs in West Africa under the current wave of democratisation. Section four briefly examines official responses to UCG, both in theory and practice, and reflects on continuity and change, as well as convergences of and divergences between the responses of the Economic Community of West African States (ECOWAS) and the African Union (AU). The analytical fulcrum of the paper begins in section five, which is mainly a critical discussion of unofficial responses to UCGs, specifically the role played by NSAs. The final section offers explanations for the performance of NSAs, underscoring four main explanatory themes: the capacity question, the prebendalisation of NSAs as a worrisome dimension in state–NSA relations, the issues of proliferation and effective coordination of NSAs, and the influence of popular culture, especially that of artists and musicians. A conclusion succinctly recaps the main arguments of the paper and offers recommendations on how to reposition NSAs effectively to deal with UCGs in West Africa.

### **A Critique of the Definition of UCG**

It is apposite to open with a basic question: what constitutes UCG? In the Lomé Declaration on the Framework for an OAU (Organisation of African Unity) Response to Unconstitutional Changes of Government adopted in July 2000, the Assembly of Heads of State and Government agreed it can be defined as one of the following:<sup>3</sup>

- Military coup d'état against a democratically elected government
- Intervention by mercenaries to replace a democratically elected government
- Replacement of a democratically elected government by armed dissident groups or rebel movements
- Refusal by an incumbent government to relinquish power to the winning party after free, fair, and regular elections

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<sup>3</sup> See the Lomé Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government, cited in J. Shola Omotola, *Unconstitutional changes of Government...* Ibid, p.16.

This definition was expanded to include a fifth item in January 2007 through the African Charter on Democracy, Elections and Governance (ACDEG), adopted during the eighth ordinary session of the Assembly of the AU in Addis Ababa—namely, “manipulation of constitutions and legal instruments for prolongation of tenure of office by (an) incumbent regime.”<sup>4</sup> The inclusion of tenure elongation, otherwise known as the *third term agenda*, as a constituent of unconstitutional changes of government has been considered understandable because it had, at the time of its introduction, become very attractive to African leaders.<sup>5</sup> Between 1990 and 2005, for example, eighteen African presidents had reached the completion of two terms and were constitutionally barred from seeking a third. Of these, nine resisted the temptation of seeking one anyway, while the other nine attempted it. Of the nine who made the attempt, three succeeded while six failed.<sup>6</sup>

ECOWAS, being one of the regional blocs of the AU, does not differ in its own definition of UCG. Specifically, ECOWAS implicitly defines UCG in its Protocol on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Resolution, Peacekeeping and Security, December 2001, when it states the following principles:<sup>7</sup>

- 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 decentralisation 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].

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<sup>4</sup> Article 23 of the African Charter on Democracy, Election and Governance, 2007, <http://www.achpr.org/instruments/charter-democracy/>, quoted in Chidi A. Odinkalu, ‘Concerning Kenya: The Current AU Position on Unconstitutional Change of Government’, Open Society Initiative Africa Governance Monitoring and Advocacy Project (AfriMAP), 2008. Available at

[http://www.afriMAP.org/english/images/paper/AU&UnconstitutionalChangesinGovt\\_Odinkalu\\_Jan08.pdf](http://www.afriMAP.org/english/images/paper/AU&UnconstitutionalChangesinGovt_Odinkalu_Jan08.pdf) (accessed on 12 January 2011); see also Khabele Matlosa, “Pan-Africanism, the African Peer Review Mechanism and the African Charter on Democracy, Election and Governance: What Does the Future Hold?” (Occasional paper no. 190, South African Institute of International Affairs’ Governance and APRM Programme, June 2014), 11

<sup>5</sup> J. Shola Omotola, “Third Term Politics and the De-institutionalisation of Power in Africa,” *Africa Review* 3, no. 2 (2011): 123–40.

<sup>6</sup> J. Shola Omotola, “African Union and the Promotion of Democratic Values in Africa: An Electoral Perspective” (occasional paper no. 185, South African Institute of International Affairs’ Governance and APRM Programme, May 2014), 8–9; see also Daniel N. Posner and Daniel J. Young, “The Institutionalization of Political Power in Africa,” *Journal of Democracy* 18, no. 3 (2007): 126–40.

<sup>7</sup> Article 1 (b–e) of the ECOWAS (Economic Community of West African States) Protocol 1/12/01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Resolution, Peacekeeping and Security, 2001, <http://www.comm.ecowas.int/sec/en/protocoles/Protocol%20on%20good-governance-and-democracy-rev-5EN.pdf> (accessed March 15, 2014).

The same protocol also requires a party or candidate who loses an election to concede and hand over power to the victorious party or candidate.

What these definitions suggest is that, normatively, UCG is coterminous with any forms of ascension to power not recognised by laws at the regional, subregional, and national levels. In light of the Arab Spring,<sup>8</sup> however, and attendant concerns about the possibility of spillover elsewhere in Africa—especially West Africa<sup>9</sup>—the shortcomings in the definition of UCG have begun to receive serious attention in scholarly, policy, and advocacy circles. In particular, the Arab Spring generated concerns about the appropriateness of the AU's definition of UCG,<sup>10</sup> about contradictions in the responses to the Libyan uprising from the AU, which tended to see the people's revolt as unconstitutional,<sup>11</sup> and about the implications of these developments for the AU's emerging peace and security regime,<sup>12</sup> among others. In fact, Jean Ping, a former chair of the AU Commission, alluded to these concerns during an extraordinary meeting of the AU Assembly:

The popular uprisings that occurred in North Africa were unparalleled and posed serious doctrinal problems, because they do not correspond to any of the cases defined by the Lomé declaration on unconstitutional change of government.<sup>13</sup>

All this suggests that the extant definitions of UCG lack sufficient predictive capacity, failing as they did to envisage or preempt an Arab Spring–like change of government, where people can decide to take their rightful place in the governance process as the primary stakeholders and owners. The big question has to do with the appropriate definition of such people-led interventions as either constitutional or unconstitutional. The “body language” of the AU,

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<sup>8</sup> For an analysis of the Arab Spring, see J. Shola Omotola, “Legitimacy Crisis and ‘Popular Uprisings’ in North Africa,” *Strategic Analysis* 36, no. 5 (2012): 713–19; Eva Bellin, “Reconsidering the Robustness of Authoritarianism in the Middle East: Lessons from the Arab Spring,” *Comparative Politics*, January 2012, 127–49; and Issiaka K. Souare and Berouk Mesfin, eds., *Conference Report: A Critical Look at the 2011 North African Revolution and Their Implications* (Pretoria, SA: Institute for Security Studies, 2011).

<sup>9</sup> J. Shola Omotola, “Post–Arab Spring: ECOWAS and the Promotion of Democratic Values in West Africa,” *West Africa Insight*, March 2014, 9–11.

