

By Double Standards, the African Union, and ECOWAS Threatens the Continent's Political Stability

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ABSTRACT

From the analysis of the relevant literature review described as the methodology, this paper has advanced the argument that indicts the African Union (AU) and Economic Community of West African States (ECOWAS) for their double standards in dealing with both military coups and institutional or constitutional coups that threaten the political stability of the continent. The paper argued that both the AU and ECOWAS policy instruments or normative frameworks that prescribe penalties for violations that threaten Africa's political stability are not only applied to military coups but equally to constitutional or institutional coups conceptualized in this paper. Therefore, the paper concludes that AU and ECOWAS courageousness to denounce military coups quickly and openly without regard to constitutional or institutional coups that often provoke popular uprisings serving as the incentives or grounds for military coup is tantamount to the concept of double standards that threaten the continent political stability. The paper recommends equal treatment for both military coup and constitutional or institutional coup will protect the political stability of Africa.

Keywords: African Union, Constitutional Coup, Double Standard, ECOWAS, Military Coup, Institutional Coup

INTRODUCTION

Following the AU and ECOWAS condemnation, and sanction coupled with military ultimatum action against the junta that overthrew Niger democratically elected President Mohammed Bazoum on 26 July 2023, (Kenin & Summers, 2023) Liberia President George Manneh Weah was very emphatic when he said, "*As long as ECOWAS tolerates institutional coups that allow lifetime presidencies, there will always be military coups*". The Liberian leader further added "*And we cannot condemn military coups when we do not condemn those who carry out institutional coups*" (Obinna, 2023). Similarly, former Ivorian President Laurent Gbagbo described most "ECOWAS leaders as constitutional coup plotters. He went on to say "*When they change their constitution for a third mandate, it's a coup, others have suspended their opposition parties but running to Niger to install Bazoum. It's a lie game that's why I am revolting*" (CAN, 2023).

In a fair analysis, it makes no fundamental flaw in reasoning that both President Weah's and former president Gbagbo's assertions indict both ECOWAS and by extension, the AU of the double standards in dealing with military coups unequivocally considered an assault on the growing democracy in Africa. Against this background, this article advances the argument in support of the above caption or title of the study.

Structurally, the paper explores the title of the study from three essential sub-sections covering different thematic areas. The first sub-section focuses on the conceptual clarifications of double standards and institutional coup. The second segment examines AU's responses to institutional coups and also explains the

justification for military coups. This examination aims to determine how the concept of double standards fits in AU responses. The third sub-section concludes the paper.

METHODOLOGY AND MATERIALS

No doubt, the research design for this study is qualitative in nature, as it involves an analysis of relevant literature review pertaining to the AU and ECOWAS responses to institutional coups and military coups. The literature review constitutes the secondary data or information analyzed that was sourced from the Internet through the Google Scholar Search Engine and Bielefeld Academic Search Engine. Data includes published articles, and information published online by international and notable media. These data are secondary sources.

Contribution to Knowledge

The sole intent of this write up is to contribute to existing knowledge through the following ways: The paper may serve as a source of academic literature. Precisely it exposes the double standards exhibited by AU that indirectly attributed to the resurgence of military coups. Finally, the paper may serve as guidance for further research to be carried out on the subject matter in areas that the paper did not address.

Conceptual Clarifications

In research, conceptual clarification serves as the foundation or basis for the arguments' crux (Sachdeva, 2023). Therefore, this paper adopts double standards and institutional coup as the conceptual frameworks guiding the crux of the argument in the paper.

Double Standards

A review of various literature revealed that the concept of double standard carries a similar connotation. For example, Levesque (2017), defined the concept as the flexible principles that apply differently to certain groups than others. HarperCollins Publishers describes the concept as the treatment whereby one group is given more latitude than another. As for the Cambridge English Dictionary, a double standard arises when two or more people, groups, organizations, circumstances, or events are treated differently even though they should be treated in the same manner. In the words of Eichler (1980), a double standard "implies that two things which are the same are measured by different standards". Similarly, Shatz (n.d.) avers that a double standard occurs when two or more things, such as individuals or groups, are treated differently when they should be treated the same way.

