The Effectiveness of ECOWAS in Mitigating Coups in West Africa

Leonie Mills April 2022

Leonie Mills is a fellow on the Peace, Security and Development Fellowship Programme for Early Career African Women at the African Leadership Centre (ALC).

After independence, many West African countries faced coups and instability as they sought to come to terms with their new forms of self-government. In the late twentieth century, the region was commonly known as the "coup belt" as multiple countries experienced violent and non-democratic transfers of power.

In 1975, the Economic Community of West African States (ECOWAS) was established as a regional economic community whose primary aim was to facilitate trade among its members. However, as conflicts emerged across the region, ECOWAS also came to <u>prioritize a military agenda</u>. Liberia and Sierra Leone revealed how economic <u>growth is interconnected with peace and security</u> and how it is impossible to focus solely on economic integration in the region. Since the 1990s, with the adoption of <u>legal frameworks</u> such as the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping, and Security, ECOWAS has provided military, mediation, and peacebuilding support to its member states.

These efforts have often come up short, particularly when it comes to preventing and responding to coups. Until recently, West Africa had appeared to have shed its history of coups and to be on a path toward more <u>peaceful transfers of power</u>. Unfortunately, in the past couple of years, it appears that coups and coup attempts <u>are on the rise again</u>, most notably in Mali, Guinea, Niger, and, most recently, Burkina Faso. ECOWAS's Protocol on Democracy and Good Governance, adopted in 2001, includes a mechanism for responding to such unconstitutional changes of government. The protocol also includes provisions on the democratic governance of ECOWAS members, including on elections, the neutrality of the judiciary, and the impartiality of the security forces. But even though all ECOWAS members are signatories to the protocol, some are failing to adhere to these stipulations.

One major shortcoming has been ECOWAS's failure to address the practice by member-state leaders of amending national constitutions to increase their term limits and <u>discussions</u> on term-limit alterations have proliferated within ECOWAS. A proposal to ban third terms was discussed in 2015 <u>but was later shelved</u> due to opposition from leaders who had themselves retained their positions by increasing term limits. While ECOWAS's Protocol on Democracy and Good Governance does state that "<u>every accession to power must be made through free, fair and transparent elections</u>," with zero tolerance for heads of states who obtain power through unconstitutional means. If a leader can prove they were elected through the ballot box, their regime is legitimized. This narrow framing of democracy allows leaders to circumvent critiques that they are defying rules, as long as an election has taken place.

This contradiction is rooted in the structure of ECOWAS, including with the officials who are currently serving in national government positions, most notably the chairperson of ECOWAS, who must be a current head of state. Even leaders who obtained power via coups have been

selected for this position, effectively legitimizing their rule. As a result, ECOWAS often lacks the political will to deal with the leaders and beneficiaries of coups or to hold them accountable. One example of this is the Togolese president Faure Gnassingbé, the son of Gnassingbé Eyadéma (who had himself presided over Togo for thirty-eight years). Gnassingbé's ascension to power in 2005 was widely deemed a coup, as the ruling party was under strict instructions to declare him president. This was met with nationwide protests, and over 1,000 people were killed by security forces. During this time, ECOWAS suspended Togo and implemented sanctions such as travel bans on its leaders and an arms embargo. Several months later, Gnassingbé won the presidential election, which ECOWAS declared free and fair. As a result, despite his clear violation of ECOWAS's Protocol on Democracy and Good Governance, Gnassingbé remains an active and welcomed member of the organization and was even elected as its chairperson in 2017. The protocol allows coup leaders to easily meet the requirements to be recognized as head of state if they subsequently win an election—essentially rendering it ineffective.

ECOWAS also has a history of suspending and sanctioning member states, only to then readmit and allow them to participate in ECOWAS activities so long as they fulfilled the requirements of holding a "democratic election." For example, Guinea has a history of long-serving rulers such as Ahmed Sékou Touré and Lansana Conté, who served as president for twenty-five and twenty-four years, respectively. Perpetuating this trend, in 2020, former president Alpha Condé—the first president to be democratically elected in Guinea—amended the constitution to allow himself to serve for two more terms. Condé had initially represented a fresh start for Guinean democracy, but news of the constitutional amendment was met with large opposition protests across the country. Despite the protests, ECOWAS responded only be calling for dialogue between the two sides and refused to sanction Condé. Condé managed to win the 2020 elections, which election observers from ECOWAS concluded were lawful, upholding the results. One year later, Condé was deposed in a military coup, and ECOWAS immediately suspended and imposed sanctions on Guinea.

The case of Guinea reveals ECOWAS's failure to adopt a preventive approach to coups. The coup in Guinea resulted from Condé's violation of the constitution. However, the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping, and Security had failed to alert ECOWAS about the potential for a coup; unlike nongovernmental groups that exhibit the capacity for violence, the mechanism does not automatically deem state institutions that violate election laws as threats. To work as a preventive measure, the mechanism must treat governments as posing the same threat level as nongovernmental groups. Similarly, ECOWAS did not hear those who opposed the constitutional changes, either through the democratic process or the mass protests. ECOWAS stepped in only after a coup had occurred rather than convincing Condé to adhere to the constitution.

As in previous decades when ECOWAS developed new tools to address <u>intrastate violence</u>, new methods and protocols must be developed to address undemocratic actions and constitutional violations. Leaders must be held accountable for their actions, and consequences for violating the Protocol on Democracy and Good Governance should be enforced. One way ECOWAS could promote compliance is by preventing leaders who obtained or maintained power unconstitutionally from being appointed chairperson of the

organization (even if they win future elections). This would help strengthen ECOWAS's commitment to democratic principles and reduce coup leaders' regional influence.

In addition, ECOWAS should adapt its early-warning system into a tool that is not only for preventing armed conflict but also for preventing coups. This could allow the organization to take measures such as facilitating dialogue when a leader's <u>term limit is nearing completion</u> instead of waiting to react once a coup takes place.