<sup>10</sup> Dirk Kotze, “Africa’s Concept of ‘Unconstitutional Change of Government’—How Appropriate?” *Conflict Trend*, issue 4 (2013): 3–10.

<sup>11</sup> See Kathryn Sturman, “The African Union and the ‘Arab Spring’: An Exception to New Principles or Return to Old Rules?” ISPI Analysis, Istituto per gli Studi di Politica Internazionale, 2012, [http://www.ispionline.it/sites/default/files/pubblicazioni/analysis\\_108\\_2012.pdf](http://www.ispionline.it/sites/default/files/pubblicazioni/analysis_108_2012.pdf) (accessed September 25, 2014). See also Alex Dewaal, “The African Union and the Libya Conflict of 2011,” World Peace Foundation, December 19, 2012, <http://sites.tufts.edu/reinventingpeace/2012/12/19/the-african-union-and-the-libya-conflict-of-2011/> (accessed September 25, 2014).

<sup>12</sup> Solomon A. Dersso, “The North African Uprisings and Their Implications to AU’s Emerging Peace and Security Regime,” *African Renaissance* 8, no. 3 and 4 (2011): 21–33.

<sup>13</sup> Haile Guesh, *The Response of the African Union to the North Africa Revolutions of 2011: Critical Analysis on the African Union Normative Frameworks Governing Democracy, Constitutionalism and Unconstitutional Change of Government*, An LLM thesis in Public International Law submitted in partial fulfilment of the requirements of the degree LLM in Public International Law Addis Ababa University, College of Law and Governance Studies, March 2013; available at <http://etd.aau.edu.et/dspace/bitstream/123456789/4836/1/Thesis.pdf> (accessed on September 25, 2014).

gleaned from its responses to the North African uprisings, especially Libya, suggests it sees such an incident as more unconstitutional than constitutional. Such a reading betrays people's aspirations—indeed, their right—to good governance and development where their basic needs are fully met.

A key lesson of the Arab Spring is that the people hold the key to democratic stability and development, both as primary stakeholders and clients. Their unconventional intervention to claim what rightfully belongs to them, especially after having explored all institutional avenues for remedy (such as elections) to no avail, cannot easily be wished away in the name of the fact that such interventions are not codified into any statutes. African leaders should be conscious of this reality.

### **Non-State Actors and UCG: Theoretical Reflections**

What should be the role of NSAs in stemming the phenomenon of UCG in West Africa? We next engage this theoretical puzzle. Before going into the debate, though, it is important to have a working definition of NSAs.

To begin with, we use the term NSAs here synonymously with civil society, including nongovernmental organisations (NGOs). In the light of this usage, we define NSAs essentially as autonomous societal groups that interact with the state, formally and/or informally, in ways that streamline and constrain the state's actions and/or inactions pertaining to certain specific issues, most notably governance and development. This conforms with Larry Diamond's definition of civil society as "that realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state, and bound by a legal order or set of shared values."<sup>14</sup> NSAs have also been seen as the "aggregate of institutions whose members are engaged in complex non-state activities."<sup>15</sup> More comprehensively, civil society has been defined as

the force for societal resistance to state excesses and the centre-piece organizationally, materially and ideologically of the social movements and protests for reform and change. Thus civil society has come to be regarded as a "fount and reciprocity of dissent," a pressure on the state from without and a social base for pressures or control on state institutions.<sup>16</sup>

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<sup>14</sup> Larry Diamond, "Rethinking Civil Society: Towards Democratic Consolidation," *Journal of Democracy* 5, no. 3 (1994): 4–17.

<sup>15</sup> Quoted in Augustine Ikelegbe, "The Perverse Manifestation of Civil Society: Evidence from Nigeria," *Journal of Modern African Studies* 39, no. 1 (2001): 2.

<sup>16</sup> Michael Bratton, "Popular Protest and Political Reform in Africa," *Comparative Politics* 24, no. 4 (1992): 419–42.

With specific reference to the promotion of democracy, the role of civil society or, better still, NSAs, has been well articulated to include the following:<sup>17</sup>

- Limiting state power and promoting pluralism and openness in the flow of information
- Supplementing the role of political parties in stimulating political participation
- Providing an arena for the development of other dimensions of political culture: tolerance, moderation, a willingness to compromise, and respect for opposing views
- Structuring multiple channels, beyond the political party, for the articulation and representation of interests
- Crosscutting and mitigating the polarities of political conflict
- Recruiting and training new political leaders, particularly women and ethnic minorities, into the political process
- Strengthening democracy through election monitoring groups, democracy institutes and think tanks
- Disseminating information leading to the empowerment of citizens in their collective pursuit and defence of their interests and values
- Enhancing the accountability, responsiveness, inclusiveness, effectiveness, and legitimacy of the political system, giving citizens respect for the state and positive engagement with it

The foregoing suggests that, ordinarily, civil society/NSAs should be basically concerned with the promotion of popular empowerment, capacity expansion, freedom, and good governance. They can do this to the extent that they can adequately monitor and hold young democracies to account.

But for NSAs to be able to play these ascribed roles effectively, they require some intrinsic virtues. Among others, democracy-enhancing NSAs should possess the following attributes:<sup>18</sup>

- Autonomy from social interests and the state
- Capacity for collective action promoting interest or passion
- Absence of an intention to govern the polity
- Agreement to act within civil rules, conveying mutual respect

Other salient qualities include self-generating or voluntariness, that is voluntarily formed by the people, not being mandated or run by state institutions, being self-supporting, particularly in terms of funding, and non-profitability. They should also be very active, transforming from a

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<sup>17</sup> Diamond, "Rethinking Civil Society"; Nelson Kasfir, "Civil Society, the State and Democracy in Africa," *Commonwealth and Comparative Politics* 36, no. 2 (1998): 123–49.

<sup>18</sup> Philippi C. Schmitter, "Civil Society East and West," in *Consolidating the Third Wave Democracies*, ed. Larry Diamond, Marc F. Plattner, Yun-han Chu, and Hung-mao Tien (Baltimore, MD: John Hopkins University Press, 1997), 240.

civil society in name, characterized by incoherence, lethargy, and passive disposition, to a civil society in action, characterized by collective activism in confrontation with the state.<sup>19</sup>

In sum, NSAs have some important roles to play, especially with respect to the challenge of stemming UCG in West Africa. The most basic involves devising and implementing sustainable initiatives at all levels of governance—regional, subregional, national, state, and local—that can help tackle and redress the sources of UCG. While these are as varied as the diverse forms of UCG itself, some of the key drivers were identified in a recent report by the Centre for Democracy and Development (CDD).<sup>20</sup> They include some core governance and development challenges, the first of which is what the CDD calls the citizenship question and associated politics of identity, whose nature often undermines individual and group rights.