A careful analysis of the above like-minded definitions reveals the following: first, when used in the context of penal sanction, or legality, it is tantamount to selective justice that also implies a travesty of justice. When used in the context of groups or organizations, it connotes another concept referred to as preferential treatment which is difficult to justify or defend (Lander University, 2019).

Regardless of the context in which the concept is applied or used, it can be argued that a double standard arises due to the protection of vested interests. In other words, people who engage in double standards through preferential treatment do so to protect either their own vested interests or the vested interests of others connected to the events, scenario, or situation (Shatz, n.d.) For example, in George Orwell's 1945 novel "Animal Farm" the main reason behind the pigs amendment of all the rules that the animals initially agreed on, in place of a single rule, "all animals are equal, but some animals are more equal than others" was to protect their vested corrupt interests at the expense of the other animals. Literally, this amendment influenced by the pigs encouraged the repeat of the same corruption inflicted on them by the irresponsible

and alcoholic farmer, Mr. Jones chased out of the farm.

On the premise that a double standard is driven by vested interests, it is easy to make the inference that the concept is intentional and conscious. Those who consciously engage in double standards are inclined to the wrongfulness but careless about how their actions will be interpreted by others. A classic example to support this assertion could be seen in the case of Russia's invasion of Ukraine on 24 February 2023 in which nationals from Africa, Asia, and the Middle East were not getting the same generous treatment as the citizens of Ukraine across Europe (Reilly & Flynn, 2022).

The media has also come under the spotlight for applying double standards. A fresh example stems from former United States (US) President Obama criticizing the excessive media coverage afforded to the submarine incident compared to the tragic sinking of the fishing boat carrying about 700 migrants who attempted to reach Greece (Gencturk, 2023).

Institutional Coups

Institutional coup is conceptualized from the African context. Unlike military coups that remove the sitting head of government using unconstitutional means by highjacking political power often characterized by violence and bloodshed, institutional coups can be conceptualized from three forms or dimensions. The first is fraudulent elections. The second is scarping of constitutional term limits for the presidency meant to perpetuate an authoritarian regime. And third, is the dynasty continuation. Let me elaborate on each with practical examples.

Fraudulent election. It is important to note that, although elections are critical to the transition of a country from authoritarianism to constitutional democracy, they can also serve as a tool for the survival of authoritarian governments. For example, authoritarian regimes in countries, such as Cameroon, the Republic of the Congo, and Equatorial Guinea have used elections to legitimize their leaders and remain in power indefinitely (Mbaku, 2020). An institutional coup can also be equated to a constitutional coup that has characterized the body politics of Africa.

Second, scarping or changing the presidential terms limits. In the words of Mbaku (2020), changing the constitution to eliminate term and/or age limits for presidents and allow the incumbent president to unconstitutionally extend his mandate has been referred to as a constitutional coup. It is institutional because, it uses legislative subservient to the president to change the constitution to allow them to stay in power beyond the required terms limits, and in some cases, indefinitely. Mbaku further opined that these and other institutional changes have created conditions that make it very difficult for the opposition to participate competitively in elections in Africa. (Mbaku, 2020). Examples of institutional coups can be viewed from the following dimensions. First, changes made to reset the clock for the incumbent president happened in Zimbabwe (2013), the Democratic Republic of Congo (2015), and Rwanda (2015), Ivory Coast (2020), where the incumbents had reached their absolute term limits but argued that a new or revised constitution enabled them to start with fresh mandates unrestricted by previous constitutional limits. Secondly, term limits were removed altogether in Guinea (2001), Togo (2002), Tunisia (2002), Gabon (2003), Chad (2005), Uganda (2005), Algeria (2008), Cameroon (2008), Niger (2009) and Djibouti (2010) (OSISA, 2021).

