

**ASSESSING THE EFFICACY OF THE AU SANCTIONS POLICIES WITH REGARD
TO UNCONSTITUTIONAL CHANGES IN GOVERNMENT: THE EXAMPLES OF
GUINEA AND MADAGASCAR**

SIPHIWE MKHIZE

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SUPERVISOR: DR. THABISI HOEANE

CO-SUPERVISOR: DR. PHIL F.G. MTIMKULU

DECLARATION

Student Number: 4566-852-3

I, Sipiwe Mkhize, declare that the dissertation: “Assessing the Efficacy of the AU Sanctions Policies with Regard to Unconstitutional Changes in Government: the examples of Guinea and Madagascar”, is my own work and that all the sources that I have used and quoted have been indicated and acknowledged by means of complete references.

Abstract

Unconstitutional changes, especially coups d'états, have undoubtedly eroded peace and security in many parts of the African continent. These occurrences have also stunted the development of democracy in some African states. The African Union (AU), supported by sub-regional bodies, addresses this problem by imposing sanctions on the regimes that acquire power through coups with the aim of restoring political order. However, this sanctions policy has produced mixed results. In some cases, these sanctions managed to succeed in achieving their objectives (Guinea) while in other instances sanctions failed to achieve their objectives (Madagascar). It is therefore imperative to inquire into the circumstances and assess the conditions under which the AU sanctions policies failed and succeeded in restoring political order to states that experience coups d'états.

Key Terms: African Union, sanctions, unconstitutional changes, coups, Guinea, Madagascar, SADC, ECOWAS

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Contents

Declaration.....	2
Abstract.....	3
Acknowledgements.....	4
Acronyms and Abbreviations.....	8
Chapter One: Introduction.....	12
1. Overview of the chapter.....	12
1.1 Background.....	12
1.2 Aims.....	14
1.3 Research questions.....	15
1.4 Theoretical framework.....	15
1.5 Methodology.....	19
1.6 Structure of the dissertation.....	20
Chapter Two: Conceptualising Sanctions.....	21
2. Introduction.....	21
2.1 Defining sanctions.....	21
2.2. Typology of sanctions.....	23
2.2.1 Economic sanctions.....	23
2.2.2 Political sanctions.....	25
2.2.3 Smart sanctions.....	26
2.3 The purposes of sanctions.....	27

2.4 The evolution of sanctions in the post-Cold War era.....	30
2.7 Conclusion.....	34

Chapter Three: An outline: coups in Africa and the sanctions policies of the OAU and AU.....35

3. Introduction.....	35
3.1 Defining coups.....	36
3.2 Theories that explain the occurrence of coups in Africa.....	39
3.3 The record of coups in Africa.....	42
3.3.1 West Africa.....	42
3.3.3.1 Table 1: Coups in West Africa from 1963-2012.....	43
3.3.2 Central Africa.....	45
3.3.3.1 Table 2: Coups in Central Africa from 1965-2013.....	46
3.3.3 East Africa.....	47
3.3.3.3 Table 3: Coups in East Africa from 1958-1989.....	48
3.3.4 North Africa.....	49
3.3.3.4 Table 4: Coups in North Africa from 1965-2008.....	50
3.3.5 Southern Africa.....	52
3.3.3.5 Table 5: Coups in Southern Africa from 1975-2009.....	52
3.4 OAU and AU sanctions policies.....	53
3.4.1 Sanctions policies of the OAU.....	53
3.4.2 Sanctions policies of the AU.....	57
3.5 Conclusion.....	65

Chapter Four: The Success of the AU Sanctions policy in Guinea.....67

4. Introduction.....	67
4.1 Guinea under the regime of <i>Sekou Touré</i> (1958-1984).....	67
4.2 Guinea under the regime of <i>Lansana Conté</i> (1984-2008).....	71
4.3 The 2008 military coup and the rise of the military junta.....	74
4.4 AU and ECOWAS responses to the military coup in Guinea.....	78
4.6 Analysis of the factors that contributed to the success of the AU sanctions policy in Guinea.....	83
4.7 Conclusion.....	87
Chapter Five: Pitfalls of the AU sanction policy in Madagascar.....	89
5. Introduction.....	89
5.1 Madagascar under the regime of President <i>Philibert Tsiranana</i> 1960-1972.....	89
5.2 Madagascar under the regime of <i>Didier Ratsiraka</i> 1975-2001.....	91
5.3 Madagascar under the Regime of <i>Mark Ravalomanana</i> 2001-2009.....	95
5.4 The 2009 military coup and the rise of <i>Andry Rajoelina</i>	102
5.5 AU and SADC responses.....	100
5.6 Analysis of the factors that derailed success of the AU sanctions policy in Madagascar.....	113
5.6.1 SADC contravenes AU principles.....	113
5.6.2 Conflicting interests.....	114
5.6.3 Lack of political will.....	115
5.6.4 SADC's lack of experience in conflict resolution.....	117
5.6.5 The geographical position.....	118
5.7 Conclusion.....	118

Chapter Six: Conclusion.....	120
6. Conclusion.....	120
Bibliography.....	124

Acronyms and Abbreviations

A2R	Alliance for Revival and Building
ADFLCZ	Alliance of Democratic Forces for the Liberation of Congo-Zaire
AKFM	Party of the Independence of Congress of Madagascar
AMU	Arab Maghreb Union
ANC	African National Congress
AREMA	Association for the Rebirth of Madagascar
AU	African Union
CAR	Central African Republic
CEN-SAD	Community of Sahel Saharan States
CMRN	Comité Militaire de Redressement National
CNDD	National Council for Democracy and Development
CNT	National Transition Council
COMESA	Common Market for East and Southern Africa
CPJP	Convention of Patriots and Peace
CPSK	Convention for Saving the Country
DRC	Democratic Republic of the Congo
ECCSA	Economic Community of Central African States
ECOWAS	Economic Community for West African States
UEFA	Union of European Football Associations
EU	European Union
FDPC	Democratic Front of the Central African People
GDP	Gross Domestic Product
ICG-G	International Contact Group on Guinea
ICG-M	International Contact Group on Madagascar

IMF	International Monetary Fund
HTA	High Transitional Authority
HDI	Human Development Index
IGAD	Intergovernmental Authority on Development
IMF	International Monetary Fund
INPFL	Independent National Patriotic Front
LRA	Lord's Resistance Army
MAP	Madagascar Action Plan
MM	Miara Mirindra
MODEL	Movement for Democracy in Liberia
MONIMA	Mouvement National pour l'Indépendance de Madagascar
MPS	Mouvement Patriotique du Salut
MRU	Mano River Union
NGO	Non-Governmental Organisation
OAU	Organisation for African Unity
OIC	Organisation of Islamic Conference
OIF	Organisation de la Francophonie
PDG	Parti Démocratique de Guinée
PNDD	National Pact for Democracy and Development
PSC	Peace and Security Council
PSD	Parti Social-Démocrate
REC	Regional Economic Community
RUF	Revolutionary United Front
SRC	Supreme Revolutionary Council
SADC	Southern African Development Community

TIM	Tiako I Madagasikara
UFDR	Union of Democratic Forces
ULIMO	United Liberation Movement for Democracy in Liberia
UNDP	United Nations Development Program
NLF	Ugandan National Liberation
UNITA	Uniao Nacional para Independencia Total de Angola
UN	United Nations
UNSC	United Nations Security Council
UNSG	United Nations Secretary General
USA	United States of America
US	United States
USSR	Union of Soviet Socialist Republics

Chapter 1: Introduction

1. Overview of the chapter

This chapter serves as an introduction to this dissertation, and comprises six sections. The first section discusses the background; the second states the aims of the dissertation; section three describes the research questions; section four focuses on the theoretical framework while section five discusses the methodology employed in this study and the last section presents the structure of the dissertation.

1.1 Background

The continuing occurrence of coups that depose democratically elected governments is a major challenge facing African countries. Essentially, these coups undermine the principle that the will of the people is the basis of the authority of elected governments. Between 1962 and 1990, African states experienced 74 coups, while 11 coups occurred in African countries between 2003 and 2009, making it possible to describe this as an on-going phenomenon (McGowan quoted in Nkosi, 2011:2).

Souare (2009:3) notes that coups are the major cause of insecurity and instability in Africa with the capacity to fuel violent conflict, including civil wars. A typical instance of this would be when, in 1997, insurgents from the Revolutionary United Front (RUF) overthrew the democratically elected government of President *Ahmad Tejan Kabbah* in Sierra Leone. This coup occurred against the background of a civil war that lasted for eleven years (1991-2002), claiming the lives of 75 000 people¹. The United Nations (UN) condemned the coup and punished the West African state by imposing sanctions in the form of an arms embargo and travel bans on the leaders of the RUF.

The situation in Sierra Leone also raised concerns amongst African leaders. The continental body, the Organisation for African Unity (OAU), spoke out against the rebel movement

¹UN News Centre. 2010. Security Council lifts Sanctions against Sierra Leone.
<http://www.un.org/apps/news/story.asp?NewsID>.

responsible for carrying out the coup (*Pan African News, 26 May 1997*). Moreover, the OAU also called on African countries to refrain from recognizing the new government of the West African state. The Secretary General of the OAU at that time, Salim Ahmed Salim, described the situation as a setback for Africa's development (*Pan African News, 26 May 1997*).

In 1999, the OAU convened the Thirty Sixth Ordinary Session of the African Heads of State and Government to respond to the matter in a meeting held in Togo's capital, Lomé, on the 10th of July 2000. On this occasion, African leaders adopted a declaration known as the Framework for an OAU Response to Unconstitutional Changes in Government. Engel (2010:7) explains that the Framework rejects any form of unconstitutional change in government and furthermore, offers more insight regarding the types of situations considered as unconstitutional changes. These would include intervention by mercenaries to replace a democratically elected government and replacement of democratically elected governments by armed insurgent movements. The Framework also defined a coup as a situation of an unconstitutional change in government by a military coup d'état overthrowing a democratically elected government. It is important to distinguish between a military coup d'état, which is executed rapidly, from other forms of unconstitutional changes such as interventions by mercenaries and insurgents, which are carried out over a long period. Other unconstitutional change includes the refusal by an incumbent government to relinquish power to the winning party after free, fair and regular elections (OAU, 2000).

Importantly, the Framework for an OAU Response to Unconstitutional Changes in Government also set forth punitive measures for dealing with regimes that carried out these unconstitutional acts. These measures include the suspension of "the usurping government from the OAU policy structures, implementation of targeted sanctions, in the form of visa denials and freezing of foreign bank accounts, on perpetrators of coups, if they do not cooperate with efforts aimed at restoring constitutional order in the country after six months" (OAU, 2000).

In 2002, the OAU transformed itself into the African Union (AU). The AU continued the commitment of imposing sanctions against regimes that acquire power through coups. Article 30 of the Constitutive Act of the AU states, any regime "that comes into power through unconstitutional means shall be prohibited from participating in any structures and activities of the AU" (AU, 2002).

January 2007 saw the adoption of the Continental Charter on Democracy, Elections and Governance by the member states of the AU. The Charter added to the four categories recognized in the said Declaration by including a fifth item: the “manipulation or amendment of the constitution or legal instrument” for the purposes of addressing the problem prolonging the term of office of the illegal regime (AU, 2007).

Vines (2013:92) comments that since its inception, the AU has managed to impose sanctions against nine member states that experienced coups: the Central African Republic (CAR) (2003 and 2013), Togo (2005), the Islamic Republic of Mauritania (2005 and 2008), Comoros (2007), Guinea (2008), Madagascar (2009), Ivory Coast (2010), Mali (2012) and Guinea-Bissau (2012). Some of these were military coups². One of these, occurred in Mali in 2012 and was instigated by the highest echelons of the national army after they accused the civilian government of failing to support the soldiers in their struggle against *Tuareg* insurgents; while the coup that occurred in the Islamic Republic of Mauritania in 2005 occurred after the military had accused veteran President *Maaouiya Ould Taya* of being a brutal dictator who had no concern for human rights. In the case of Guinea-Bissau, the military staged a coup on 12 April 2012 against the regime of Carlos Gomes whom they accused of conspiring with Angola to curtail the power of the military (International Crisis Group, 2012:6).

1.2 Aims

The focus of this study is to assess the efficacy of the AU’s sanctions policy, utilising as case studies the coups in Guinea and Madagascar, by evaluating the sanction policies put in place by the AU as considered against the stated objectives of these policies. This will entail an investigation of why AU sanction policies were successful in Guinea and yet failed in Madagascar.

² In 1999, the military in Ivory Coast overthrew President Henry Konan Bedie whom they viewed as authoritarian and corrupt (Rametsi, 2006:11).

1.3 Research questions

The following research questions have guided the dissertation:

- What were the role of actors and organisations, particularly Regional Economic Communities (RECs) and international organisations, in shaping the AU sanctions regime?
- What are the factors that led to the failures of the AU sanctions policy in Madagascar?
- What are the factors that led to the success of the AU sanctions policy in Guinea?