The second challenge has to do with institutional weaknesses, which threaten democratic stability and sustainability and afflict, most notably, the legislature, the judiciary, civil society, and, in some cases, even the military. Such weaknesses, according to the report, manifest in the inability of these institutions to formulate, regulate, and ensure enforcement of democratic norms and practices in ways that will foster socioeconomic transformation and political development. The third challenge is the lack of genuine commitment to political and socioeconomic transformation by political cum national leaders at the highest level. Finally, the report also identified as a driver of UCG the seeming lack of political will on the part of national leaders to respond adequately and consistently to various cases of it in line with extant regulatory norms.

The outcome, in most cases, has been the pervasiveness of legitimacy crisis, or, worse still, negative legitimacy, in these countries. Nothing exemplifies this thesis better than the Arab Spring, whose possibilities in West Africa have been predicated upon the existence of its triggers and accelerators—namely, legitimacy crisis.<sup>21</sup> To be sure, these uprisings, despite variations in the contexts in which the drivers of UCG occur, are said to have been rooted in a common set of conditions that include, according to the International Crisis Group, “autocratic regimes; lack of representative institutions; flagrant iniquities; corruption; nepotism; and more broadly, a sense that rulers increasingly have been treating public resources as private goods.”<sup>22</sup> This is corroborated by another informed source, which argues, based on the fragility indices of these countries, that

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<sup>19</sup> See J. Shola Omotola, “The Civil Limitation of Civil Society: Insight from Nigeria,” *Unilag Journal of Politics* 2, no. 2 (2005); Darren Kew, “The Third Generation of Civil Society: The Rise of Non-Governmental Organizations in the 1990s,” in *Nigeria’s Struggle for Democracy and Good Governance: A Festschrift for Oyeleye Oyediran*, ed. Adigun A. B. Agbaje, Larry Diamond, and Ebere Onwudiwe, 101–31 (Ibadan: University of Ibadan Press, 2004); Ebenezer Obadare, “Manufacturing Civil Society: The Abacha Junta and the Struggle for Public Space in Nigeria,” in *Nigeria’s Struggle for Democracy*, ed. Agbaje et al., 133–52.

<sup>20</sup> Center for Democracy and Development, “Preventing Unconstitutional Changes of Governments In West Africa: The Role of State and Non-State Actors,” CDD-UCG policy brief, 2014, [http://www.cddwestafrica.org/index.php/en/reports/cat\\_view/1-governance-security-and-development](http://www.cddwestafrica.org/index.php/en/reports/cat_view/1-governance-security-and-development).

<sup>21</sup> Omotola, “Post-Arab Spring”; Omotola, “Legitimacy Crisis and Popular Uprisings.”

<sup>22</sup> International Crisis Group (ICG), “Popular Protest in North Africa and the Middle East (II): Yemen Between Reform and Revolution,” Middle East/North Africa Report No. 102, March 10, 2011,

the primary source of instability . . . is the lack of political legitimacy between the rulers and the ruled . . . It is the longstanding frustration with the type of political regime in place, human rights violations, lack of good governance and corruption that have led to the current situation.<sup>23</sup>

Given these conditions, it follows, then, that NSAs have a responsibility for channeling their energies and resources towards addressing these sources of UCG. This demands the promotion of greater consensus around these issues among various NSAs. It also requires that NSAs focus, especially in their advocacy, on the consistent application of extant regulatory norms to all cases of UCG to serve as a deterrent to other prospective culprits. Moreover, NSAs also need to invest heavily in initiatives that can help strengthen oversight institutions, particularly the legislature and the judiciary, so the government can always be held accountable for its actions and/or inactions.

Hence, institutional reform that can guaranty the autonomy of such oversight agencies should be the priority of NSAs. As a matter of deliberate policy, electoral reform that can engender the capacity (that is, the independence, professionalism, and credibility) of electoral management bodies (EMBs) to conduct credible elections whose processes and outcomes will be acceptable to all stakeholders should be of particular interest. This is important, given that the refusal by incumbents to hand over power to victorious opposition candidates often derives from allegations and counter-accusations of electoral impropriety.

Above all else, NSAs should, in the event of specific cases of UCG, not only organise, sensitise, educate, and mobilise the populace against such occurrences; they should also build a grand coalition—a form of panregional movement—and exert maximum pressure on appropriate authorities, most notably ECOWAS, the AU, and the international community, to apply existing regulatory norms, including sanctions. Such interventions require aggressive but purposeful media and publicity, both local and international, along with sustainable peaceful protests, propaganda, and effective politicisation, including lobbying at the highest national and subregional political levels.

### **UCGs as Threats to Democratic Stability and Development**

UCG in whatever guise, be it a military coup, tenure elongation, refusal of incumbents to hand over power to victorious opposition candidates, or seizure of power by mercenaries, dissident groups, or rebel movements, can have dire consequences for democratic stability and socioeconomic development. To drive home this point, we now discuss the various forms and manifestations of UCG in West Africa in recent times.

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<http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/yemen/102-popular-protest-in-north-africa-and-the-middle-east-II-yemen-between-reform-and-revolution.aspx>, 1.

<sup>23</sup> David Carment and Yiagadeesen Samy, “The Social Underpinnings of the Current Uprisings in North Africa and the Middle East,” Canadian Defence and Foreign Affairs Institute, February 2011, 4.

It is important to state at the outset that the various forms of UCG identified by the AU and ECOWAS have occurred (and are still occurring) in West Africa. Dynamics have been changing, however, with the recent wave of democratization. To be sure, the dominant form of UCG in West Africa was, for a very long time, the military coup, intertwined with the activities of mercenaries and rebel movements. For example, of the seventy-seven successful coups in Africa between 1958 and 2008, thirty-eight (49 percent) occurred in West Africa. Overall, however, West Africa recorded a total of eighty-eight coups between 1955 and 2004, exactly half of which were successful and the other half of which failed.<sup>24</sup>

But since the turn towards civil rule beginning in the early 1990s, military coup has ceased to be the main source of UCG in West Africa. This is not to say the problem has been completely eliminated; isolated cases still occur, as experienced in the Central African Republic (CAR) in 2003; Guinea in December 2008; Guinea Bissau in 2003, March 2009, and May 2012; Mali in May 2012; Mauritania in 2005 and August 2008; Niger in May 2009 and February 2010; and Togo in 2005.<sup>25</sup>

With the notable exception of Côte d'Ivoire in 2010, the phenomenon of refusal by incumbents to hand over power to victorious opposition has been rare in West Africa. Cases of armed rebellion dislodging a legitimate democratic government have also been isolated. A significantly high level of threats have come from such rebel groups, however, including Boko Haram in Nigeria and, in northern Mali, the National Movement for the Liberation of Azawad (MNLA), the High Council for the Unity of Azawad (HCUA), and the Arab Movement of Azawad (MAA), all of which have been active in the Tuareg rebellion there.<sup>26</sup> These groups have been unsuccessful in challenging the governments in place.