The third is the continuation of the dynasty. It explains a controversial transfer of power to the son of the aged, deceased, or ailing president. In the words of Muhimba (2021), it is called "Father-son affair". In Africa, research confirms presidents that were succeeded by their sons. For example, 37-year-old Mahamat Idriss Déby Itno, the son of Late Déby Idriss, President of Chad is currently the youngest head of State on the continent after taking over from his father who died of injuries days ago while battling rebels on the frontline in 2021 (Muhimba, 2021)

Faure Gnassingbé, became the president of Togo succeeding his father Étienne Eyadéma after the latter's death in February 2005 (Muhimba, 2021).

Joseph Kabila served as President of Democratic DRC between January 2001 and January 2019 (Muhimba, 2021).

Ali Bongo commonly referred to as 'The Magician' has been the president of oil-rich Gabon since October 2009. He succeeded his father, Omar Bongo who had ruled the country for nearly 42 years (Muhimba, 2021).

Another example of an institutional coup intended to continue the dynasty can be viewed from Teodoro Nguema Obiang Mangue, Vice President to his father Teodoro Obiang Nguema Mbasogo of Equatorial Guinea.

Before closing this sub-section on institutional coup, it is important to feature Sudduth (n.d.) thoughts about what perpetuates institutional coup regimes that resonate with African politics. She argues that dictators create nominally democratic institutions to keep their authoritarian regimes in power. Sudduth's empirical argument stems from the assumption that by creating a nominally democratic institution, autocratic leaders think that they can deter regime-changing coups and reshuffling coups. According to Keohane, nominal democracy meets democratic standards on the surface and embodies the rhetoric of democracy, but lacks the content (Keohane, 2015). In other words, nominally democratic institutions such as parliament, judiciary, and other important government machinery including civil society are not as functional as they should be. They are comprised and often protect the interests of authoritarian leaders. When parliament acts on the basis of majority rule to amend or scrap the presidential term limits in the Constitution at the expense of the masses, it exemplifies nominal democracy. This has been the case in many African countries that changed the presidential term limits.

The irony of creating nominally democratic institutions such as political parties, pressure groups, electoral bodies, or election commissions, civil societies, arms of government, etc. the threat poses to political stability simply because it is not a guarantee for holding onto political power. Such a strategy has the proclivity to cause political instability. Nearly all the regime changes such as Sudan 2019, Zimbabwe 2017, Burkina Faso, 2014, Mali 2021, Guinea 2021, etc. through military coups that enjoyed popular support, validates Sudduth's (n.d.) assertion that dictators should be aware that the creation of nominally democratic institutions is, therefore, not as effective in reducing coup risk as scholars have previously argued.

AU AND ECOWAS RESPONSES TO INSTITUTIONAL COUPS AND MILITARY COUPS

This subsection examines what guides the actions of AU and ECOWAS against coups d'état that continue to undermine the continent's growing democracy. The AU and ECOWAS responses to coups are guided by normative frameworks discussed below.

In 2000, AU adopted the Lomé Declaration as the normative framework to guide its response to unconstitutional changes of government, which defined four cases of unconstitutional change of (a democratically elected) government, namely, I) a military coup d'état; ii) an intervention by mercenaries; iii) a seizure of power by armed dissident groups and rebel movements; and iv) a refusal by an incumbent government to relinquish power after free, fair, and regular elections (European Parliamentary Research Service, 2017). This robust framework or approach is reaffirmed in the Constitutive Act of the AU, which includes among its governing principles the 'condemnation and rejection of unconstitutional changes of governments. Its Article 30 stipulates that 'Governments which shall come to power through

unconstitutional means shall not be allowed to participate in the activities of the Union.

In 2003, the Peace and Security Council (PSC) was created within the AU framework, to deal with cases of unconstitutional changes of government (UCG), among other things. Ratified by 51 countries, the Protocol relating to the establishment of the PSC specifies that it shall ‘institute sanctions (in conjunction with the AU Chairperson) whenever an unconstitutional change of government takes place in a member state, as provided for in the Lomé Declaration’, but does not define the sanctions more clearly. In 2010, the AU Assembly adopted a Decision foreseeing punitive measures against the perpetrators of UCG. This decision is now referred to the African Charter on Democracy, Elections, and Governance. This normative framework is defined as a document adopted by member states of the AU on January 30, 2007, in order to promote liberal democracy and human rights in Africa. It came into force in February 2012 (ISS PSC Report, 2019). It is the first binding document adopted by members of the AU. Among its provisions are several intended to combat unconstitutional regime changes, including the first legal instrument adopted by the AU acknowledging that constitutional coups are a form of unconstitutional regime change (ISS PSC Report, 2019). As of 2019, of the 55 member states that make up the AU, 46 had signed, 34 had ratified, and 34 had deposited (African Union, 2019).