1.4 Theoretical framework

The theory of Collective Security has largely informed this dissertation. Collective Security has a rich history. Its roots can be traced back to the 18th century during the so-called “Period of Enlightenment”, with the former made popular by the German philosopher Immanuel Kant. In the 1700s, Kant wrote the philosophical treatise, *Perpetual Peace*, in which he argued for the creation of an international organisation that would aid cooperation amongst different states. Essentially, Kant believed that the creation of such institutions would control conflict and promote peace amongst states (Doyle, 2006:21). In the 20th century, the idea of Collective Security was popularised by the American Statesman Woodrow Wilson. Wilson, a staunch believer in the idea of Collective Security, was instrumental in forming the League of Nations in 1918, after the end of World War I. In the speech that he gave at the Peace Conference on 14 February 1919, Wilson highlighted the importance of international organisations:

Throughout this instrument [the League Covenant] we are depending primarily and chiefly upon one great force, and that is the moral force of the public opinion of the world - the cleansing and clarifying and compelling influences of publicity... so that those things that are destroyed by rogue behaviour may be properly destroyed by the overwhelming of the universal expression of the condemnation of the world (Kissinger, 1994:52).

Krause (2004:44) explains that Collective Security is mainly concerned with containing rogue behaviour emanating from deviant states. The containment of these rogue regimes becomes possible when nation-states establish an international social contract whereby they agree to

surrender their sovereignty to multilateral institutions charged with the responsibility of defining breaches of security and directing the collective response against a nation that has violated international norms and practices.

The theory of Collective Security postulates that states that act collectively to deter rogue elements who threaten global peace is the best way to preserve order in the international political system. As Henry Kissinger (1994:52), a former US State Secretary, put it, “the basic premise of Collective Security is that all nations view every threat to security in the same way and be prepared to run the same risks in resisting it”. Kegley and Wittkopf (2004:510) add to this explanation by stating that Collective Security refers to an international or “regional security regime agreed upon by member states”. In other words, Collective Security rests on the assumption that an act of aggression by any state will be met by a collective response from the (other) affected states.

Collective Security rests on the premise that global politics may be just and fair if states cooperate to limit the possibilities of war. Unlike the Balance of Power theory, which holds that order and stability are best preserved when military power is equally distributed across nation states, the theory of Collective Security agitates for the creation of supranational entities such as the UN, the European Union (EU) and the AU to guarantee peace and tranquillity (Burchill, 2002:47).

Moreover, advocates of the Collective Security persuasion dismiss the Realist perception that war is a permanent feature of International Relations. They propose that states should react collectively to any situation that may lead to an outbreak of war and hold the following assumptions as postulated by Kegley and Wittkopf (2004:540):

- International organisations such as the UN, the AU and the EU should retaliate against any aggression or any attempt to establish hegemony, not just those acts that threaten specific states
- The international community should involve all member states to stop the aggressor
- International organisations should create institutions that will identify threats to security.

In practice, the idea of Collective Security has found concrete expression in the UN. Article 1 of the UN Charter echoes the policy of Collective Security because it states that the purposes of the UN are:

To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace (UN, 1945).

The UN Security Council (UNSC), which institutes collective sanctions against deviant states, is designed according to the theory of Collective Security³. The council is made up of 15 out of the 192 current member states of the UN and its primary mandate is to “determine the existence of any threat to the peace, breach of the peace, or act of aggression” (Macqueen, 2006:26). Moreover, the idea of cooperation, a critical tenant of Collective Security, is a well-established feature of the UN. Article 48 of the UN Charter states that:

- The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
- Such decisions shall be carried out by the Members of the United Nations directly through their action in the appropriate international agencies of which they are members (UN, 1945).

More importantly, the political infrastructure that governs the UN sanctions regime is built on the idea of Collective Security. Chapter VII of the UN Charter, entitled “Action with Respect to threats to Peace and Disputes”, authorizes the UN Security Council to define the breaches of peace and to define the appropriate responses of the global community, ranging from diplomatic pressure, to sanctions, to the use of force (Barkin, 2006:66). Furthermore, Article 41 of the said UN Charter enumerates the types of sanctions to be imposed on a state that transgresses international law. These include “complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of

³ It should be noted that this is not absolute because there are five permanent seats and 10 non-permanent seats that normally rotate amongst states.

diplomatic relations” (UN, 1945). By imposing sanctions, the Security Council exercises its “extensive normative powers directed at regulating the member states contribution to the collective action” (Gazzini, 2005:15).

The African Union (AU) also subscribes to the idea of Collective Security as evidenced in the preamble of the Constitutive Act of the AU which states:

We as the African heads of states are inspired by the noble ideals which guided the founding fathers of our continental organisations and generations of Pan-Africanist in their determination to promote unity, solidarity, cohesion and cooperation among the peoples of Africa and African states (AU, 2002).

Similarly, the AU has followed in the footsteps of the UN in creating agencies that direct a collective response against elements that interrupt peace and security on the African continent. Article 5 (2) of the Constitutive Act of the AU provides for the creation of the Peace and Security Council, composed of 15 of the 52 member states of the African Union (AU, 2002 and Kemp, 2010:43). Additionally, the Protocol Relating to the Establishment of the Peace and Security Council (PSC) describes the PSC as a collective and security “early-warning” structure that facilitates “timely and efficient responses to conflict and crisis situations” on the continent of Africa (Peace and Security Council, 2002).

The AU sanctions regime is also designed according to the principles of Collective Security. For instance, in the event of a coup, the Regional Economic Community (REC), “where the crisis has occurred”, is expected to play a proactive role. As mentioned in the Framework for an OAU Response to Unconstitutional Changes in Government, the Chairperson of the REC and the Chairperson of the Peace and Security Council (PSC) should “urge for consistency of action at a bilateral, inter-state, sub-regional and international level” (OAU, 2000). This implies that the Chairman of the REC will notify the PSC about the events of an unconstitutional change that has occurred in the region. The PSC will then consider the information before imposing targeted sanctions such as travel bans and financial sanctions upon those who instituted the coup (Erikson, 2010:37).

The political institutions that manage serious crises such as wars, genocide and crimes against humanity, is rooted in the idea of Collective Security. For example, in an instance where a

regime commits crimes against humanity, the PSC abstains from imposing targeted sanctions; instead, the PSC employs diplomatic sanctions which suspend the country from the structures of the AU. In order to enforce this initiative as a collective venture, the PSC liaises with the REC and other actors such as the UN Secretariat and its various branches. After the PSC has adopted the sanctions, the AU Commission “would normally send a special envoy to the region” who is charged with the responsibility of examining the overall situation in the country of concern and “pursue a diplomatic approach and consider what will be done next” (Eriksson, 2010:37). It may thus be stated that this theory is relevant for this dissertation in that it will provide insight on how the AU collaborates with other actors in implementing its sanctions policies.

1.5 Methodology

There are two research methods which dominate the study of political studies and social science and are quantitative and qualitative in nature. Marvasti (2004:8) explains that a quantitative research method “involves the use of methodological techniques that represent empirical evidence in numerical categories such as statistics, surveys and experiments”. In the field of social sciences, quantitative research methods are in the main, used in the subjects of Psychology, Economics, Sociology and Political Science (Babbie and Mouton, 2001:49). This study did not employ a qualitative research method due to its time consuming nature and because the researcher is required to collaborate with others.

The qualitative research method differs from the quantitative research method in that it involves the “studied use and collection of a variety of empirical materials, case studies, interviews, artefacts, historical and cultural texts”⁴. Furthermore, Babbie and Mouton (2001:49) state that the emphasis on qualitative research falls on the methods of observation, interviewing and analysis of documents gathered from primary and secondary sources such as books, journals, newspaper articles and internet sources. As this study is rooted in a qualitative research method, research largely involved the use of primary data in the form of speeches and AU documents relating to the particular subject. Additionally, the study made use of secondary data consisting of literature

⁴Denzin and Lincoln, 2005. *The Discipline and Practice of Qualitative Research*.
<http://www.media.mit.edu/kbrennan/mas790/Denzin>

gathered from academic journals, books, the internet, newspapers and magazines. Information about the OAU was gathered from internet sources, journal articles and the website of the AU.

1.5 Structure of the dissertation

The dissertation is divided into six chapters.

Chapter one introduces the research topic. This is followed by a background of the study, the aims of the study, research questions, theoretical framework and the methodology employed in collecting the data.

Chapter two addresses and defines the concept of sanctions. In addition the various types of sanctions employed are investigated, as are the purposes of these sanctions. Lastly, the changing nature of sanctions which address the dynamic political changes that occurred after the end of the Cold War is examined.

Chapter three contextualizes and maps out the phenomenon of coups in Africa and also presents an outline of the OAU and AU sanctions policies.

Chapter four discusses the successes of the AU sanction policy in relation to the objectives set out in the Communiqué of the ECOWAS Extraordinary Summit of 2009, with special reference to Guinea, demonstrating the way in which the AU sanction policy managed to restore its policy objectives.

Chapter five discusses the pitfalls of the AU sanction policy in relation to the policy objectives of the Maputo Declaration and the SADC Roadmap. Special reference is made to Madagascar, demonstrating the way in which the AU sanction policy failed in implementing its policy directives.

Chapter six, as the concluding chapter, gives an overview of the key findings made by the study.

Chapter 2: Conceptualising sanctions

2. Introduction

This chapter sets out the conceptual basis for the dissertation. The first section defines the concept of sanctions, while the second section presents an outline of the various forms of sanctions applied by international, continental and independent states against rogue regimes. The third section discusses the purposes of sanctions and the fourth section investigates the evolution of sanctions, in order to indicate the dynamic political changes imposed by the end of the Cold War on the sanctions environment.

2.1 Defining sanctions

Farral (2007:7) defines sanctions as “measures which seek to coerce a state into behaving in a particular manner”. Geldenhuys (1990:20-21) enriches this definition by stating that sanctions refer to unilateral and international punitive measures in “the diplomatic, military and socio-cultural fields against a state that violates international peace”. Primarily, it is the intention that sanctions in international relations are applied to discourage any rogue behaviour that may threaten international peace. For example, the United Nations Security Council (UNSC) adopted Resolution 1160 on 31 March 1998, imposing an arms embargo on the government of Yugoslavia. This arms embargo was intended to end state-perpetrated violence instigated by Yugoslav authorities against the state of Kosovo (International Crisis Group, 2000:1).

Sanctions have been in existence since the days of antiquity. Reference to them date back to the classical period of ancient Greece (in 492 BC) “when the Greek city state of Aegina took non-coercive military action against Athens by seizing an Athenian ship and holding its passengers hostage” (Collins, 2009:4). Sanctions were once again used in 432 BC when Athens cut off trading ties with the “city state of Megara” following the kidnapping of three Athenian women by Megaran bandits (Collins, 2009:4).

Maritime blockades, which were common in medieval times, were mainly used as an instrument of coercing the Italian city states into behaving in a particular manner. For example, in 1270 Venice imposed commercial blockades against Bologna in order to coerce it into purchasing

wheat from Venice rather than from Ravenna, its traditional trading partner. In the 14th century, sanctions in the form of trade boycotts were used by an association of trading cities in Northern Europe known as the Hanseatic League, against the Russian city-state of Novgorod. Sanctions in the Middle Ages were used to disrupt economic exchanges between the “sender governments and the targeted state” (Farral, 2007:46).

In the 18th century, intense conflict situations also incurred sanctions. During the Napoleonic Wars, Britain used economic blockades against France to cut off food supplies and to destroy the trade network that provided the French soldiers with ammunition. However, Britain’s policy was met with limited success as France continued to sustain her military adventures through her economy, which supplied soldiers with food and military equipment (Alexander, 2009: 13).

Sanctions may be imposed either unilaterally or multilaterally. Nyun (2008:455) explains that unilateral sanctions are independently imposed by one state against another. One prominent example of unilateral sanctions occurred in 2002 when the Australian government imposed sanctions in the form of travel restrictions on President Robert Mugabe and the top officials of the Zimbabwean government. The sanctions were imposed after the government implemented a land seizure policy that saw the forceful removal of white Zimbabwean citizens from their farms, which was accomplished by human rights abuses such as assaults and murder⁵.

Multilateral sanctions on the other hand are those imposed by more than one state against one state and usually are applied collectively by regional and international organisations such as the UN against a state that threatens regional norms and international practices. Bapat and Morgan (2009: 175) argue that most policy makers prefer multilateral sanctions to unilateral sanctions because collective sanctions impose greater threats if the targeted state does not comply with demands of the international community. It is assumed that threats by many states would place a more persuasive pressure on a rogue state to change its policies. An example would be the European Union’s (EU’s) imposition, restricting military equipment being supplied to Nigeria after the West African state experienced a military coup in 1993 (Kreutz, 2005:32).

⁵ Australian Government Department of Foreign Affairs. 2002. Zimbabwe Targeted Sanctions Regime. http://www.dfat.gov.au/un/unsc_sanctions/zimbabwe.

2.2. Typology of sanctions

Most analysts and scholars have grouped sanctions into three categories: economic, political and smart sanctions. Economic and political sanctions are comprehensive in the sense that they sanction the entire population. On the other hand, smart sanctions are narrow because they specifically target the political leaders and individuals who support the policies of a rogue state. These sanctions are explored in detail, below.

2.2.1 Economic sanctions

Economic sanctions are used to “describe a sanction regime that seeks to prevent the flow to and from a target of all goods, precious commodities and products” (Farral, 2007:107). Thus, economic sanctions are very broad as they encompass a wide range of measures that restrict economic trade. Multilateral institutions and independent states imposing economic sanctions can refuse to sell goods or purchase goods from the targeted state (DePonte and Garfield, 2000:1). Apart from restricting the import and export of commodities, economic sanctions may also suspend financial transactions and freeze national assets held abroad. In practice, comprehensive economic sanctions are intended to reduce the target’s income “in order to reduce the ability to carry out policies” which are contrary to international norms practices (Farral, 2007:107). Below are some of the examples of economic sanctions that have been employed against rogue states.