Tenure elongation has emerged as one of the strongest sources of threats to democratic stability in Africa in general, however, as evidenced by the relatively frequent incidents in recent years. Between 2001 and 2010, for example, Africa recorded fourteen attempts to prolong tenure in office in opposition to the constitution, six of which were in West Africa. As can be seen in Table 1, eleven of these attempts were successful, at least at the level of constitutional amendment to facilitate such extensions.

**Table 1: Outcome of the Third Term Agenda in Africa, 2000–2012**

SN	Country	President then	Mechanism/Date	Outcome
1	Algeria	Abdelaziz Bouteflika	Constitution amendment (CA), November 12, 2008	Successful

<sup>24</sup> Omotola, “Unconstitutional Changes of Government,” 12–13; Matlosa, “Pan-Africanism,” 9. See also Patrick McGowan, “Coups and Conflict in West Africa, 1955–2004: Part II, Empirical Findings,” *Armed Forces and Society* 32, no. 2 (2006): 234–53, and David Zounmenou, “Coups d’état in Africa between 1958 and 2008,” *African Security Review* 18, no. 3 (2009): 71–73.

<sup>25</sup> Omotola, “The African Union and the Promotion of Democratic Values,” 17.

<sup>26</sup> Aljazeera, “Rebel Groups in Northern Mali Agree to Unite,” November 5, 2013, <http://www.aljazeera.com/news/africa/2013/11/rebel-groups-northern-mali-agree-unite-201311423413112694.html> (accessed September 20, 2014).

2	Cameroon	Paul Biya	CA, April 10, 2008	Successful
3	Chad	Idriss Deby	Constitutional amendment	Successful
4	Djibouti	Ismail Omar Guelleh	CA, April 19, 2010	Successful
5	Gabon	Omar Bongo	Constitutional amendment	Successful
6	Guinea	Lansana Conte	Constitutional amendment	Successful
7	Malawi	Bakili Muluzi	CA, July 2002	Failed
8	Namibia	Samuel Nujoma	CA, December 1998	Successful
9	Nigeria	Olusegun Obasanjo	CA, 2006	Failed
10	Senegal	Abdoulaye Wade	Constitutional court, 2011–12	Successful but failed at the poll
11	Togo	Gnassingbe Eyadema	Constitutional amendment	Successful
12	Tunisia	Zeni el-Abidine Ben Ali	CA, 2002	Successful
13	Uganda	Yoweri Museveni	Constitutional amendment	Successful
14	Zambia	Frederick Chiluba	CA, April 2001	Failed

**Source:** Omotola, "The African Union and the Promotion of Democratic Values," 19–20.

This tendency assumes broader significance in the discourse on UCG in Africa when we reflect on the history of the phenomenon. Keen observers of the trend would know that while tenure elongation may not be totally new on the continent, it was, until recently, peculiar to military regimes reputed for frequent alterations of proposed dates of transition to civil rule. To have it now deeply entrenched in a supposedly democratic setting, in which government is often described as limited partly because of terms limits, makes it generally bewildering and unacceptable.

Irrespective of its forms, UCG has always had dire consequences for the democratic stability and socioeconomic development of West Africa. Military coups, for example, wherever and whenever they occur, have always brought an abrupt end to democratic experiments, leading to the suspension or abrogation of key democratic institutions, including the constitution and the legislative arm of government. It is, therefore, hardly surprising that the underdevelopment of the legislature in most African democracies vis-à-vis the executive arm has been largely attributed to prolonged rule of the military and the legislature's attendant suffocation.<sup>27</sup> Military interventions have also been blamed for the entrenchment of the political culture of impunity and systemic corruption in several African countries, including Nigeria. It is upon these foundations that a critique of the theory of the modernizing soldier was predicated, showing the smallness of the military modernizing ratio (MMR), that is total budgetary outlay on development/modernizing projects relative to the military extractive ratio (MER), that is all military cum security and related budgetary allocations.<sup>28</sup>

<sup>27</sup> See Emmanuel O. Ojo and J. Shola Omotola, eds., *The Legislature and Governance in Nigeria: A Festschrift for Emeritus Professor John A. Ayoade* (Ibadan: John Archers Publishers, 2014).

<sup>28</sup> J. Bayo Adeganye, "Military Occupation and Social Stratification" (inaugural lecture, University of Ibadan, November 25, 1993).

Also attributed to the politics of tenure elongation have been the troubled politics of succession, the political fractionalisation of the ruling party, and other forms of political tension, as was the case in Obasanjo's Nigeria in 2006–7 and Wade's Senegal in 2010–11, among others.<sup>29</sup> Similarly, refusal by defeated incumbents to hand over power to victorious opposition has been a major bane of democratic progression in Africa, serving as a source of post-election violence and leading to the invention of often counterproductive power-sharing arrangements whose short-term gains cannot endure over a long period.

All these shortcomings, which a foremost student of African politics called part of the "pains of democratisation,"<sup>30</sup> manifested in Côte d'Ivoire in 2010–11, when post-election violence there generated a great many internationally displaced persons (IDPs) and refugees. From an initial count of 15,120 Ivorian refugees and 4,000 others awaiting registration on December 28, 2010, the figure rose to include 20,080 in Nimba City, Liberia, and another 252 in Bossou town, Guinea. In all, over 1 million people were certified as IDPs during the Ivorian crisis.<sup>31</sup> In addition, by April 2011, at least 1,012 persons, including 103 women and 42 children, were said to have been killed in post-election violence in the regions of Moyon Cavally and Dix-Huit Montagnes.<sup>32</sup>

Such political violence and attendant humanitarian crisis associated with UCGs, as illustrated in the foregoing cases, usually serve to divert resources away from development programmes that would have supported democratic stability towards the essential but ultimately unproductive venture of survival. This was exemplified by the Ivorian case, in which the United Nations and its partners appealed for \$160 million for humanitarian interventions, which was to provide each affected person with a paltry \$74,<sup>33</sup> and was apart from the huge resources devoted to peacekeeping and peacebuilding in the country.

## Official Responses

Official responses to UCG in West Africa have always emerged from within the framework of the AU's and ECOWAS's normative principles. In general, the most prevalent forms of response

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<sup>29</sup> In 2006, President Obasanjo of Nigeria attempted a third term agenda that was defeated, leading to a tumultuous politics of succession in 2007. Wade of Senegal succeeded in securing the constitutional amendment but was defeated in the presidential election due to popular movement by civil society and opposition forces against his candidature. See Omotola, "Third Term Politics..."