Identifying UCG as one of the main causes of insecurity, political instability, and conflict, the Charter prohibits, condemns, and rejects the phenomenon (UCG). It reiterates the definition of UCG in the Lomé Declaration and extends it to include ‘Any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government’. The Charter goes a step further, introducing sanctions for perpetrators, by banning them from participating in the democratic elections held to restore constitutional order, and from holding key government posts. Moreover, they may be tried before a competent AU court and subjected to economic sanctions. The AU Assembly can also impose sanctions on a state that supports or encourages UCG in another state. However, the Charter is only applicable to those states that have ratified it.

A fair analysis of the AU’s three policy instruments or normative frameworks clearly suggests that they all emphasize and prescribe punitive actions such as suspension and travel bans for violators coups. Therefore, it is important to now look at the application of the AU normative frameworks.

Actions Taken by AU

As a way of demonstrating its commitment to protecting the continent’s growing democracy against military coups and institutional coups, the AU has taken punitive action against military coups. For example, Mali, Guinea, and Sudan were suspended in 2021 from all its activities until the restoration of civilian rule. Burkina Faso followed a year later after the military took power (Africanews, 2023). Niger Republic is the most recent case (The Cable, 2023). These actions are backed by the AU normative frameworks.

What about constitutional or institutional coups? Has any punitive action been taken by the AU?

In 2005, legislators removed presidential term limits to allow Yoweri Museveni to stay in office. He was elected for a fifth consecutive term in Uganda’s 2016 elections. Similarly, the parliament amended the constitution, removing the article that limited anyone from serving as president past the age of 75, prompting widespread protests from opposition lawmakers and rights groups. The constitutional court upheld the law that could allow Museveni to be president for life (Adebayo, 2018).

In 2015, Rwanda’s Parliament approved a referendum that extended the presidential term limit that allowed President Paul Kagame to extend his term in office, possibly until 2034 (Uwiringiyimana, 2015). The referendum to change the constitution in 2015 had more than 90% of the vote (McAllister, 2015). Interestingly, Kagame has announced his desire to run for the 2024 elections (Ayeni, 2022). About this clear

violation, the AU has never taken any action against Rwanda.

Burundi is another spectacular case to reference. After failing to achieve the constitutional amendment to allow him to run for a third term, President Pierre Nkurunziza resorted to a self-serving interpretation of the constitution. Article 96 of the constitution of Burundi (2005) provides that a president shall be elected by universal suffrage for a mandate of five years, renewable one time. President Nkurunziza and his supporters maintained that the president's election in 2005 by parliament does not count in the two terms. They argued the president had only been elected once by universal suffrage and was eligible for a second election by the same process (Omondi, n.d.). Again, the AU went silent on its action against Burundi evidenced by its failed attempted military force (Wilén and Williams, 2018).

President Alassane Ouattara of Ivory Coast is also on record to have defied constitutional term limits and ran for a third term that sparked protests killing at least 40 persons during the presidential campaign (Peltier, 2020).

Cameroon's Paul Biya- Biya, 86 and sub-Saharan Africa's oldest leader, took over the presidency in 1982. The national assembly adopted a constitutional bill in April 2008, removing a two-term presidential limit to allow him to extend his rule past 2011. He has won two elections since then that opposition candidates have said were fraudulent (Africanews, 2019).

In 2019, Togo changed its constitution to cap the presidential mandate at two five-year terms ostensibly in response to opposition calls for an end to a political dynasty that started when Gnassingbe's father seized power in a 1967 coup (Africanews, 2019).