Arms embargo are commonly known as arms sanctions and are defined as a sanctions regime that prohibits the sale of weapons to a targeted state (Hafbauer *et al.*, 2007: 139). The UN imposes two types of such embargos: voluntary and mandatory. A voluntary arms embargo occurs when the UNSC resolution calls on all member states of the UN to stop supplying the targeted state and rebel movements with military equipment, arms, ammunition and military services. Voluntary sanctions are “symbolic because states are only requested to stop supplying weapons to rogue states” (Strandow and Wallenstein, 2007: 1).

A mandatory arms embargo on the other hand is invoked when the UNSC resolution “decides that all member states shall prohibit the sale of military equipment, ammunition and military

services” to a targeted state and insurgent groups (Strandow and Wallensteen, 2007: 1). Furthermore, mandatory arms sanctions also request member states to implement a general and complete embargo on all deliveries of weapons (Strandow and Wallensteen, 2007:1). A mandatory arms embargo “legally obliges member states” to enforce the terms and conditions of this embargo (Strandow and Wallensteen, 2007: 1). This clause is captured in Article 2(5) of Chapter 1 of the UN Charter which states that member states are to “refrain from giving assistance to any state against which the UN is taking preventative or enforcement action” (UN, 1945:12). The international community closely monitors mandatory arms embargoes. This means that the member states of the UN are required to report on the steps they have taken to meet the obligations of the mandatory embargo. States that do not comply with these obligations are usually penalized (this comes in the form of paying fines) by the global body. In 2003, the United Nations Security Council (UNSC) adopted Resolution 1493. In the main, the resolution imposed a mandatory arms embargo on the rebel movements, such as the Rally for Congolese Democracy (RCG-Goma) and the Mai Mai, operating in the eastern part of the DRC and demanded the following:

That all States and in particular those in the region, including the Democratic Republic of the Congo, ensure that no direct or indirect assistance, especially military or financial assistance, is given to the movements and armed groups present in the Democratic Republic of the Congo (Stockholm International Peace Research Institute, 2012:1).

Continental organisations such as the AU may impose an arms embargo on a targeted regime. For example, on 20 February 2005, the AU imposed a mandatory arms embargo on Togo after *Faure Gnassingbe* assumed power through unconstitutional means (Communiqué of Twenty-Fifth Meeting of the Peace and Security Council, 2005). In effect, this meant that member states had to adhere to the policy of not supplying arms to Togo (AU, 2005).

Mineral sanctions refer to a sanctions regime that forbids the targeted state from exporting the minerals that it produces. Furthermore, such sanctions also prohibit the export of the services or equipment connected with the extraction of the minerals to the targeted state (Farral, 2007:118). Mineral sanctions include the diamond sanctions that are applied against a diamond producing state. For example, in 2003 the UNSC passed Resolution 1521, which barred Charles Taylor’s regime in Liberia from trading in diamonds. The resolution was passed, as it was believed that

Taylor's government used conflict diamonds to sponsor the RUF (a rebel movement that waged a civil war against the government of Sierra Leone) (Renner, 2002:22)⁶.

Luxury goods sanctions refers to a sanctions regime that seeks to prevent the sale, supply and transfer of luxury goods to a targeted state. The UNSC has only applied such sanctions against the government of North Korea in 2006⁷. This occurred after North Korea announced its intentions to test a nuclear device. However, the UNSC resolution 1718 did not stipulate the kinds of luxury goods that were to be prohibited from entering North Korea. Instead, it gave each of its member states discretion to choose the kinds of these goods that were to be banned from the communist state. For example, the United States government imposed the following ban on luxury goods to North Korea: cognac, iPods, plasma televisions, Rolex watches, yachts and racing cars (Reuters, 19 March 2013).

2.2.2 Political sanctions

Farral (2007:123) defines political sanctions "as actions that seek to interrupt the target's relations with the "external world in areas apart from basic trade". In contrast to economic sanctions, which are tangible because they disrupt trade, political sanctions are intangible in the sense that they are intended to crush the moral psyche of a targeted nation. The types of political sanction are examined below.

Diplomatic sanctions are defined as political actions that seek to disturb the official relations between a targeted nation and the external world. Essentially, such sanctions normally come in the form of limiting or cancelling high-government visits of the targeted state and expelling diplomatic missions from the targeted state. In some cases, these sanctions mainly take the form of suspending the rogue regime from the policy structures of international and regional organisations (Farral, 2007:123). For instance, cases of diplomatic sanctions were witnessed in 2011 after the regional bloc of the Economic Community for West African States (ECOWAS) suspended Ivory Coast from its policy structures. This came after the incumbent head of state,

⁶ Diamond sanctions are applied against states and insurgent movements that trade in diamonds to sponsor violent campaigns such as inter or intra-state conflicts.

⁷ UNSC Resolution 1718 (2006). <http://www.un.org/documents/sc/rec/2006/cres2006.htm>

Laurent Gbagbo, refused to hand over power to *Alassane Ouattara* who had won in the national elections (*BBC News*, 8 December 2010). In another example, in 2012, ECOWAS expelled Mali from its policy structures after the military seized power from the civilian government (*Guardian*, 11 January 2012).

Aviation sanctions prohibit flights from entering a targeted state; their purpose being to reduce easy access to international contacts for particular actors. The UNSC has experimented with aviation sanctions on a number of occasions. For example, in 1962 the UNSC passed Resolution 1761, which called on all its member states to “refuse lending and passage facilities to aircraft belonging to the South African government” (Griffiths, 1989: 250).

Sporting sanctions prohibit the population of a targeted state from participating in any international sporting event. For example, in 1964 the International Olympic Committee banned South Africa from participating in the Olympic Games because of the Apartheid laws that were enacted by the National Party in 1948 (*BBC News*, 18 August 1964). Again, in 1977, the Commonwealth of Nations adopted the Gleneagles Agreement, which urged its members to discourage contact between their sportsmen and sporting organisations, teams or individuals from South Africa (ANC, 1977). Subsequently, in 1992 the Union of European Football Federation Associations (UEFA) and the International Tennis Federation (ITF) imposed sporting sanctions on Yugoslavia after the former Soviet republic persecuted Muslim civilians in the former republic of Bosnia-Herzegovina. The International Tennis Federation banned Yugoslav tennis players from participating in the Davies and Federation Cups, while the Union of European Football Association (UEFA) banned the Yugoslav national soccer team from participating in the 1992 European Championship (*Los Angeles Times*, 1 June 1992).

2.2.3 Smart sanctions

Eriksson (2011:25) defines smart sanctions as collective or unilateral measures that apply coercive pressure to targeted individuals and entities while minimizing unintended social and

economic consequences for the vulnerable population. Drezner (2003:107) amplifies this when he explains that smart sanctions are specifically designed to cause harm to the regime of the targeted state, and are not aimed at harming innocent civilians. These sanctions differ from economic sanctions and political sanctions in two ways. Firstly, they specifically target and penalise the political elite who carry out policies that are contrary to international standards. Secondly, smart sanctions try to minimize the cost of human suffering by “exempting specific commodities such as food and medical supplies” (Tostensen and Bull, 2002: 73). Two examples of this type of sanction are identified below.

Travel sanctions, which are also known as travel bans, refer to measures that seek to prohibit or inhibit the “ability of individuals associated with the target of the sanction regime” to travel internationally (Farral, 2007: 124). Eriksson (2011: 31) states that targeted sanctions have been developed to cause a symbolic sense of isolation from the international process in order to “delegitimise the targets’ claims to authority”. In 2009, the AU suspended Madagascar from its structures and imposed travel sanctions on the political regime of *Andry Rajoelina* after he ousted democratically elected leader *Marc Ravalomanana* in a military coup. Eventually, AU sanctions managed to delegitimise *Rajoelina’s* claim to power as he was not allowed to participate in or attend any policy conference which was hosted by the continental body (AU, 2009).

An asset freeze entails confiscating the private property and international bank accounts of those who have been isolated by the international community. These measures are intended to deprive particular entities, such as business entities or political actors in a targeted regime, of their assets or property. Furthermore, these types of sanctions are “enacted to undermine the activities of the target or irritate the target by naming and shaming it in a symbolic” manner (Eriksson, 2011:28).

2.3 The purposes of sanctions

Sanctions are utilised by governments, global and regional organisations to achieve “international political goals, such as influencing the domestic policies of a targeted state”

(McGillivray and Stam, 2004:158). Davis and Engerman (2003:1) contend that sanctions are designed to compel a state to conform to international norms and practices. This section discusses the specific purposes of sanctions.

Hafbauer *et al* (2007:52) identify six purposes of sanctions. Firstly, Western states, especially the USA, use sanctions as a tool for changing the regime of the targeted state. During the Cold War, most states such as the USA used their regime change efforts as part of their “geopolitical battles” which were aimed at gaining spheres of influence. For example, the US and her allies imposed a series of sanctions aimed at destabilizing the left-leaning leaders of Cuba and Venezuela in the 1960s and 1970s.

Nonetheless, since the end of the Cold War, Western states have abandoned the strategy of imposing sanctions on the basis of a state’s ideological orientation. Currently, the most frequent goal of using sanctions is changing the regime of a targeted state to force it to democratise⁸. Hafbauer *et al* (2007:53) point out that democratisation has become a critical goal for the US and the European Union (EU). These cases are illustrated by their efforts at using sanctions to “broadly improve human rights and forcing autocratic regimes in Haiti, Burma and sub-Saharan Africa to hold elections” (Hafbauer *et al.*, 2007:53).

Secondly, Western states have used sanctions as an instrument to “impair the military potential of a targeted state” (Hafbauer *et al.*, 2007:53). The immediate purpose of doing so would be to diminish the given state’s potential power. Since the 1960s, the United States and other members of the UNSC such as France and Britain have applied sanctions against “states that seek to acquire the technology of producing Weapons of Mass Destruction (WMDs) such as nuclear and biological weapons” (Hafbauer *et al.*, 2007:53). In 1979, the US government imposed economic sanctions on North Korea after the government announced its ambitions in developing WMDs. In another instance, in 1979, the US Congress imposed an arms embargo on Iran following the Islamic revolution. Amuzegar (1997:1) points out that the intention behind the embargo against the Islamic state of Iran was intended to curtail Iran’s ability to acquire sophisticated technology that would allow it to produce WMDs.

⁸ Oechslein. 2010. Targeting Autocrats: Economic Sanctions and Regime Change. http://mitsloan.mit.edu/neudc/papers/paper_69.pdf

Thirdly, Western states have used sanctions to disrupt the military ambitions of a targeted state. Usually, the classic rationale offered for using sanctions in this instance was to preserve international peace by forcing an aggressive state to abandon its military ventures (Hafbauer *et al.*, 2007:69). This occurred in 1998 when the US imposed sanctions on India and Pakistan after the two states tested nuclear devices; the reason given being that sanctions against India and Pakistan were intended to halt their military ventures by stopping the sale of military equipment military services and technology⁹.

Fourthly, Western governments have used sanctions as a form of coercive diplomacy. According to Kegley and Wittkopf (1999: 563) coercive diplomacy refers to “threats or the actual use of force” to persuade an international actor to desist from undertaking any action which may threaten global security. Alterman (2003:277) adds to this definition by revealing another goal of coercive diplomacy. According to him, coercive diplomacy also seeks to persuade an opponent to undo an action already carried out. For example, in 1990, the United States used coercive diplomacy for the purposes of forcing Iraq to withdraw its troops from Kuwait (Alterman, 2003:277).

Fifthly, international organisations such as the UN have used sanctions for the purposes of discouraging states from sponsoring terrorist organisations. In this regard, sanctions are intended to isolate nations that harbour and sponsor terrorist groups. In 1992, the UNSC imposed an arms embargo on Libya after the North African state supplied the hijackers of Pan Am Flight 103 with military equipment (Stockholm International Peace Research Institute, 2013:1). North Korea is another state believed to have supported international terrorism. It is alleged that the communist state provided a safe haven for the Japanese Communist League-Red Army faction members who participated in the hijacking of a Japanese flight en route to North Korea in 1970. North Korea was implicated in another terror scandal involving the selling of weapons to a Philippine militant Islamic group called the *Maro* Islamic Liberation Front¹⁰.

⁹ Report for Congress. 2003. North Korea: Economic Sanctions.
<http://www.au.af.mil/au/awc/awcgate/crs/rl31696.pdf>

<http://www.fcp.state.gov/documents/organisations/6202.pdf>

¹⁰ US Department of State. 2001. Overview of State Sponsored Terrorism.
<http://www.state.gov/2441.htm>

However, the United States (US) reacted aggressively towards these kinds of acts. In 1979, the US imposed trade sanctions which saw North Korea forfeit most of its trade and foreign aid. The US government also barred the sale of ammunition and military equipment to the communist government of North Korea¹¹.

Finally, sanctions may be imposed for the purposes of containing intra or inter-state conflict. Chesterman and Pouligny (2002:1) contend that arms sanctions-embargoes that prohibit the transfer of arms to a targeted state remain the most frequently imposed form of sanctions to contain violent conflicts. The overriding intention of an arms embargo, passed by the UNSC under Resolution 733 in 1992, was aimed at containing the escalation of violence in Somalia after the country was plunged into a violent civil war involving rival clans from the North and the South (United Nations Sanctions Secretariat, 1999:11). Efforts at putting an end to the conflict were clearly expressed in paragraph five of the resolution, which urged that:

All states for the purposes of establishing peace and stability in Somalia, immediately implement a general and complete embargo on all deliveries, weapons and military equipment to Somalia (UN, 1992).