<sup>30</sup> Khabele Matlosa and Victor Shale, "The Pains of Democratisation: Uneasy Interface between Elections and Power-Sharing Arrangements in Africa," *Africa Review* 5, no. 1 (2013): 1–22; see also Nicolas Cook "Côte d'Ivoire's Post-Election Crisis," Congressional Research Service (CRS) report for Congress, January 28, 2011, <http://fpc.state.gov/documents/organization/156548.pdf> (accessed September 15, 2014).

<sup>31</sup> See UNOCHA, "Côte d'Ivoire Post-Election Crisis: Humanitarian Update 8," January 11, 2011, quoted in Omotola, *Unconstitutional Changes of Government...* pp. 36-37

<sup>32</sup> United Nations Operations in Côte d'Ivoire (UNOCI), "Post-Election Violence Claims More Than 1000 Lives In Western Côte D'Ivoire, According to UNOCI Report," April 26, 2011, [http://www.un.org/en/peacekeeping/missions/unoci/documents/unoci\\_pr\\_elections26052011.pdf](http://www.un.org/en/peacekeeping/missions/unoci/documents/unoci_pr_elections26052011.pdf) (accessed September 15, 2014).

<sup>33</sup> See UN News Centre, "Côte d'Ivoire Stand-Off Over But Humanitarian Crisis Continues, UN and Partners Warn," April 14, 2011, <http://www.un.org/apps/news/story.asp?NewsID=38110&Cr=ivoire&Cr1=#.VCyOqPldUzo> (accessed September 15, 2014).

include condemnation of all forms of UCG and the imposition of sanctions, such as the suspension of violators, non-recognition, and denial of participation in AU and ECOWAS activities, among others. Specific forms of UCG, however, seem important to determining the specific forms of sanctions to be imposed.

With respect to military coups, for example, official responses usually encompass condemnation, suspension, and nonrecognition. For example, in the aftermath of the Mali coup of 2012, both the AU and ECOWAS not only condemned it, but also imposed targeted sanctions against members of the junta and their allies. These included the suspension of Mali's membership in ECOWAS, a travel ban on members of the National Committee for Rectification of Democracy and Restoration of the State (CNRDRE, formed by the mutinying soldiers) and their associates, the recall of ECOWAS ambassadors from Mali, and the closure of Mali's borders with ECOWAS member states. The comprehensiveness and potential negative effect of these sanctions on CNRDRE have been fingered as one of the reasons "the military junta agreed to hand over power to a transitional government and on the 6th of April, ECOWAS lifted the sanctions."<sup>34</sup> In all other recent coups, as outlined earlier, ECOWAS deployed similar responses, swiftly condemning them and imposing sanctions (except in the case of Mauritania, which had pulled out of ECOWAS in December 2000).<sup>35</sup>

ECOWAS cannot, however, be said to have been as consistent in its responses to constitutional amendments for tenure elongation. Its responses to such instances in Niger, Nigeria, and Senegal left more to be desired, as the organization was almost silent and, in the case of Senegal, even sought a kind of soft landing for then president Wade when he was defeated in the 2012 election. But in the case of the Ivorian crisis over the refusal of Laurent Gbagbo to hand power over to Alasane Quattara, ECOWAS made its position clear by recognising Alasan Quatarra, the declared winner of the election, and demanding Gbagbo do the right thing by stepping down.<sup>36</sup>

Despite these interventions, however, UCG in its diverse forms remains a constant feature of politics in West Africa. If anything has changed, it is only in the frequency of occurrence. This is so partly because most, if not all, the mechanisms of intervention have focused almost exclusively on the formal, at the expense of the informal, institutions of politics, most especially

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<sup>34</sup> Kwesi Aning, Frank Okyere, and Mustapha Abdallah, "Addressing Emerging Security Threats in Post-Gaddafi Sahel and the ECOWAS Response to the Malian Crisis," policy brief no. 1, May 2012, Kofi Annan International Peacekeeping Training Centre, Accra, Ghana, <http://www.kaiptc.org/Publications/Policy-Briefs/Policy-Briefs/Addressing-Emerging-Security-Threats-in-Post-Gadda.aspx> (accessed September 15, 2014), 5.

<sup>35</sup> See Gilles Olakounle Yabi, *The Role of ECOWAS in Managing Political Crisis and Conflict: The Cases of Guinea and Guinea-Bissau* (Abuja, Nigeria: Friedrich Ebert Stiftung, 2010), <http://library.fes.de/pdf-files/bueros/nigeria/07448.pdf> (accessed September 15, 2014), and Ayodele Akenroye, "ECOWAS and the Recent Coups in West Africa: Which Way Forward?" IPI Global Observatory, May 8, 2012, <http://theglobalobservatory.org/analysis/278-ecowas-and-the-recent-coups-in-west-africa-which-way-forward.html> (accessed September 15, 2014).

<sup>36</sup> Cyril Obi, "ECOWAS–AU–UN Relations with Special Reference to the Côte d'Ivoire Crisis" (draft paper presented at the 13th CODESRIA General Assembly, December 5–9, 2011), [http://www.general.assembly.codesria.org/IMG/pdf/Cyril\\_Obi-2.pdf](http://www.general.assembly.codesria.org/IMG/pdf/Cyril_Obi-2.pdf) (accessed September 15, 2014).

the state. In what follows, we seek to demonstrate the importance of non-state actors in the fight against UCG in West Africa.

### **Unofficial Responses: The Role of Non-State Actors**

The extent to which NSAs in West Africa possess the required attributes and have lived up to their expected responsibilities in stemming UCG is, as earlier articulated, open to debate. Extant cases provide a sufficient basis, however, on which to argue that NSAs in West Africa have mixed records in this regard. A review of a few instances will lend credence to this claim.