Djibouti is another case to reference. In 2010, lawmakers approved a constitutional amendment that paved the way for Omar Guelleh who has been in power since 1999 to run for a third term (Reuters Staff, 2010). In 2016, Gulleh won a fourth five-year term as president of Djibouti (Aljazeera News, 2016).

The constitution of the Congo Republic was changed by a referendum in 2015, lifting term and age limits that would have excluded Denis Sassou Nguesso from running again. He won a new five-year term in a 2016 election, although the opposition rejected the outcome, alleging fraud. He has been in power since 1979 (Bondenga, 2015).

The Union of Comoros has its own fair share as well. Azali Assoumani, a former military officer who first seized power in a coup in 1999, won a referendum in 2018 to extend term limits and end a system of rotating power among the archipelago's three main islands off Africa's east coast. The vote allowed him to run for two more five-year terms. The opposition dismissed the referendum as illegal (Kuoppamäki, 2018).

The case of Chad. Idris Deby has ruled Chad since coming to power after a 1990 coup. In 2005, a referendum removed a two-term limit from the constitution. Parliament approved a new constitution in 2018 reimposing the two-term limit, but it will not be applied retroactively, meaning Deby could have served two terms after the next election in 2021, potentially ruling until 2033 (The New Humanitarian, 2005).

Former President Alpha Conde of Guinea is another case. He too took advantage of a new constitution to circumvent a two-term limit on presidential mandates. Conde's supporters argued that the constitutional change, approved in a referendum that was boycotted by the opposition, acts as a reset button on the two-term limit (Aljazeera, 2020).

In all these cases equated to constitutional coups or institutional coups that apparently violated the AU policy instruments or normative frameworks, it is sad to note that the AU went silent on its action of suspension and travel ban. In other words, up to the publication of this paper, no research article ever

mentioned the AU action against the above countries.

ECOWAS Policy Framework/Instrument

As a regional body mindful of the devastating impacts of military coups and institutional or constitutional coups on its growing democracy, ECOWAS has also introduced an additional Protocol on Democracy and Good Governance that complements the AU normative frameworks or policy instruments. This Supplementary Protocol was developed in 2001 as an expression of a new, collective political resolve of ECOWAS member States to take the process of preventing and resolving crises and violent conflicts forward and to achieve peace and security through the development of democracy and good governance. The Protocol marks an important stage in the sub-region's political development, which was characterized for long periods by the armed forces' deep involvement in political decision-making. As of 2001, it provides an emphatic statement of the incompatibility of democracy and good governance with the military-run government and the military's involvement in politics (Diallo, 2005). The Protocol entered into force after the ninth ratification in February 2008. In a nutshell, this Protocol frowns upon military coups as well as constitutional coups or any act that threatens the sub-region political stability. Against this framework, has ECOWAS taken punitive action against conspicuous violations? The below explanations answer this question.

First, look at action against military coups. In all the recent military coups, ECOWAS has suspended the military junta from all its activities until restoration to civilian rule (Bonny, 2021, Okafor, 2022, Cham, 2021).

Niger Republic is the most recent case in which ECOWAS threatened the Junta with military force to reinstate the President (Asadu, 2023).

The Gambia provides solid evidence of ECOWAS military threat that forced President Yahya Jammeh to step down after losing the election to the opposition leader Adama Barrow in 2016 (Asadu, 2023).

What about action against constitutional or institutional coups? Did ECOWAS take any punitive measures against Alpha Conde of Guinea, Faure Gnassingbe of Togo, and Alassane Ouattara of Ivory Coast? Interestingly and ironically, ECOWAS represented by its ambassador attended the inauguration ceremonies of these leaders that amended the presidential term limits in their favor and interest.