2.4 The evolution of sanctions in the post-Cold War era

Hafbauer *et al* (2007:69) identify the elements that changed the international sanctions regime: the end of the Cold War, impact of globalisation on the tools of economic sanctions, the emergence of new security threats such as ethnic conflicts in Africa and terrorist attacks, the rise of new targets, the emergence of NGOs that monitor the impact of sanctions on targeted states and NGOs that call on the international community to sanction states that violate internal norms.

During the Cold War, the United Nations' role in defending international norms was constrained by US-Soviet rivalry. This rivalry was underlined by the fact that the two superpowers at that time, the USA, a capitalist state and the USSR, a communist state, held competing ideologies. This limited the prospects of UNSC members being able to agree to act collectively to resolve

¹¹ Lee and Choi. 2007. North Korea: Economic Sanctions and US Department of Treasury Actions 1955-September 2007. http://www.nck.org/resources/NCK_Economic_Sanctions_Current

issues relating to global peace. However, this changed when the Cold War ended in 1990. That is, the end of the Cold War freed the UN from the ideological tensions that had existed between Communism and Capitalism, thereby allowing multilateral institutions to intervene more aggressively in international affairs (Hafbauer, *et al.*, 2007:69).

In the past two decades, the UN has conducted a much higher level of sanctions activity. It has imposed sanctions against Iraq (1990), Yugoslavia (1991, 1992 and 1993), Libya (1992), Somalia (1992), Liberia (1992, 2011), Nigeria (1994), Cambodia (1992), Haiti (1993), UNITA (Uniao Nacional para Independencia Totla de Angola in 1993, 1997 and 1998), Rwanda (1994), Sudan (1996), Sierra Leone (1997 and 2000), Afghanistan (1999), Ethiopia and Eritrea (2000) (Cortright and Lopez, 2000:1).

Globalisation, which led to the “growing integration of economies and societies around the world”, dramatically, altered the international sanctions regime (Goyal, 2006:1). In some instances, globalisation replaced old players, i.e. the UN, with new actors. Increasingly, regional organisations such as the AU and the European Union (EU) began imposing sanctions against regimes that violated international norms and practices.

More importantly, these regional bodies called for the diplomatic isolation of leaders who failed to relinquish power after losing an election. For instance, in 2010 the EU imposed financial sanctions, in the form of freezing of foreign assets and bank accounts, against the former Ivorian President Laurent Gbagbo, his key family members and three of his top aides after he refused to relinquish power following his defeat in the country’s national general elections.¹²

In Africa, Regional Economic Communities (RECs) such as SADC and ECOWAS have become active players that shape the AU’s sanction regime. These two RECs have the authority to terminate the membership of governments that obtain power through coups. The ECOWAS Protocol relating to Democracy and Good Governance is one of many statutes that allow states in West Africa to sanction unconstitutional regimes. The Protocol subscribes to the notion of “zero tolerance for power obtained or maintained by unconstitutional means” (ECOWAS, 2001).

¹² VOA News. 2010. EU Imposes Sanctions on Ivory Coast’s Gbagbo. http://www.voanews.com/.../eu_sanctions-on-ivorycoast.

There is consensus that globalisation has contributed towards making economic sanctions a less popular tool for coercing deviant states. Thakur (2000:2) points out the impact of globalisation by stating that economic sanctions have become less popular because of the humanitarian crisis they created in Iraq and Haiti. According to Thakur (2002:2) the most popular current tool for coercing deviant states consists of smart sanctions, which put direct pressure on the political elite that govern the targeted state. Smart sanctions normally involve actions such as “the freezing of foreign assets belonging” to the leadership collective of the targeted regime, “withholding the credits and loans, prohibiting investments” and restricting the travel of the targeted leaders by denying them visas (Weiss, 1999:503).

Another reason that might explain the proliferation of sanctions after the end of the Cold War was the rise of new security threats. Weiss (1999:499) points out that these included socio-political threats such as the abuse of human rights, genocide and internal conflicts. Subsequently, the international community has applied sanctions against states and parties that commit these acts. In 1998, the UNSC passed Resolution 1173, which applied targeted sanctions (affecting arms, and other related materials such as petroleum and diamonds) against UNITA after it failed to abandon the armed struggle¹³.

In addition, the UN also acted decisively against states that perpetuated mass killings. In the case of Rwanda, where radical Hutus killed close to one million Tutsis in 1994, the UN condemned the mass killings and applied an arms embargo against the Hutu-led government and the neighbouring states that may have supplied the Rwandan authorities with weapons¹⁴.

Hafbauer *et al* (2007:131) note that the emergence of new security threats has led independent states and international organisations to sanction new targets. Before the Cold War ended, the Soviet Union and her allies were targets of Western sanctions. In the 1970s and 1980s, there were at least nine cases of Western sanctions against states in Eastern Europe. However, this number has diminished since the end of the Cold War. The old Soviet states were only subject to “six sanction initiatives” (Hafbauer *et al.*, 2007:131). Russia, a former Soviet state, was the main state that spearheaded some of these sanctions initiatives. The former superpower imposed

¹³ UNSC Resolution 1173 (1998). <http://www.un.org/documents/sc/rec/21998/cres2006htm>.

¹⁴ UNSC Resolution 918 (1994). <http://www.un.org/documents/sc/rec/1994/cres1994htm>.

sanctions against its former allies; this after the media exposed the abuse of Russian minorities in Belarus, Ukraine and Georgia (Hafbauer *et al.*, 2007:131).

The bombing of the US embassy in Kenya and Tanzania in 1998 and the terrorist attacks on the World Trade Centre in New York on the 11 September 2001 proved that non-state actors such as terrorist groups and insurgent movements are able to violate international norms and practices. Hence on the 28th of September 2001, the UNSC adopted Resolution 1373, which urged all states to “prevent and suppress the financing of all terrorist acts”¹⁵. Under this resolution, member states of the UN were obliged to impose smart sanctions, in the form of freezing the financial assets of any group that sought to disrupt international peace by threatening to use violence against a nation state.

The other notable change is the geographic shift in the sanctions episodes, especially the rise of new sanctions targeting African states. Hafbauer *et al* (2007:11) observe that “the geographical shift of the international sanction regime reflects greater willingness” by the international community to act against elements of bad governance and human rights abuses in the continent. Since the 1990s, the UN has applied sanctions against seven African governments accused of bad governance and human rights abuses: Nigeria, Ivory Coast, Somalia, Sudan, Sierra Leone, Angola and Rwanda. The post-Cold War sanctions regime has also seen the international community react aggressively against regimes that continued to support a state or actors who were sanctioned by the UN. Liberia’s role as the primary supply base for the RUF rebels, who were sanctioned by the UN, in Sierra Leone prompted the UNSC to impose a diamond embargo, travel sanctions and an arms embargo against the administration of Charles Taylor (Cortright and Lopes 2002:1).

Some independent research units such as the Peterson Institute of International Economics have become critical players that shape the policy of international sanctions. Cortright and Lopez (2002:16) observe that these independent research units play a critical role in assessing the progress made by UN sanctions against targeted states. In addition, the two authors insist that issue based organisations and “operational NGOs pre-assess the conditions in sanctioned environments and engage in the monitoring and verification of humanitarian, economic and

¹⁵ UNSC Resolution 1373 (2001). https://www.unodc.org/pdf/crime/terrorism/res_1373_english.pdfCached Similar.

political conditions on the ground during the sanctions episodes” (Cortright and Lopez, 2002:16). Furthermore, these organisations also monitor the success and failures of international sanctions applied against deviant states. For example, organisations such as the Washington-based International Institute of Economics (IIE) and the International Peace Academy have conducted their own independent research on the achievements of both multilateral and unilateral sanctions. Their findings insist that only 5% of the international sanctions imposed on targeted states were successful. According to the IIE report, sanctions fail because “it is difficult to secure universal participation in embargoes”. Furthermore, it is also difficult to monitor the compliance of states that have agreed to participate (Cortright and Lopez 2002:16). The post-Cold War sanctions regime has also seen the rise of global NGO’s who lobby the international community to sanction states that disregard international norms and practices. The Palestinian Filmmakers Association is one of the many examples of an international NGO that has mobilized the international community to impose cultural sanctions, in the form of measures aimed at prohibiting cultural relations between the target and the external world. In 2006, the association signed an open letter calling on the United Nations to boycott “cultural and artistic institutions” in Israel who refused to take a stand against the Israeli occupation in Gaza¹⁶.

2.7 Conclusion

This chapter set out the conceptual framework of this dissertation by defining sanctions and discussing their various manifestations and applications. Furthermore, this chapter also addressed the purposes of the sanctions and it was found that Western governments use sanctions as an instrument to deter the military ambitions of a targeted state. In other instances, Western states are seen to use sanctions as an instrument to stop targeted governments from acquiring the technology required to produce WMDs such as biological weapons and nuclear weapons. This chapter also presented a discussion of the evolution of sanctions after the Cold War Era. In this, it was found that the end of the ideological rivalry between the East and the West allowed the international community to play a proactive role in international affairs. This led to an increase in

¹⁶ Gener. 2008. 12 Positions on Cultural Sanctions: theatre practitioners offer their views on a call to boycott Israel. www.tcg.org/publications/at/mayjune08/positions.cfm.

the number of states which were sanctioned by the UN. Globalisation facilitated the rise of new actors that include continental bodies such as the EU and the AU.

Chapter 3: An outline: coups in Africa and the sanctions policies of the OAU and AU

3. Introduction

For the past five decades, many civilian governments in Africa have been victims of coups d'états. Most of these coups have been carried out by a wide variety of actors. Some of them were instigated by rebel movements who were discontented with the way in which the incumbent regime was governing society. For example, on 26 January 1986, the rebel movement known as the National Resistance Army (NRA) overthrew the regime of *Tiko Okele* in Uganda after it accused government of violating human rights (Fouché, 2003:74).

In some instances, mercenaries employed by foreign governments to overthrow a legitimate regime may have carried out these coups. For instance, on 3 August 1975 the French government supported mercenaries *Bob Deanard* and *Jacques Fouccart* to overthrow President *Ahmed Abdalla* of the Comoros and replace him with *Said Mohamed Jaffar* (Anyangwe, 2010:69). It is often the case that coups have been spearheaded by the military who seek to remove an unfavourable leader¹⁷. Perpetrators who carry out coups have one thing in common: they seek to transform the political system by deposing old forms of authority and replacing them with new methods of governing society.

This chapter attempts to present an outline of coups in Africa and discuss the policies of the OAU and AU sanction regime. The first part of this chapter defines the concept of coups, while the second part examines the theories that explain the occurrence of coups. The third section presents a record of coups in Africa. The fourth part introduces the OAU and AU sanction policies, while section five discusses the sanction policies of the OAU in detail. The final section discusses the sanction policies of the AU in detail.

¹⁷ The reasons for instituting coups vary and others may not be genuine. Also, coups may also be caused by the personal ambition of army generals, tribalism and regionalism.

3.1 Defining coups

The term coup was borrowed from the French language in the 17th century and literally means a “stroke of state or a sudden change at the summit of a state” (Souare 2009:2). The notion of coups has been widely associated with the illegal overthrow of government or seizure of state power, “through actual threatened or actual use of violence by individuals of the respective government” (Miller and King, 2005:28). Some of the most prominent techniques used by belligerents to carry out coups include the capturing of key political institutions such as the police headquarters, military offices, presidential palace, television and radio stations (O’Kane, 1987:22).

Coups differ from other forms of political violence such as revolutions. Whereas revolutions are mass-based and take a long time to depose the incumbent government, coups are typically executed within a matter of hours and should not take more than a few days. Violence or the threat of violence must be present in the acts of those wanting to overthrow a legitimate government. For a coup to be successful the incumbent regime must be deposed and be replaced by the leaders of the coup or by the individuals they designate (David, 1987:8).

Coups are classed in five categories: a veto coup; a reform coup; a guardian coup; a palace coup and a putsch (Ezrow and Frantz, 2011:97; Basong, 2005:7). Veto coups occur when members of the military stage a coup to limit public participation in politics with the aim of removing elected governments. In these instances, the military suppresses large-scale opposition and popular movements. Therefore, such coups aim at suppressing the popular will of the people. Huntington (quoted in Ezrow and Frantz, 2011:97) writes that Veto coups have a tendency of producing totalitarian regimes characterised by high levels of repression. Two examples of Veto coups follow: the first one took place in Chile in 1974 when the army, led by General *Augusto Pinochet* overthrew the socialist regime of President Salvador Allende. Immediately after seizing power from the civilian government, the military engaged in acts of repression characterised by murder and torture and an estimated 2000 people died; most of them working class people who were active in politics during Allende’s reign (Steenland, 2006:15). The second example, in Africa of, a Veto Coup occurred in the Democratic Republic of the Congo (DRC) in 1965 after the army General, *Mobutu Sese Seko*, overthrew the democratically elected government of *Moise Tshombe*. After instituting the coup, *Mobuto* created a one party state that engaged in acts of

repression. These were characterised by a culture of human rights abuses that included torture and murder (Kabemba, 2011:88).