On the positive side, NSAs in West Africa have contributed to stemming UCG, especially with respect to constitutional amendments for tenure elongation. The most notable successes are, without any doubt, Obasanjo's Nigeria in 2006 and Wade's Senegal in 2011–12. In both cases, NSAs mobilised powerfully to ensure the defeat of the tenure elongation agenda. Although the amendment scaled through in Senegal, the failure to prevent it was not enough to deter NSAs from continuing the effort against the ultimate motive behind it, namely the continuation of President Wade in power. Various NSA groups and popular forces were effectively rallied to ensure the defeat of Wade at the poll. As one source describes it, President Wade's attempt to cling to power was met with widespread resistance from the Senegalese people, resulting in weeks of deadly protests across the country in the lead up to the first round of the February 2012 presidential election.<sup>37</sup>

The role of musicians and artists in this process was crucial, as *The Economist* noted when it observed that "in Senegal a group of rap artists formed the nucleus of the coalition that ousted Mr. Wade."<sup>38</sup> The group, which was christened *Y'en a Marre* (We're Fed Up), was "originally formed in January 2011 by Thiat (Cheikh Omar Cyrille Toure) and Kilifeu (Mbessane Seck) of the rap group Keur Gui, and journalists Fadel Barro and Alioune Sané in the city of Kaolack in response to one of the too-frequent extended blackouts in the country."<sup>39</sup> The social movement led by *Y'en a Marre* "succeeded in arousing the dormant social consciousness of Senegalese society through community organization, written manifestoes, social media, thundering oratory, striking visual imagery, and unifying hip-hop anthems, attracting enough followers to ensure Wade's defeat and his peaceful exit from office."<sup>40</sup> The defeat of Wade did not bring the group's activities to a halt. Instead, it "sustained the tremendous momentum [it] won during the presidential elections to become an intractable institution within Senegalese

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<sup>37</sup> Nusa Tukić, "Post-election Reflection: Senegal's 2012 Parliamentary Elections," Consultancy Africa Intelligence, September 3, 2012, [http://www.consultancyafrica.com/index.php?option=com\\_content&view=article&id=1106:post-election-reflection-senegals-2012-parliamentary-elections&catid=42:election-reflection&Itemid=270](http://www.consultancyafrica.com/index.php?option=com_content&view=article&id=1106:post-election-reflection-senegals-2012-parliamentary-elections&catid=42:election-reflection&Itemid=270) (accessed September 15, 2014).

<sup>38</sup> *The Economist*, "A Hopeful Continent," Special Report: Emerging Africa, March 2, 2013, [http://www.economist.com/sites/default/files/20130203\\_emerging\\_africa.pdf](http://www.economist.com/sites/default/files/20130203_emerging_africa.pdf) (accessed September 15, 2014).

<sup>39</sup> Devin Bryson, "The Rise of a New Senegalese Cultural Philosophy?" *African Studies Quarterly* 14, no. 3 (March 2014): 33. In fact, this entire issue of the journal was a special edition on the subject entitled, "Fed Up: Creating a New Type of Senegal through the Arts."

<sup>40</sup> *Ibid.*, 33.

social, political, and cultural life.”<sup>41</sup> In 2006, a similar coalition of NSAs ensured the defeat of the third term agenda in Obasanjo’s Nigeria.<sup>42</sup>

In several cases, on the other hand, NSAs have not been able to respond boldly and effectively to UCGs in West Africa. The ongoing debate over the proposed constitutional amendment in Burkina Faso, particularly Article 37, is a useful example. To be sure, the article stipulates that “the president of Faso is elected for five years by direct universal suffrage in a secret ballot. He can only be re-elected once.”<sup>43</sup> President Blaise Compaoré, first elected in 2005 and again in 2010, has been attempting to amend it to enable him seek reelection for the third time in 2015. This has been a major source of political tensions and instability in the country since 2011, a development that peaked with civil society and opposition forces protests, including violent attack on the parliamentary building on the eve of the proposed voting on the said amendment of Article 37 to allow tenure elongation. The result was the eventual ‘resignation’ of Compaore and attendant military seizure of power in October 2014.

In fairness, NSAs have been active, if not effective, in the struggle against this move. They were, for example, the first to warn against a possible removal of the limitation of the presidential mandate. More specifically:

In May 2010 a group of people (composed of a lawyer, a journalist and a political scientist) launched a petition against the revision of the constitution. More recently, in January 2014 the movement known as *Balai citoyen* (Citizen Broom) launched a petition entitled “Respect for the rule of law in Burkina Faso.” This movement, together with other CSOs [civil society organizations], also joined the 18 January national rally organised by the opposition against the proposed referendum. On 3 March 2014 a national forum of CSOs was also organised in Ouagadougou to discuss the 2015 presidential election—particularly in relation to Article 37. Participants in this forum called for strict compliance with the constitution by inviting the government to avoid any modification of Article 37. They also proposed a roadmap for peaceful, transparent and fair elections. All these events illustrate the broad mobilisation of a significant part of Burkina Faso civil society.<sup>44</sup>

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<sup>41</sup> Ibid, 33. For other refreshing insights on this, see also Rosalind Fredericks, “‘The Old Man is Dead’: Hip Hop and the Arts of Citizenship of Senegalese Youth,” *Antipode* 46, no. 1 (2013): 130–48.

<sup>42</sup> See Lai Olurode, *A Third Term Agenda: To Be or Not to Be?* (Lagos: Faculty of Social Sciences, University of Lagos, 2006); and the special edition of *The Constitution: A Journal of Constitutional Development* on third term agenda, vol. 6, no. 3 (2006).

<sup>43</sup> International Crisis Group (ICG), “Burkina Faso: With or Without Compaoré, Times of Uncertainty,” *Africa Report*, no. 205, July 22, 2013, <http://www.crisisgroup.org/~media/Files/africa/west-africa/burkina-faso/205-burkina-faso-with-or-without-compaore-times-of-uncertainty-english.pdf> (accessed September 15, 2014).

<sup>44</sup> Institute for Security Studies, “Risks Ahead of the Constitutional Referendum in Burkina Faso,” *ECOWAS Peace and Security Report*, issue 9, August 2014, <http://www.issafrica.org/uploads/ECOWAS9.pdf> (accessed September 15, 2014), 8–9.

While interventions of this nature are welcome, it is rather unfortunate that some other elements within the civil society sector are moving in the opposite direction, prompting the incumbent president to seek third term election in 2015. Such polarization has been a major impediment in terms of NSAs' potential impact on the struggle against the amendment of Article 37. As a source puts it,

It is nonetheless necessary to mention another civil society movement that is close to the government and is symbolised by Fedap-BC, one that supports the constitutional amendment. On 11 January 2014, during a rally held in Burkina Faso's second city, Bobo Dioulasso, Fedap-BC called on President Compaoré to stand in the 2015 presidential elections for the sake of the country and subregional stability.<sup>45</sup>

In Benin Republic, although NSAs have been vigorously striving to frustrate any attempts at constitutional amendment for tenure elongation, the storm does not seem to be completely over. At the initial stage, the "Do Not Touch My Constitution" social movement, which was launched in 2004 to protect the sanctity of the statutory two terms, fought and secured "a country-wide rejection of any revision in 2006, the final year of former President Mathieu Kérékou's second term under the democratic regime."<sup>46</sup> Despite this success, the notion of constitutional amendment for tenure elongation has since resurfaced and has been at the forefront of public discourse since 2012. While the amendment introduced by the government in June 2013 does not directly touch term limits, the opposition and civil society groups have regarded it with suspicion as something "intended to reset the term clock, by initiating a new republic and thus allowing the president to run for office again under the new constitution."<sup>47</sup> It remains to be seen how far NSAs will be able to go in the face of the ongoing debates and struggles over term limits in the country.