The Possible Double Standards

From the examination of the AU, and ECOWAS punitive actions (suspension and travel ban instituted against countries guilty of military coups and institutional or constitutional coups, it is now clear from all indications that punitive actions were only taken against military coups. While leaders who committed institutional or constitutional coups went off the hook or enjoyed impunity. Ironically, some of these leaders served as the Chairperson for AU and ECOWAS. Others were also appointed to strategic positions. For example, President Azali Assoumani of the Union of Comoros who conspicuously extended the term limit to run for two more five-year terms is the current Chairperson of the AU. Similarly, Idriss Déby from Chad served as AU Chairperson from January 2016 to January 2017, Paul Kagame of Rwanda served from January 2018 to February 2019, and Denis Sassou N'Guesso, of Congo served from January 2006 to January 2007. Interestingly, President Paul Kagame was recently appointed to lead the AU institutional reforms process in 2023. Among these leaders, Teodoro Obiang Nguema Mbasogo from Equatorial Guinea who served as AU Chairperson from January 2011 to January 2012 presents the worst-case scenario for an institutional coup perpetuating his regime. His son is the current Vice President of Equatorial Guinea and is likely to continue his father's dynasty just as Ali Bongo continues his father Omar Bongo's dynasty in Gabon.

Now ECOWAS. Alpha Conde of Guinea, Faure Gnassingbe of Togo, and Alassane Ouattara of Ivory Coast once served in the capacity of Chairperson. Bola Ahmed Adekunle Tinubu of Nigeria won a controversial election before a five-member panel of the Presidential Election Petition Court and is the current Chairperson of ECOWAS (Ebiwei, 2023).

Doubtlessly, it seems difficult to disagree with this paper that as stipulated in both the AU and ECOWAS policy instruments, the penalties for violation are not only applied to military coups. Equally, they are also applicable to constitutional or institutional coups conceptualized in this paper. And it begs an answer to the question pertaining to why only applying the rule to military coups. In fair analysis, this action is tantamount to the concept of double standards employed by the AU and ECOWAS.

CONCLUSION

As argued in this article, it is difficult to distance ECOWAS and by extension AU from playing double standards in protecting the continent's growing democracy. Being courageous to denounce military coups quickly and openly without regard to constitutional or institutional coups that often provoke popular uprising serving as the incentives or grounds for the military coup believed to be in the interest of the people and state explains the level of threat posed to their interest and inclination for political hegemony. For example, despite the international election observers of the European Union, United States, United Kingdom, Ireland, France, and Germany questioned the transparency of Sierra Leone's 2023 elections after highlighting "statistical inconsistencies," supporting fraud claims by the opposition, both AU and ECOWAS maintain their conspicuous silence (The Carter Center, 2023), (European Union, 2023). Perhaps, it is possible that the recent attempted military coup a few days after the elections must have been prompted by the "statistical inconsistencies," supporting fraud claims by the opposition. Certainly, had the coup succeeded, AU and ECOWAS would have wasted no time to condemn, sanction, and if possible, announce a military ultimatum against the coup plotters or junta.

Other fresh cases to conclude on that possibly reinforce the indictment against the AU are the rigged and fraudulent election by Ali Bongo of Gabon (Bonny, 2023), and Zimbabwe's presidential and legislative elections. In the case of Gabon, AU wasted no time in suspending the Country's membership following the military coup (Wasike, 2023) but remained silent on the rigged election that is tantamount to a constitutional coup.

As for Zimbabwe, both international and regional observers maintained that the elections conducted in 2023 failed to conform to regional and international standards, placing in doubt the credibility of the tense vote (Malkin, 2023). It is this constitutional coup that is yet to claim the attention of the AU. If this situation led to a popular uprising that would warrant the military to take control of the state believed to be in the best interest of the people, AU would hypocritically condemn and demand the restoration of the so-called democratically elected government whose legitimacy is questionable.

RECOMMENDATION

This paper has explored how the concept of double standard exhibited by the AU and ECOWAS threatens the political stability of Africa. Therefore, this paper recommends that equal treatment for both military coups and constitutional or institutional coups as contained in relevant normative frameworks will protect the political stability of the continent.

DISCLAIMER

Being an adjunct faculty member of the University of Liberia and African Methodist Episcopal University

does not in any way imply their endorsement or consent. What the article expressed is entirely the views of the author. Therefore, the author takes personal responsibility for the opinion expressed therein.

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