Reform coups, also known as breakthrough coups, occur in cases where the members of the army overthrow an oligarchy, a power structure where political power is in the hands of a small wealthy elite. The wealthy elite are mainly landlords, the upper clergy, military officers and the ruling class. Huntington (quoted in Dominguez, 2001:221) explains that in a breakthrough coup, the middle class forms a coalition with the younger army officers to depose the oligarchy and extend political participation. Essentially, this coalition aims to implement social and economic reform. For example, the 1952 Reform coup that occurred in Egypt was instituted for the purposes of replacing private sector-led growth with state-led growth or industrialisation. These changes were witnessed after the coup leader, *Gamal Abdul Nasser*, came to power. Under Nasser's rule, the "public sector was developed to be the main engine of growth and was responsible for attracting investment and creating employment" (Allisa, 2007:2). Furthermore, the regime of Abdul Nasser went on to channel money into infrastructure development, social services and land reform.

Another reform coup occurred in sub-Saharan Africa, during 1984 in Burkina Faso when army Captain *Blaise Compaoré* overthrew President Dr *Jean-Baptiste Ouedraogo* and replaced him with Thomas *Sankara*. Immediately after assuming power, *Sankara* implemented social and economic reforms that focused on preventing famine through land reform, prioritized education with a nation-wide literacy campaign and promoting public health vaccinating 2.5 million infants against yellow fever and measles. *Sankara* also changed the name of his state from Upper Volta to Burkina Faso (Anyangwe, 2010:66).

Guardian coups, often described by political commentators as "musical chairs", are characterised by the intervention of the military in politics to preserve the status quo. Guardian coups are brought about by the failure of the incumbent regime to govern effectively. The toleration of large scale corruption by the civilian government also prompts the occurrence of guardian coups (David, 1987:14). According to Ezrow and Frantz (2011:98), "coup stagers" are usually older army officers who want to purify the existing order. An example of such a coup in Africa occurred in Benin in 1963 when the regime of President *Hubert Maga* was deposed by a group of army officers led by Colonel *Christophe Soglo* (Anyangwe, 2010:65). The military justified

the coup on the basis that the regime of President *Maga* had failed to govern effectively, citing the following reasons:

The luxurious lifestyles of the rulers, abusive increase in the number of ministerial posts, unsatisfied social demands, failure of the government to deliver on their promises, the rise of the cost of living and the antidemocratic measures that dehumanized the citizens of Benin (Ayangwe, 2010:65).

The 1999 coup in Pakistan is another example of a guardian coup. The military, under the leadership of *Army General Pervez Musharraf*, seized control of the government of *Nawiz Sharif* after *Sharif* was accused of corruption and incompetence (Aziz quoted in Ibrahim, 2009:6). Upon assuming power, *Musharraf* created a socio-economic programme which was aimed at rooting out incompetency and corruption through privatizing state assets, forcing his government to adhere to the principles of good governance. While this had a positive effect on the economy of Pakistan with the economy growing by 7% per annum and the service sector growing by 11% per annum, politically, however, *Musharraf* hindered democratic developments and created a political system that interfered with the independence of the organs of the state. For instance, in January 2000, the military regime issued an Oath of Office Order to all the judges of Pakistan. The oath required the sitting judges of Pakistan to pledge loyalty to the regime (Mishra, 2012:4).

Palace coups occur within the existing structure of the political regime and are carried out by the political rivals of the President within the existing regime. A discontented group of army generals who are not satisfied by the manner in which the President governs a state may also execute a Palace coup. Basong (2005:8) explains that such coups are “characterised by deep secrecy and conspiracy”. They are normally accomplished through the assassination of the head of state. An example of a Palace coup occurred in Nigeria in 1975 when a group of army officers executed Ramat Mohammed.

Basong (2005:9) defines a putsch as “a violent military uprising by a group within the military, but not within the ruling group” and normally involves “a conspiracy for the seizure of key military targets and the subsequent seizure of state power”. In 1999, Ivory Coast experienced a Putsch when a group of disgruntled army officers deposed *Konan Bedie* and replaced him with *General Robert Guei* (Anyangwe, 2010:71).

3.2 Theories that explain the occurrence of coups in Africa

There are many factors that might help to explain the occurrence of coups in Africa. The scholarly material is extensive and varied. Some African scholars have emphasised the transfer of arms as a major factor that causes coups, while others study the social tensions existing amongst different ethnic groups. Even though the literature is vast, this study will focus on four schools of thought that may help to explain the occurrence of coups in Africa: the democratic governance-stability theory, the ethnic dominance theory, the economic dependency theory and the military centrality theory. The democratic governance-stability theory is useful in helping to concretise the dynamics that motivated the military to institute the coups d'état in Guinea and Madagascar. This theory is by far the most prominent one used by political scientists to explain the occurrence of military coups on the continent. Its focus is that coups are likely to occur in a political environment characterised by a weak civil society and a corrupt political system (Ngoma, 2004:89). Additionally, democratic governance-stability theory goes on to assert that coups are fuelled by fierce internal rivalries that take place amongst members of the governing party and weak administrative structures that dispense patronage to loyal constituencies (Jenkins and Kposowa, 1992:273). Campbell (2006:1) describes the nature of these coups as follows:

Coups appear to be once again an option when democracy seems to be failing, political gridlock has taken hold, or impoverished populations are alienated from constitutional authority. Successful coups legitimated by popular support (or at least acquiescence) and oiled with promises to restore democracy may become infectious, encouraging copycats in neighbouring states where governments are also weak or failing.

The theory of ethnic antagonisms is the second theory that has helped political commentators to explain the occurrences of coups in Africa. It mainly argues that ethnic antagonisms create political tensions and result in military coups (Jenkins and Kposowa, 1990:86). Jenkins and Kposowa use the idea of ethnic dominance to explain how social tensions, emanating from ethnic antagonisms, cause coups. Basically, ethnic dominance refers to the political and economic dominance of a single group that causes instability (Jenkins and Kposowa 1992: 275). It contends that if powerful ethnic groups monopolise top jobs such as ministerial positions, government posts, top military positions or ownership of major businesses, this dominance will rally the minority ethnic groups to contest the dominant ethnic group that has monopolised

privilege (Brass quoted in Jenkins and Kposowa 1992: 275). Post-colonial Africa has been plagued by military coups which were instigated by the concept of ethnic dominance.

An example of this would be that of Nigeria. After gaining independence from Britain in 1960, Nigeria degenerated into a weak state characterised by social tensions between ethnic groups from the north and the east. In the early years of independence, there were growing concerns regarding economic control of the north, dominated by the Hausa ethnic group, by the east, dominated by the Ibo ethnic group. Salawu and Hassan (2011: 29) outline the foundations of these concerns, pointing out that these emanated from the fear that well-educated ethnic groups from the east could use their advantaged position to marginalise the ethnic groups in the north. This fear prompted politicians in the north to adopt a “northernisation” policy which declared that jobs in the public sector of the northern region would be given to northerners. However, such policies impacted negatively on Nigeria’s development, leading to a coup in 1966 led by Major *Chukwuma Kaduna*. Notably, those who carried out the coup unleashed their ethnic frustrations on key political figures of the North, killing the Prime Minister of Nigeria, *Alhaji Tafawa Balewa*, who came from the north and the Premier of the north, *Alhaji Ahmadu*¹⁸.

The third theory investigated is the economic dependency theory that has helped policy makers explain the occurrence of a coup. The basic assumption of this model is that unfair trade between Africa and the West has stunted economic development. In the main, the theory focuses on exploitation of African states by their former colonial masters. It states that “the persistence of colonial trading patterns, especially strong ties to the former colonial power and reliance on the export of a limited number” of primary goods and agricultural products has been seen as intensifying inequality in post-colonial Africa (Jenkins and Kposowa 1992: 275). The ex-colonial states usually benefit from this exploitative relationship. As Renou (2002:8) notes:

The independence of Francophone African countries did not really change the rules. A significant share of their trade, marketing and shipping activities remained entirely controlled by the old colonial companies. Former French African colonies remain restricted to the supplying of raw materials (65 per cent of the French imports from the Franc Zone in 1991 were agricultural and food products, or energy and fuel products) and purchasing of French manufactured goods.

¹⁸ Isumonah. 2001. The Fear of Ethnic Domination and Electoral Democracy in Nigeria. www.apsanet.org/.../Victor%20Adefemi%20IsumonahWorking%20P...

As a result, the former French colonies in Africa never obtained a fair share. The surplus generated from the African markets was used to develop foreign industries, thus weakening domestic industries. Furthermore, transitional co-operation with foreign firms, which are based in the former colonial states, has also exacerbated the African situation. These foreign companies have imported advanced technologies that led to “over urbanisation, tertiarisation of the labour force and growing inequality” (Jenkins and Kposowa 1992:275).

It was against this background that Ghana, a former colony of Britain that gained independence in 1957, experienced a series of military coups. The country was plunged into an economic crisis which was largely caused by unfair trade. Uche (1994:47) contends that the West was to be blamed for the situation. He goes on to explain that immediately after the industrialised West lowered prices, thus discouraging the growing, of those basic commodities, especially gold and cocoa, that sustained Ghana’s economic growth, this West African nation experienced blocked development, which in turn caused a drastic decline in the earnings of civil servants and increased corruption and nepotism. This led the military to overthrow the government of Dr. *Busia* in 1972. The military justified the coup on the following grounds: that Dr. *Busia* was unable to protect Ghana from the adverse effects of unfair trade, that his administration was corrupt and that he had mismanaged the economy (Wiking, 1983:87).

The military centrality theory is the fourth theory that may help to explain the prevalence of coups in Africa. This theory focuses on the “corporate interests of the military” (Jenkins and Kposowa 1992: 862). The military centrality theory is based on the premise that national armies normally institute military coups when the government meddles with the daily affairs of the military. According to Onwudiwe (2004:21) this meddling occurs when the government decides to cut down on the budget of the military and intervenes in the recruitment processes of the national army. Moreover, the military may institute a coup if it is not provided with the necessary logistics to carry out a particular task and if the regime reduces the privilege of the military. The military coup that took place in the CAR in 1966 occurred against the backdrop of the army trying to protect its corporate interests. Decalo (1990:9) contends that the military was provoked to institute a military coup when the incumbent president, *David Dacko*, “attempted to balance the army against the police in a juggling of corporate interests and the personal ambitions of the army General Colonel *Bokasa* and Chief of Police *Pierre Izamo*”.

3.3 The record of coups in Africa

Africa is the second largest continent in the world. The continent consists of 54 states, some of which gained independence, with the exception of Liberia and Ethiopia, from the colonial empires of Belgium, Britain, France, Portugal and Spain in the 1950s, 1960s, 1970s and the 1980s. Zounmenou's (2009a) study entitled *Coups d'état in Africa between 1958 and 2008*, sheds light on the number of coups that have taken place in Africa during the period 1958-2008. In this study, Zounmenou shows that the continent experienced 77 coups from 1958-2008 (Zounmenou, 2009a:73). These are discussed in detail below.

3.3.1 West Africa

West Africa is known as the most populous African region and is located in the South of the Sahara Desert. The region consists of fifteen states: Benin, Burkina Faso, Cape Verde, Ivory Coast, Nigeria, Liberia, Mali, Guinea, Guinea-Bissau, Niger, Ghana, Sierra Leone, Gambia, Togo, and Senegal. McGowan (2006:238) has dubbed West Africa as the most "coup prone region in the world" and his conclusion is supported by the data in Table 1.

3.3.3.1 Table 1: Coups in West Africa from 1963-2012

Country	Year	Total
Benin	1963, 1965 (2) 1967, 1969, 1972	6
Burkina Faso	1980, 1982, 1983, 1987	4
Côte d'Ivoire	1999, 2010	2
Gambia	1994	1
Ghana	1966, 1972, 1978, 1979, 1981	5
Guinea	1984, 2008	2
Guinea-Bissau	1980, 2003, 2012	3
Liberia	1980	1
Mali	1968, 1991, 2012	3
Niger	1974, 1996, 2010	3
Nigeria	1966 (2), 1975, 1983, 1985, 1993	6
Sierra Leone	1967, 1968, 1992, 1997	4
Togo	1963, 1967, 2005	3
Total		43

Sources: Zounmenou (2009a:72); BBC News (2010); The Guardian (2012); Vines (2013:92)

Table 1 points out that West Africa has experienced 43 coups from 1963 to 2012 with Benin and Nigeria leading, each country having respectively experienced six coups. They are followed by Ghana, which has experienced five coups. At the bottom of the list are Liberia and Gambia, with each of these states having only experienced one coup. A closer look at Table 1 also reveals that the frequency of coups in West Africa was high in the 1960s, up until the end of the 1980s. During these years, the region experienced 29 coups. However, there was a steady decline of military coups in the 1990s. From 1990 up until the year 2010, the region only experienced ten coups (Zounmenou, 2009a:73).

This steady decline of coups in West Africa may have been made possible by what Huntington (1991:3) calls the Third Wave of Democratisation¹⁹. The advent of the Third Wave of Democratisation led to profound policy changes in some newly democratised states. Military dictatorships and undemocratic regimes had to be replaced by civilian rule; political power had to be contested through free, regular and fair elections and states had to embrace a culture founded on the values of the rule of law and respect for human rights. As the third democratic wave swept across the world, West Africa was also transforming her political landscape. The brutal assaults of military rule were becoming out-dated and the international community was condemning unconstitutional methods used to bring leaders into power. Increasingly, West African states implemented constitutional reforms that allowed for greater political participation through multi-party elections (Kacowicz, 1997:375).