Whereas nothing in the constitutions of most of these countries forecloses the possibility of amendment, the main fear of the people, including civil society groups, stems from the lack of capability among most of the institutions saddled with important responsibilities at crucial stages of such amendments, including administrative and financial autonomy. They also lack the credibility (that is, the popular trust in them to act in the public and national interest) they need to discharge their responsibilities effectively without fear they will be accused of favouritism or bias. The Institute for Security Studies acknowledges the salience of this point in its report on Burkina Faso when it contends that "the institutions responsible for organising a referendum do not have the necessary credibility among many stakeholders."<sup>48</sup> Such institutions include the legislature and the judiciary, both of which have been embroiled in

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<sup>45</sup> Ibid., 9.

<sup>46</sup> Horace Sègnonna Adjolohoun, "Benin," country report, Institute for International and Comparative Law in Africa (ICLA), University of Pretoria, n.d., [http://www.icla.up.ac.za/images/country\\_reports/benin\\_country\\_report.pdf](http://www.icla.up.ac.za/images/country_reports/benin_country_report.pdf) (accessed September 15, 2014), 29.

<sup>47</sup> See Presidential Power: Presidents and Presidential Politics around the World, "Benin: Democracy Battered," blog entry, April 21, 2014, <http://presidential-power.com/?p=1127> (accessed September 15, 2014).

<sup>48</sup> Institute for Security Studies, "Risks Ahead of the Constitutional Referendum," 6.

deep-seated legitimacy crises partly as a result of corruption and overpoliticisation, among other problems.

Their focus on constitutional amendment for tenure elongation does not imply NSAs have been uninvolved with other forms of UCG in West Africa. In Mali, for example, where the Tuareg rebellion attempted to seize power through insurgency, evidence is sufficient to suggest NSAs demonstrated some reasonable measure of responsibility. Their roles in the peacebuilding process and promotion of intracommunity dialogue in particular have been acknowledged.<sup>49</sup> Specifically, local civil society groups in Mali, particularly GARI (Groupement d'Artisans Ruraux d'Intadeyneé), were reported to have partnered with leading international NGOs, such as Christian Aid and its sister organization, the Norwegian Church Aid, to facilitate food distribution in the eastern town of Menaka, even while it was under rebel occupation. This was made possible by their knowledge of covert transportation networks and strong relationships with community leaders.<sup>50</sup>

Furthermore, NSAs were reputed for their diverse forms of intervention on the occasion of Laurent Gbagbo's refusal to hand over power to Alassane Ouattara in Côte d'Ivoire in 2011, including their condemnation of the action and attendant violence, human rights violations, and humanitarian emergencies and their repeated calls to the international community to intervene and save the situation.<sup>51</sup> The problem with such initiatives, as was the case with Mali, is that most of them were dominated, if not solely initiated, by international NGOs like the Human Rights Watch, International Crisis Group, and International Federation of Human Rights, raising critical questions about the capacity of local NSAs.

### **Explaining the Mixed Records of NSAs in Responding to UCG**

The preceding analysis exposes us to a number of plausible explanations for the mixed records of NSAs in stemming UCG in West Africa. First, the institutional capacity of NSAs matters a great deal for the success of their activities at all levels. Generally speaking, capacity can be defined in terms of independence, professionalism, and credibility. When broken down, as noted earlier, these elements dovetail into such specific virtues as autonomy from social interests and the state, capacity for collective action promoting interest or passion, absence of an intention to govern the polity, and agreement to act within civil rules conveying mutual respect. Other salient qualities include self-generating or voluntariness, not being mandated or run by state institutions, being self-supporting, particularly in terms of funding, and non-profitability. They

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<sup>49</sup> See Elisabeth Sköns, "The Role of Civil Society in Building Peace in Mali," Stockholm International Peace Research Institute (SIPRI), October 13, 2013, [http://www.sipri.org/media/newsletter/essay/skons\\_oct13](http://www.sipri.org/media/newsletter/essay/skons_oct13) (accessed September 15, 2014). See also International Coalition for the Responsibility to Protect (ICRtoP), "Crisis in Mali," May 18, 2013, <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-mali> (accessed September 15, 2014).

<sup>50</sup> Tony Cunningham, "Mali: The Vital Role of Local Civil Society," *Huffington Post*, May 18, 2013, [http://www.huffingtonpost.co.uk/tony-cunningham/mali-civil-society\\_b\\_2899593.html](http://www.huffingtonpost.co.uk/tony-cunningham/mali-civil-society_b_2899593.html) (accessed September 15, 2014).

<sup>51</sup> International Coalition for the Responsibility to Protect (ICRtoP), "The Crisis in Côte d'Ivoire," 2011, <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-ivory-coast> (accessed September 15, 2014).

should also be very active, transforming from a civil society in name, characterized by incoherence, lethargy, and passive disposition, to a civil society in action, characterized by collective activism in confrontation with the state. These salient elements were easily discernible in the few success stories of NSAs' responses to UCGs, most notably in Senegal in 2012 and Nigeria in 2006. In the case of Burkina Faso, the absence of these virtues contributed in no small measure to the contradictions of the ongoing debate over Article 37.

The capacity question is also reflected in the ability of NSAs to build sustainable, broad-based coalitions across various walks of life on a given subject of interest. The most important example here has to be the successful coalition of musicians, artists, and journalists in ensuring the failure of President Wade's third term agenda and the similar turn of events in Obasanjo's Nigeria, when several opposition forces, including opposition parties, civil society groups in academia, the mass media, and other professions coalesced to ensure the defeat of the agenda. Such coalitions have usually been predicated on their appeal to popular and youth cultures to induce their mass participation in rallies and protests. The inability to forge similar levels of coalition remains one of the Achilles heels of failed experiments.

Such failures also point to a serious concern about the effective coordination of diverse groups of NSAs in West Africa—a crucial consideration, given the proliferation of civil society groups in the subregion. Participants in a 2009 capacity-building meeting for Liberian civil society groups, for example, included the Civil Society Movement of Liberia (CSM-L), the Transitional Justice Working Group (TJWG), the National Coalition of Civil Society Organizations of Liberia (NACCSOL), the New African Research and Development Agency (NARDA), the Liberia Coalition of NGOs (LICONGO), the Liberian NGO Network (LINNK), the Women NGO Secretariat (WONGOSOL), the West African Network for Peacebuilding (WANEP), the Inter-Religious Council of Liberia (IRCL), the Union of Disabled Organisations, and the Coalition for Democracy and Elections in Liberia (CODEL).<sup>52</sup> This multitude of civil society groups is replicated across many countries, and how to coordinate them effectively remains unclear. Some may be tempted to assume that a coordinating role should be played by the West African Civil Society Forum (WACSOF), whose ultimate aim is to build “dense associational networks,” facilitate the “promotion of solidarity,” and cultivate “trust and reciprocity among CSOs, such that they can better enhance the efforts of ECOWAS towards fostering regional integration and development in West Africa.”<sup>53</sup> It is unclear how many such groups are enlisted with WACSOF, however. In the absence of concrete evidence, one may tend to view the ease with which NSAs fractionalise as boding poorly for effective collaboration and coordination.