At the end of 1989, two of the states that had been prone to military coups, Benin and Ghana, earned themselves the status of consolidated democracies (Siegle, 2007:3). This was made possible by the adoption of democratic constitutions, which “granted political actors permission to create their own respective political parties” (Economic Commission for Africa, 2004:8). In addition, these new constitutions also guaranteed basic freedoms, civil rights and provided for the protection of human and property rights (Economic Commission for Africa, 2004:8).

More importantly, many states in West Africa also adopted constitutions that limited the presidential term to a maximum of two terms. This was done to rid their respective countries of

¹⁹ The third wave of democratisation refers to a period of democratic upsurge that started in the 1974 up until 1990 (Huntington, 1991:4).

life time presidents or of those leaders who spent the rest of their lives as heads of state, as well as to block off the personality rules that had plagued the region since the beginning of independence (Edi, 2006:12). Lastly, presidential term limits were introduced for the purposes of facilitating a culture of political competition, which in turn enhances the prospects of political development and the consolidation of democracy.

The states that tended to experience coups in the 1990s had been ruled by autocratic regimes that did little to implement the democratic reforms mentioned above. For instance, President *Moussa Traore*, who had ruled Mali for 23 years (1968-1991), was ousted in a military coup led by Lieutenant-Colonel *Amadou Toumani*, in 1991, after he refused to accept the demands of democratic reform (*New York Times*, 12 September 1991). Niger, on the other hand, experienced a coup in 2010 when President *Mamadou Tanja* was deposed by the military after he amended the constitution for the purposes of extending his term in office²⁰. In Togo, the coup that occurred in 2005 unfolded against the backdrop of a single party system which was strongly influenced by the military, this despite having had a multiparty system for more than a decade (The Forum of Political Parties, the Media and Civil Society in West Africa, 2005:29). Following the death of the veteran leader *Gnassibe Eyadema* in 2005, Togo experienced a coup. The Togolese army overrode the stipulations of the constitution, which stated that the speaker of the parliament was to take over once the president died, and installed the son of the late President *Faure Gnassingbe* as the head of state instead (Handy, 2005: 2).

3.3.2 Central Africa

Central Africa comprises nine states, most of which were colonised by France and Belgium. The states that make up the region are Burundi, Cameroon, the Central African Republic (CAR), Chad, Congo-Brazzaville, Democratic Republic of the Congo (DRC), Equatorial Guinea, Gabon and Rwanda. Table 2 shows the frequency of coups in Central Africa²¹.

²⁰ Zounmenou, D. 2010. Is Niger's Military Coup Merely Countering a Constitutional One? http://www.issafrica.org/iss_today.php

²¹ UN. 2009. Classification of Countries by Major Area and Region. <http://www.un.org/esa/population/publications/worldageing19502050/pdf/96annexii.pdf>

3.3.3.1 Table 2: Coups in Central Africa from 1965-2013

Country	Year	Total
Burundi	1966(2),1976, 1987, 1996	5
Central African Republic	1966,1979,1981, 2003, 2013	5
Chad	1975,1979, 1990	3
Congo-Brazzaville	1968,1999	2
Democratic Republic of Congo	1965, 1997	2
Equatorial Guinea	1979	1
Rwanda	1973	1
Total		19

Source: Zounmenou, (2009a:72) BBC News (2013)²²

During the period extending from 1965 to 2013, Central Africa has experienced 19 coups. The first one occurred in 1965 in the DRC while the last occurred in the CAR in 2013. Table 2 also indicates that the CAR and Burundi lead the pack, each country having experienced five coups respectively. They are followed by Chad with three coups. Congo-Brazzaville and the DRC have each experienced two coups, while Equatorial Guinea and Rwanda have each experienced one

²² Source adapted from Zounmenou (2009:72) and BBC News (2013).

coup. Coup behaviour in the region of Central Africa has largely been influenced by the military centrality theory. The implication of this is that the military in a number of states in the region of Central Africa instituted military coups to protect their corporate interests. The 1987 coup that installed Major *Pierre Buyaya* as the President of Burundi, came after the incumbent President, *Jean Baptiste Bagaza*, announced his plan to economise by forcing early retirements in the army (Bentley and Southall, 2005:44).

Non-state actors, especially mercenaries, have also been responsible for overthrowing governments in Central Africa. Addo (2004:3) argues that most of these belligerents are recruited locally or from outside the country. A president who is known to have used mercenaries is *François Bozize*. *Bozize* came to power in 2003, backed by Chadian mercenaries, and in this manner deposed the regime of *Ange-Felix Patasse* in the Central African Republic²³. In 2004, the Zimbabwean police impounded an airplane headed for Equatorial Guinea. The plane was carrying 64 mercenaries who were plotting to overthrow President *Teodoro Nguema* of the oil rich state of Equatorial Guinea (Addo, 2004:3).

Rebel movements have also been central to coups in the region of Central Africa. The coup that deposed President *Habre* of Chad in 1990, was spearheaded by the former military advisor, *Idris Derby*, and his rebel movement called *Mouvement Patriotique du Salut* (MPS) (Berg, 2008:13). Similarly, Laurent Kabila and his rebel movement, called the Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFLCZ), ousted the veteran leader *Mobutu Sese Seko* in a military coup in 1997²⁴. In 2013, the *Seleka* rebels deposed the regime of President François Bozize in the Central African Republic (*All Africa*, 27 June 2013)²⁵.

3.3.3 East Africa

East Africa is made up of the following states that form part of the Intergovernmental Authority on Development (IGAD)²⁶: Djibouti, Ethiopia, Eritrea, Kenya, Somalia, Sudan and Uganda²⁷.

²³ The Economist. 2008. Will Foreign Interests Help Rescue a Rotting Country at the Heart of Africa? <http://www.economist.com/node/10567511>

²⁴ PBS News Hour. 1997. Zaire in Turmoil. http://www.pbs.org/newshour/bb/africa/jan-june97/zaire_03-17.html

²⁵ The Seleka rebels are an alliance of various insurgent groups that include the Democratic Front of the Central African People (FDPC), Convention of Patriots and Peace (CPJP), Union of Democratic Forces (UFDR), Alliance for Revival and Building (A2R) and the Patriotic Convention for Saving the Country (CPSK)

²⁶ IGAD is a regional organisation in East Africa that is focused on issues of regional security in East Africa

Political instability has been a defining feature of this region, exacerbated by the border war between Ethiopia and Eritrea, anarchy in Somalia and the conflict between government forces as well as Joseph *Koni's* rebel movement, known as the Lord's Resistance Army (LRA), in Uganda. As with West and Central Africa, coups have been a source of instability in the East Africa region. Table 3 shows the number of coups the region has experienced.

3.3.3.3 Table 3: Coups in East Africa from 1958-1989

Country	Year	Total
Somalia	1969	1
Sudan	1958,1969, 1985,1989	4
Uganda	1966,1971, 1979,1980 1985,1986	6
Total		11

Source: Zounmenou, (2009a:73)

Table 3 also reveals that the region of East Africa has experienced 11 coups from 1958-1989, with Uganda experiencing the highest number, followed by the state of Sudan with four while Somalia has experienced one.

The primary reason for the coups in East Africa appears to have been corruption. In this regard, Somalia is often used as a source of reference to show how corruption causes coups. Le Sage (2005:19) observes that the end of colonial rule created an independent Somali state, “but it also left behind a number of destabilizing political legacies”. Part of these legacies was the emergence of a corrupt ruling class, which included individuals who benefited most in terms of education and employment during the colonial rule. Essentially, this class used state resources to

²⁷ UN. 2009. Classification of Countries by Major Area and Region.
<http://www.un.org/esa/population/publications/worldageing19502050/pdf/96annexii.pdf>

dispense patronage amongst their loyal constituencies. Narrow nationalism became the language of the corrupt ruling elite, this occurring while clans were effectively transformed into constituencies and platforms for aspiring elites (Le Sage, 2005:19). Le Sage (2005:19) argues that the army used “corruption and the instability of the civilian government’s patronage system as a pretext for action”, assuming power in 1969, and installing General *Mohamed Said Barre* as President of Somalia.

Similar to other regions in the continent, the military in the region of East Africa instituted coups to protect its corporate identity, as evidenced in the coup that occurred in Uganda in 1971. First (1971:133) insists that the catalysing factor that prompted the military to overthrow the government took place when the Ugandan Secret Service started collecting intelligence on the activities of the army.

The occurrence of coups in East Africa may additionally be attributed to external factors such as foreign intervention. Holsti (1995:194) explains that foreign intervention refers to “any activity that seeks to change the political leadership or constitutional structure of a foreign state”. Usually, foreign intervention is enacted without the knowledge or consent of the legal institutions of the state concerned. Ngoma (2004:92) states that the standard motivation for foreign intervention includes, “new business opportunities, geopolitical interests”. The most prominent technique that foreign governments use to unseat the political leadership of a targeted state is when they sponsor militia groups or dissidents to engage in guerrilla warfare against their governments. In addition, external intervention also occurs when a foreign state directly assists a rebel movement to overthrow their government. The 1979 coup that ousted Idi Amin in Uganda shows characteristics of foreign intervention and was orchestrated by the Tanzanian army and the Ugandan National Liberation Front (UNLF). The UNLF, with the aid of the Tanzanian military, “liberated Kampala on 11 April and pursued Amin to Sudan and Zaire” (Fouché, 2003: 71).

3.3.4 North Africa

This region, also known as the Maghreb region, is composed of five states: Algeria, Egypt, Libya, Mauritania and Morocco. As in other regions of Africa, North Africa has also experienced

a series of military coups. Table 4 shows the number of coups that have taken place in North Africa between 1965-2008.

3.3.3.4 Table 4: Coups in North Africa from 1965-2008

Country	Year	Total
Algeria	1965	1
Libya	1969	1
Mauritania	1978,1984, 2005, 2008	4
Tunisia	1987	1
Total		7

Source: Zounmenou (2009a:73)

In total, the region has experienced seven coups during the period from 1965-2008 (Zounemenou, 2009a:73). The region first experienced a coup in 1965 when Ahmed Ben Bella, Algeria’s first democratically elected President, was toppled in a bloodless coup by Colonel *Houari Boumediène*. In 1969, *Muammar al-Qaddafi*, an army captain, led a military coup that deposed King *Idris* of Libya. It appears that the belligerents who launched the military coup in Libya were motivated by a particular ideology²⁸. For example, *Global Issues* (2003:1) points out that the coup makers wanted to direct the state of Libya into a revolutionary society guided by the values of Arab Socialism, a political ideology that integrated Islamic principles with social, economic and political reforms²⁹.

The 1987 coup that installed *Ben Ali* as president of Tunisia was motivated by constitutional reforms. Ware (1988:592) writes that the military coup was instituted for the purposes of revising the constitution to eliminate the “clauses relating to lifetime Presidency and automatic

²⁸ *Global Issues*. 2003. www.globalissues.org/article/793/libya

²⁹ *Global Issues*. 2003. www.globalissues.org/article/793/libya

succession of the Prime Minister to the Presidential post”. The catalyst of the 2008 coup that occurred in Mauritania was a Presidential decree that sacked the Army Chief of Staff, the Commander of the Gendarmerie, the Commander of the Presidential Security Battalion and the Commander of the National Guard. As a result, conflict ensued between the legislature and the executive and this led to the resignation of a majority of MPs and senators from the ruling party, the PNDD (National Pact for Democracy and Development). Eventually, Prime Minister *Zeine Ould Zeidane* and his cabinet succumbed to public pressure and were forced to resign to avoid a motion of no confidence. The morning after the resignation, the rebels seized power and announced the plans to hold elections in the shortest period of time (Kamledy, 2008:3).

In the beginning of 2011, states in North Africa, namely Egypt, Libya and Tunisia, experienced a series of popular uprisings. Observers note that these were caused by persistent corruption, a denial of basic rights and limited participation in policy-making processes³⁰. Notably, these protests prompted the resignations of President *Hosni Mubarak* of Egypt and President *Ben Ali* of Tunisia. Libya, on the other hand was embroiled in a bloody conflict that eventually led to the assassination of President *Muammar al-Qaddafi*. These protests demonstrate that popular revolts are able to be a gateway to what Varol (2011:2) calls “democratic coups”: a type of coup that overthrows an “authoritarian regime for the purpose of transitioning the regime to democracy and holding free and fair democratic elections within a short span of time”. Varol (2011:2) uses Egypt as an example to demonstrate how the military exploited the popular revolts to institute a democratic coup. He postulates that:

Credit for the successful overthrow of the Mubarak regime went in large part to the Egyptian Armed Forces, which refused to fire on the protestors during the demonstrations and stepped in to assume control of the government when *Mubarak* stubbornly refused to relinquish his stronghold (Varol, 2011:2).

The military has remained firm in its commitment to putting Egypt onto a democratic path. On 20 January 2012, the Egyptian military released guidelines for the Presidential elections scheduled for the 23rd and 24th of May 2012. The runoff elections were to be held on the 16 and 17 June 2012 (Varol, 2012:2).

³⁰ Democratist, 2011. The Great Arab Spring of 2011: Causes and Consequences. <http://www.democratist.net/2011/03/28/great-arab-spring>.

3.3.5 Southern Africa

Southern Africa is composed of thirteen states, Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia, Zimbabwe and the island states of Madagascar and Mauritius³¹.

3.3.3.5 Table 5: Coups in Southern Africa from 1975-2009

Country	Year	Total
Lesotho	1986, 1991	2
Madagascar	1975, 2009	2
Total		4

Sources: Zounmenou (2009a:73) (Marcus, 2004:3) (BBC News, 2009)³²

In contrast to other regions, Southern Africa has been least affected by the phenomenon of coups. During the period 1975-2009, the region has only experienced four coups, two of which occurred in Lesotho and two in Madagascar. This raises a question regarding how the region of Southern Africa escaped the coup contagion. Nkosi (2010:26) explains that governments which assumed power through the influence of armed struggle, such as those in Namibia and Zimbabwe, were able to create and reorganise their armed forces and were as a consequence, more successful in imposing control. Secondly, states that gained independence through a peaceful transition, such as South Africa, Tanzania and Zambia, dealt effectively with the challenges arising from their armed forces³³. They were able to “reorganise and institutionalize their civil-military relations and to sustain civilian rule” (Nkosi, 2010:26).

³¹ SADC. 2001. SADC Member Countries. <http://transition.fcc.gov/ib/initiative/africa/webfiles/append2.pdf>

³² Source adopted from Zounmenou (2009), Marcus (2004) and BBC News (2009)

³³ With the exception of Lesotho, which underwent two military coups in 1986 and 1991.

Once again, foreign intervention was at the centre of another military coup in Africa in 1986 when Major *Lekhanya Metsing* assumed power in Lesotho. Nkosi (2010:25) contends that the coup was instigated by the South African Government. Nkosi (2010:25) makes a link between the abovementioned Lesotho coup and the South African government. He contends that the latter created a coup prone environment by imposing a border blockade on Lesotho for three weeks due to the Apartheid Government's concern regarding the support given to the then banned African National Congress (ANC) by the regime of Prime Minister Chief *Leabua Jonathan*³⁴. The causes of the military coup in Madagascar are explored in the later sections of this dissertation.

3.4 OAU and AU sanction policies

In these subsections the sanction policies adopted by the OAU and the AU in dealing with coups in Africa will be examined and include the *Lomé Declaration*, the AU Constitutive Act and the AU Charter on Elections and Governance. The section on the AU sanction policies will discuss the new policy developments, the role of AU organs and the role of Regional Economic Communities.

3.4.1 Sanction policies of the OAU

The Organisation for African Unity (OAU) was formed on 25 May 1963, its main aim being to “safeguard African interest by promoting the unity and solidarity” of African nations and ending all forms of colonialism on the continent (Omorogbe, 2011:125). In line with Article 3 of the OAU Charter which guaranteed the “respect for the sovereignty and territorial integrity of each state and for its inalienable right to independent existence”, the OAU adopted the principle of non-interference as its *modus operandi* (OAU, 1963). This principle barred the OAU from interfering in the domestic affairs of its member states. More importantly, this principle did not give the OAU the right to interfere in a situation where regimes acquired power through coups.

³⁴ Lesotho experienced a coup in 1970 when the incumbent Prime Minister Chief Leabua Jonathan, who led the Basotho National Party (BNP), refused to relinquish his position after being defeated by the Basotholand Congress Party (BCP) in the national elections.

The Cairo Declaration of 1964 that legitimised national borders inherited from their colonial governments further strengthened the principle (Ikome, 2007: 16). Nevertheless, the policy of non-interference proved to be ineffective in dealing with the challenges on the African continent. The continental body did not question any of its member states, even if they violated the rights of their citizens.

Moreover, the OAU did not punish any regime that acquired power through a coup. Instead, it welcomed whichever regime that was in effective control of a territory and it even granted them diplomatic representation in its structures. For example, the OAU granted diplomatic recognition and diplomatic representation to regimes that came into power through coups in Ghana (1966), Uganda (1971), Chad (1982), and Liberia (1980) (Omorogbe, 2011:126).

Conditions for aid as set by the World Bank and the International Monetary Fund (IMF) in the 1980s challenged the OAU's policy of non-interference significantly. This meant that African states had to embrace a development paradigm founded on democracy and good governance in order to receive aid (Aubut, 2004:11). For this reason, in 1981, the OAU adopted the African Charter on Human and Peoples Rights, which acknowledged a number of fundamental human, civil and political rights. Consequently, the adoption of the Charter prompted policy makers and African scholars to search for new ways of defining security. In 1991, the OAU adopted the Kampala Document, which sought to integrate the ideas of security, stability, development, and cooperation and it argued that security should be premised on the following understanding:

The concept of security must be seen in its wholesomeness and totality. It must be taken beyond traditional definition, which is largely a military understanding. The security of each country and of the continent must be taken to include the security of the African People to live in peace with access to basic necessities of life while fully participating in the affairs of their society freely and exercising their fundamental human rights (Hutchful, 2008:75).

Because of this process, the OAU's policy stance began to show some changes. Nkosi (2010:43) states that one of the first policy changes was witnessed during the 1997 OAU Summit held in Zimbabwe's capital city, Harare. The summit took place shortly after the military ousting of the regime of President *Tejahn Kabbah* in Sierra Leone. For the first time, the OAU took a radical stance and lashed out against the rebel movement responsible for masterminding the coup. The Secretary General of the OAU at that time, *Salim Ahmed Salim*, described the coup as a setback

for Africa. The UN joined the chorus of condemnation and the global body issued a statement which stressed that:

The UN and the international community firmly uphold the principle that the will of the people shall be the basis of the authority of governments, and that democratically-elected governments shall not be overthrown by force (*Pan African News, 26 May 1997*).

The Algiers Summit of 1999 was an event in which the year 2000 was declared a year of “peace, security and solidarity in Africa” and in which anti-coup rhetoric was articulated (Omorogbe, 2011:127). The Summit took a resolution to suspend any government that assumed power through a coup. Moreover, the Algiers Summit also called on the regimes of the states of the Comoros, Congo-Brazzaville, Guinea-Bissau and Niger, that had come to power through coups since the Harare Summit, to restore constitutional rule before the next annual summit (Omorogbe, 2011:127).

Following this, the continental body went on to develop an anti-coup policy framework, witnessed at the OAU Thirty Sixth Ordinary Session of the Heads of State, which was held in Togo’s capital *Lomé* on the 10th of July 2000. The session adopted the Framework for an OAU response to unconstitutional changes in Government; also known as the *Lome Declaration*. The framework marked a new approach to coups in that it declared them a threat to the peace and security of the continent, constituting a very disturbing trend and serious setback to the on-going process of democratisation in Africa (OAU, 2000). Ikome (2007:31) observes that this framework was part of the OAU’s agenda of promoting democracy, giving a set of democratic principles that member states of the OAU should adhere to:

- Adoption of a democratic Constitution: its preparation, content and method of revision should be in conformity with generally acceptable principles of democracy
- Respect for the Constitution and adherence to the provisions of the law and other legislative enactments adopted by Parliament
- Separation of powers and independence of the judiciary
- Promotion of political pluralism or any other form of participatory democracy and the role of the African civil society, including enhancing and ensuring gender balance in the political process

- The principle of democratic change and recognition of a role for the opposition
- Organisation of free and regular elections, in conformity with existing texts
- Guarantee of freedom of expression and freedom of the press, including guaranteeing access to the media for all political stake-holders
- Constitutional recognition of fundamental rights and freedoms in conformity with the Universal Declaration of Human Rights of 1948 and the African Charter on Human Rights
- Guarantee and promotion of human rights (OAU, 2000).

The framework went on to define several situations that constitute an unconstitutional change in government:

- Military coup d'état against a democratically elected Government
- Intervention by mercenaries to replace a democratically elected Government
- Replacement of democratically elected Governments by armed dissident groups and rebel movements
- Refusal by an incumbent government to relinquish power to the winning party after free, fair and regular elections (OAU, 2000).

More importantly, the *Lomé* Declaration also made provisions for dealing with regimes that carried out the above-mentioned acts, stating that whenever an unconstitutional change took place within the member states, “the incumbent Chairperson of the OAU and the Secretary General should condemn the coup and urge a speedy return to constitutional order” (OAU, 2000). The Chairperson and the Secretary were to warn the leaders of the coup that their actions would not be tolerated. Additionally, the Chairperson and the Secretary “should urge for consistency of action at a bilateral, inter-state, sub-regional and international level” (Nkosi, 2010:55).

After issuing a warning to the regime concerned, the OAU Central Organ would meet to discuss the situation, giving the leaders of the coup up to six months to restore constitutional order. During these six months, the government concerned was to be suspended from participating in

the policy structures of the OAU. The suspended government was also barred from participating in the meetings of the Central Organ, the Sessions of the Council of Ministers and the Assembly of the Heads of State. However, the suspension did not affect the country's membership. The concerned state was also required to honour its basic obligations, including its yearly financial contribution to the OAU (OAU, 2000).

Within that period of six months, the Secretary General would be mandated to gather relevant facts about the coup. He or she would additionally be tasked to establish contact with the perpetrators with a view to ascertaining their intentions regarding the restoration of constitutional order in their state. The Secretary General would also be mandated to seek the contribution of African leaders in the form of pressurising the perpetrators of the coup in order to cause them to cooperate with the OAU and facilitate the restoration of constitutional order in the Member State concerned. In addition, the Secretary General would be tasked with the responsibility of maintaining contact with the Regional Economic Grouping, to which the country in crisis belongs (OAU, 2000).

At the expiration of the six months suspension period, a range of targeted and limited sanctions would be imposed against a regime that refused to implement the constitutional order. Some of these targeted measures may include visa denials and the freezing of the foreign bank accounts of the perpetrators of an unconstitutional change (OAU, 2000). Moreover, the continental body was mandated to impose measures that are able to restrict government-to-government contact and trade sanctions in the form of an arms embargo (OAU, 2000). When imposing sanctions, the OAU would be required to enlist the cooperation of member states, Regional Economic Communities and the wider International/Donor Communities. The OAU would also be required to scan the sanctions environment in order to ensure that the sanctions do not cause harm to the population of the targeted country (OAU, 2000).

3.4.2 Sanction Policies of the AU

This section focuses on the AU sanction policies. It also discusses new policy developments of the AU sanction regime, the role of AU organs and the role of RECs.

The transformation of the OAU into the African Union (AU) marked the beginning of a new era in African politics³⁵. Arguably, the transformation represented a qualitative improvement in the “evolution of intra-African cooperation and integration” (Mathews, 2008:33). This qualitative progress is expected to improve the living standards of Africans, and in the long run lead to political and economic union in Africa (Matthews, 2008:33). The Union is also expected to champion the democratic and good governance agenda principles contained in the *Lomé Declaration*. These are clearly expressed in Article 3 of the Constitutive Act, a founding treaty of the AU, which states that the “objectives of the Union shall be to promote democratic institutions, popular participation and good governance” (AU, 2002). Article 4 additionally prescribes the kinds of principles that should guide the functioning of the Union:

- The right of the Union to intervene in a member state pursuant to a decision of the Assembly in respect to grave circumstances, namely war crimes, genocide and crimes against humanity
- The right of a member state to request intervention from the Union in order to restore peace and security
- Respect for democratic principles, human rights, the rule of law and good governance
- Respect for stability of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities
- Condemnation and rejection of unconstitutional changes of government (AU, 2002).

Essentially, the adoption of these principles indicates that the AU has departed from the OAU’s traditional policy of non-interference. Mwanasali (2008:41) contends that this policy has been replaced by a new covenant called “non-indifference”. The new policy of non-indifference reflects a major shift in African political thinking and “augurs the dawn of an interventionist phase in the continental management of peace and security” (Mwanasali, 2008:41). The adoption of this policy approach has also made it possible for the AU to develop a milieu for responding to regimes that institute power acquired through unconstitutional means. This disposition is expressed in Article 30 of the Constitutive Act which provides that the “Governments which

³⁵ Matthews (2008:33) argues that the OAU was transformed into the AU for the purposes of creating an integrated and cooperative continent.

shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union” (AU, 2000).

The second policy empowering the AU to reject regimes that institute coups is the Charter on Democracy, Elections and Governance, adopted in 2007. Odinkalu (2008:4) is of the view that the *Charter* gave “the definition of an unconstitutional change a treaty status”. Furthermore, the Charter added a fifth definition to the four already recognized in the *Lomé Declaration*, namely “the manipulation or amendment of the Constitution or legal instrument” for the purposes of prolonging the term of office (AU, 2007). The prohibition of unconstitutional changes in government has also found concrete expression in the African Charter on Democracy, Elections and Governance. This is clearly enshrined in the principles of the Charter, which states that the “Union shall prohibit, reject and condemn the unconstitutional change of government in any Member State as a serious threat to stability, peace, security and development” (AU, 2007). More importantly, Article 25 of the Charter goes on to prescribe the punitive measures which should be imposed on those responsible for supporting the disruption of constitutional rule:

- The perpetrators of an unconstitutional change of government shall not be allowed to participate in elections held to restore the democratic order or hold any position of responsibility in political institutions of their State.
- Perpetrators of an unconstitutional change of government may also be tried before the competent court of the Union (AU, 2007).

Notably, Article 25 of the Charter urges member states of the AU to cooperate with the Union in bringing the culprits of such an unconstitutional change to justice. This Article also recommends that the Union should deal harshly with states that support actors who instigate an unconstitutional change:

- The Assembly shall impose sanctions on any Member State that is proven to have instigated or supported unconstitutional change of government in another state in conformity with Article 23 of the Constitutive Act,
- State Parties shall not harbour or give sanctuary to perpetrators of unconstitutional changes of government,

- State Parties shall bring to justice the perpetrators of unconstitutional changes of government or take necessary steps to effect their extradition,
- State Parties shall encourage conclusion of bilateral extradition agreements as well as the adoption of legal instruments on extradition and mutual legal assistance (AU, 2007).