The increasing prebendalisation (reliance on patronage and corrupting influences) of NSAs in West Africa, as in many other African countries, represents another major challenge. This is evidenced by the largely ethno-regional and sometimes religious colouration of responses to

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<sup>52</sup> Trust Africa and Humanity United, “Strengthening NGOs through Strategic Collaboration, Coordinated Policy Advocacy and Constructive Engagement with the National Government” (report of the Civil Society Forum, SKD Stadium, Monrovia, April 3–4, 2009).

<sup>53</sup> See West African Civil Society Forum, “Vision of WACSOF,” <http://www.wacsof.net/index.php/en/about-wacsof/vision-of-wacsof> (accessed September 15, 2014).

UCG, as was the case with the Malian and Ivorian crises of 2012. Another dangerous dimension of prebendalisation is the emerging phenomenon of state penetration of the rank and file of NSAs, a development that has culminated in states' creation of "friendly" groups to counter the unfriendly ones. Daniel Kanu's Youth Earnestly Ask for Abacha group, active during his self-succession project in Nigeria, is an example. More recently, the movement in favor of limiting term limits in Burkina Faso, led by the Fedap-BC, is said to have been created by the government, or at least to be operating with the benefit of substantial state support. In fact, President Compaoré's brother, François Compaoré, allegedly wields substantial influence over the group.<sup>54</sup>

Ironically, such pro-state groups appear, at least on the surface, to enjoy some measure of societal support, given the usually large number of participants in their activities, including protests. But experience suggests such turnouts cannot be taken at face value because in many instances, what appears to be popular support is not intrinsic, but instrumental. The prevalence of poverty and unemployment in most West African countries makes people easily susceptible to diverse forms of manipulation and inducement. For this and related reasons, the important requirement of voluntarism is compromised. Such friendly groups are, therefore, usually sustained through state patronage and the politics of crowd-renting. The implication is that such groups hardly endure, but only emerge for specific sponsored assignment(s) before departing into oblivion.

The place of popular culture and social media in the whole process has also become pivotal and deserves some comments. As we have seen in the case of Senegal, popular culture expressed through songs, hip-hop, rap, and music in general are powerful tools for popular mobilisation and sustenance of followership and participation in the mass movement against tenure elongation. Nigerians also deployed these elements of popular culture in the relatively successful mass protest against the sudden and unanticipated removal of a fuel subsidy in January 2012. Similarly, social media have been heavily deployed as mobilisation and coordination tools for civil advocacy and protests. Where these tools have been well-managed, as in Senegal and during the Arab Spring, the tendency to undercut government's anti-protests antics is greater; the reverse is true, as well.

### **Conclusion: Towards Repositioning NSAs in Stemming UCG in West Africa**

This paper has engaged the phenomenon of UCG in West Africa and the role NSAs should play (and have or have not been playing) in stemming the tide. Essentially, it has revealed that NSAs have mixed records in dealing with UCG in West Africa and has offered explanations for this, most notably discussing the capacity question in its diverse forms, effective coordination, and the prebendalisation of NSAs, among others.

Against the background of the foregoing, we consider the following recommendations vital for repositioning NSAs to stem UCG in West Africa.

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<sup>54</sup> Institute for Security Studies, "Risks Ahead of the Constitutional Referendum," 3.

First, NSAs need to place greater emphasis on taking proactive, rather than reactive, measures against UCGs. As established above, some of the most crucial issues in West Africa, especially governance and development deficits, can more effectively be tackled before they degenerate into UCG. This point assumes greater significance when we consider the ineffectiveness of ECOWAS's early warning and conflict prevention mechanisms. A case in point is the deafening silence with which the body has responded to the ongoing debate over Article 37 in Burkina Faso, as well as to a similar debate happening in Benin Republic since 2012, despite the potential of both to degenerate into violence if not timely nipped in the bud. Burkina Faso has since followed this path of violence with violent protests, president's resignation and military seizure of power. Such events demand that NSAs refocus their searchlights and advocacy on pertinent measures, such as reform that will enhance the capacity of oversight institutions such as the legislature and the judiciary and thereby promote democratic good governance. Since such proactive interventions may fail, NSAs should constantly mobilise the populace to demand the consistent application of relevant regulatory norms by relevant organisations, including ECOWAS, the AU, and the United Nations.

NSAs will not be able to execute proactive measures in the absence of adequate capacity, however. The second, even more, urgent need is to address this deficiency through capacity-building initiatives, not only for critical engagement with policy institutions and actors, but also for the effective governance of their internal affairs in manners consistent with democratic principles and international best practices in governance and development. Progress in this regard can help boost internal legitimacy and enhance effective coordination of members. Once NSAs fulfil these requirements, public confidence can be acquired and sustained.

Third, the need to build broad-based coalitions among NSAs so they are better placed to respond adequately to the challenge of UCG in West Africa cannot be overemphasized. At least, the effectiveness of the strategy is one of the core lessons of the few success stories in the subregion, epitomized by the Senegalese experience in 2011–12 and Nigeria's experience in 2006. Notwithstanding the dubious and suspicious role of Fedap-BC, we can also add to this list the relative success of the debate over Article 37 in Burkina Faso. Effective coalition building across various segments and strata of society helps create a solid platform for networking among various groups and for engaging with the state from a position of strength. Such broad-based coalitions should, of necessity, make special appeals to institutions that promote popular culture, such as musicians, artists, and journalists, given their preeminent role in the success in Senegal.

Fourth, given the fast spread of internet facilities and the relative affordability of accessories such as mobile phones, Facebook, and Twitter, NSAs should embrace the use of social media for their activities. The challenge with this approach, as with many other NSA interventions, is the effective deployment of such tools in rural areas where access and affordability remain questionable. NSAs, therefore, have to do more to ensure effective diffusion of the programmes into rural areas if they are ever to rise above the negative sentiments associated with their being urban-based.

Finally, West Africa has witnessed a tremendous proliferation of NSAs in recent times. The ability to hold them together to form a united front on major governance and development issues affecting the countries of the sub-region both collectively and individually remains a major concern. The main problem is who can do this in a manner acceptable to the various NSAs. Solving it requires the capacity to engage openly and transparently. WACSOF seems a viable candidate, provided it can put its house in order for this arduous task.