The Rules and Procedures of the Assembly, which were adopted in 2002, clearly prescribe the kinds of sanctions to be imposed on an unconstitutional regime (AU, 2002). In this context, sanctions considered are issues such as the denial of transport and communication links with other member states. The Union is also given the discretion of establishing other sanctions measures which may be political and economic in nature. It is important to note that this policy document differs significantly from the *Lomé* Declaration and the Constitutive Act, which imposes sanctions such as visa denials and prohibition of government-to-government contact, because it opens the doors for other types of sanctions, upon the determination of the Union (Eriksson, 2010:32).

The new policy developments that seek to enhance the AU's capacity of dealing with unconstitutional regimes on the continent were ratified in the 13th Session of the AU Assembly held in the Libyan capital Tripoli from 1-3 July 2009 (Eriksson, 2010:39). In the session, the Chairperson of the AU was requested to start consultations with the following institutions: Regional Economic Communities, Pan African Parliament, the Economic Cultural Council and other AU structures. Primarily, these consultations were aimed at finding ways of strengthening the AU's capacity to deal with unconstitutional changes of government by means of sanctions. Correspondence was also sent to other organisations: the EU, the Arab League and the UN, requesting them to share experiences (Eriksson, 2010:39). The Peace and Security Council (PSC) in the AU Ordinary Session of January 2010 later tabled the findings of this initiative.

One of the key recommendations that the PSC made was that the AU and RECs should initiate actions to facilitate the ratification of the Charter on Democracy, Elections and Governance as well as to establish a sanctions committee. The Peace and Security (PSC) meeting, which was held in Swaziland on the 17-19 December 2009, also contributed towards the development of the AU policy towards unconstitutional changes of government (Eriksson, 2010:39). In this meeting,

the PSC adopted the Framework for the Enhancement of the Implementation of the Measures of the African Union in Situations of Unconstitutional Changes of Government in Africa. This framework suggested that that new principles be added to the existing norms of the AU policy and proposed that:

- The current suspension period of six months as provided by the *Lomé* Declaration should be shortened to three months (90 days)
- Perpetrators of a coup should be prosecuted before the African Court of Human Rights
- The military and the police force should not interfere in the transition towards the return to constitutional order
- The AU should enhance coordination and cooperation between AU organs, RECs and other regional mechanisms in the implementation of targeted sanctions
- It should seek the support and cooperation of national parliaments through the Pan African Parliament in the process of implementing sanctions through the adoption of enabling legislation
- It should increase and strengthen information gathering to inform the decision making process on actions relating to sanctions against unconstitutional changes in government (PSC, 2009).

The Framework delineated the concrete steps of establishing a sanctions committee. Section D of the Framework, entitled “The Establishment of the committee on sanctions”, defines the committee as a subsidiary body of the PSC established “pursuant to Article 7 (g) and Article 8 (5) of the PSC Protocol and within the broad framework of relevant AU instruments” (PSC, 2009). It went on to further declare that the committee shall be composed of five members of the PSC, appointed on the basis of regional representation. The primary function of the sanction committee would be to supervise the implementation of sanctions by the PSC. In addition, the committee would be expected to monitor and make recommendations on the implementation of sanctions (Eriksson 2010: 39). Additionally, the committee is expected to play the following roles:

- Collect information on member state’s implementation of sanctions
- Examine information regarding alleged violations

- Consider exemption from sanctions measures
- Identify individuals and entities to be included on the AU sanctions list
- Review regularly the list of individuals and entities designated by the PSC and to encourage member states to supply additional information
- Report at least once a month to the PSC on its activities and on the implementation of sanctions effectiveness
- Identify non-compliance (Eriksson, 2010: 39).

In addition to these measures, a manual to facilitate a quick response to unconstitutional changes in government is being developed by the PSC to guide its members on the types of sanctions to impose when dealing with unconstitutional regimes. Currently, the AU is collaborating with the European Union in matters relating to the establishment of a sanction committee. This is part of AU experiential learning and it seeks to teach the AU how to administer and institutionalise a sanction regime (Eriksson, 2010: 42).

The roles of AU organs in the context of an unconstitutional change are defined by the Rules and Procedures of the Assembly of the African Union. In this regard, the tasks are delegated to the AU Assembly which is the supreme organ of the Union. This organ is composed of all heads of states and governments of member countries. The Assembly meets once a year for an ordinary session; an extraordinary session may be called by a two thirds majority. In the main, the Assembly is responsible for: developing common policies of the Union; establishing the priorities of the Union and adopting its yearly programme (AU, 2002). This organ is also empowered to take decisions on behalf of the Union. The types of decisions taken by the Assembly may be classified in three categories. The first category is regulatory in nature; these are the types of decisions that “member states need to take all necessary measures to implement” (Förander, 2010:16). With regard to the second category, the Assembly gives directives which are “addressed to any or all member states, to undertakings or to individuals and bind member states to the objectives to be achieved while leaving national authorities with the power to determine the form and the means to be used for their implementation” (Förander, 2010:16). Lastly, the Assembly makes recommendations, declarations, resolutions and puts forward opinions. These types of decisions do not bind member states; instead, they are intended to guide the views raised by member states (Förander, 2010:16).

In the context of an unconstitutional change, the Assembly is mandated to invoke Article 30 of the Rules and Procedures of the Assembly (AU, 2002). This states that the:

Assembly shall approve, upon recommendation of the Executive Council, the implementation of sanctions under Article 23 (2) of the Constitutive Act on a state that violates the policies of the Union. (AU, 2002)

The Chairperson of the Assembly who is chosen from the rank of the Heads of State is expected to play a proactive role in terms of mediating the impasse in the state that experienced an unconstitutional change. He/she is required to fulfil the role of ensuring a consistency of action at the “bilateral, interstate, sub-regional and international levels” (AU, 2002). The Assembly also determines the nature of sanctions to be imposed, which may be diplomatic, travel or targeted economic sanctions (AU, 2002).

The Peace and Security Council (PSC) is the second institution charged with the responsibility of directing the AU policy with regard to coups in Africa. Basically, this body is mandated with the task of handling matters that relate to peace, security and stability in the continent. Article 7 (e) of the Protocol Relating to the Establishment of the Peace and Security Council empowers the PSC to intervene in the domestic affairs of member states in respect of grave circumstances, namely war, genocide, crimes against humanity. Another issue that has prompted the intervention of the PSC in the domestic affairs of member states is the occurrence of an unconstitutional change (PSC, 2002). The type of intervention that the PSC has adopted in this regard is discussed in Article 7 (g) which states that the Chairperson of the Commission, in conjunction with the Peace and Security Council, shall institute sanctions whenever an unconstitutional change of Government takes place in a Member State, as provided for in the *Lomé Declaration* (PSC, 2002).

In the event of an unconstitutional change, the PSC is expected to liaise with the chairperson of the REC. This implies that the Chairman of the REC will notify the PSC about the events of an unconstitutional change that occurs in the region. The PSC will then consider the information and impose targeted sanctions in the form of travel bans and financial sanctions on those who instituted the unconstitutional change. Subsequently, the PSC will then produce a communiqué that will convey its decisions to the relevant REC and Member States of the AU (Eriksson,

2010:37). More importantly, this decision is binding on the Member States and RECs to implement the decisions of the PSC.

RECs, which are groups of nation-states in a shared geographical location who have agreed to “some form of economic-co-operation and as such pursue policies to eradicate barriers to trade and economic integration”³⁶, are also expected to play an active role in punishing those who acquire power through unconstitutional means. Africa has five Regions of which each are represented by five RECs: the Arab Maghreb Union (AMU), the Economic Community for West African States (ECOWAS), the Economic Community of Central African States (ECCAS), the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC) (Adebajo, 2008:132).

In essence, RECs are the “founding pillars of the Union” and are required to work closely with the AU in coordinating and harmonizing “the policies between existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union” (AU, 2002). Eriksson (2010:43) argues that in the context of a coup, RECs are required to provide an analysis of the political situation and monitor the sanction imposed on the targeted regime. Additionally, regional groupings also conduct a sanctions list on whom to target with visa denials as well as asset freeze measures (Eriksson, 2010:43).

However, there have been tensions between the PSC and regional groupings. At times, regional organisations and continental bodies may adopt different attitudes towards regimes that acquire power through coups. For example, in 2003, the AU condemned Bozize’s coup in the CAR while the regional body ECCAS welcomed it (Eriksson, 2010:43). Again, in 2009 ECOWAS suggested that a tough approach should be adopted against Niger following a coup, whereas the AU failed to act on this recommendation.

Some regional groupings are plagued by weak sanctions regimes, usually arising from limited resources and a lack of technical expertise (Eriksson, 2010:43). ECOWAS is the only regional grouping that has developed a peace and security architecture that aligns itself with the AU sanction policy. In 2001, the regional grouping adopted the Protocol on Democracy and Governance. In principle, the Protocol is intended to protect and enhance democratic rule in

³⁶ East African Community. 2002. Common Terms used in EAC work. www.eac.int/news/index.php

West Africa and in fact this aim has found concrete expression in Article 45 (1) of the Protocol on Democracy and Governance, which contends that:

In the event that democracy is abruptly brought to an end by any means or where there is massive violation of Human Rights in a Member State, ECOWAS may impose sanctions on the State concerned (ECOWAS, 2001).

ECOWAS has also drafted a response against any regime that violates its democratic ideals, which may be found in Article 45 (2) of the Protocol on Democracy and Governance which provides that “the sanctions which shall be decided by the Authority, may take the following forms, in increasing order of severity”:

- Refusal to support the candidates presented by the Member State concerned for elective posts in international organisations;
- Refusal to organise ECOWAS meetings in the Member State concerned;
- Suspension of the Member State concerned from all ECOWAS decision-making bodies (ECOWAS, 2001).

During the suspension period, the member state will be required to pay its dues. Furthermore, while the state concerned serves its suspension period, ECOWAS is required to play a proactive role. This is highlighted in Article 45 (4) of the Protocol which states that the regional body has the responsibility of monitoring, supporting and encouraging the efforts undertaken by the suspended state to return the country to normality and constitutional rule (ECOWAS, 2001).

3.5 Conclusion

This chapter examined the concept of coups, first defining the concept and then expounding the theories that explain the occurrence of coups in Africa. Furthermore, this chapter also sketched the record of coups in the continent by concretising this phenomenon within the five regions of Africa. This was done by initially investigating coups within the region of West Africa. It was found that this region is the most coup-prone region in the continent, having witnessed 43 coups

since the start of independence. This region is followed by Central Africa which experienced 19 coups, followed by East Africa which has experienced 11 while North Africa has experienced 7. Lately, the North African region has been rocked by a series of revolutions spearheaded by ordinary members of the public, some of which have received the support of the military and have been dubbed democratic coups. However, it is of moment that these revolutions that swept across the Arab world involving Egypt, Libya and Tunisia, demonstrate the limitations of the AU sanctions policy. This does not make provisions for popular democratic uprisings. This loophole has recently attracted the attention of academics that have come to question the role of the AU in this regard.

The last region to be investigated in this chapter was the Southern African Region, which experienced four coups that took place in Lesotho and Madagascar. The chapter also examined OAU and AU sanction policies, with this section revealing that both the policy responses of the OAU and the AU are anchored in the desire to protect democratic governance in Africa.

Chapter 4: The Successes of the AU Sanction policy in Guinea

4.1 Introduction

The previous chapter examined the subject of coups in Africa and the sanction policies of the OAU and the AU. This chapter discusses and analyses why the AU sanction policy succeeded in relation to the 2008 coup in Guinea. The first section describes the post-colonial history of Guinea under the regime of *Sekou Touré* (1958-1984), while the second part focuses on Guinea under the regime of *Lansana Conté* (1984-2008) and the third concentrates on more recent events, sketching the events of the military coup that occurred in 2008 and the AU responses. This section portrays the role played by the AU and ECOWAS in resolving the political impasse in Guinea with the final section of this chapter analysing the factors that contributed to the success of the AU sanction policy in Guinea.

4.1 Guinea under the regime of *Sekou Touré* (1958-1984)

The Republic of Guinea became the second state in Sub-Saharan Africa, after Ghana in 1957, to attain independence after being part of the French colonial empire for more than sixty years. It attained independence on 2 October 1958 after “Guineans, in a popular referendum”, a referendum organised by French authorities in which citizens in the colonial states were to vote for independence or autonomy in the French Union, voted for immediate independence outside the French Community (Sawyer, 2004:440). The “No” vote in the public referendum was a clear indication that the people of Guinea wanted to restore their lost identity which they believed had been stolen from them by the colonial regime. *Sekou Touré’s Parti Démocratique de Guinée* (PDG) gave voice to this conviction when noting that:

Exploitation by the colonial regime resulted not only in robbing Africa of its resources but in destroying the basic values of the African society. The changes which the colonial system brought about in African traditional life undermined the network of mutual obligation which created communal solidarity (Schwab, 2004:118-119).

Touré ruled Guinea from 1958-1984. He created a government of “absolute power and a police regime”³⁷. This meant that his political party, the *Parti Démocratique de Guinée* (PDG), was the only political organisation allowed to operate in Guinea. Schwab (2004:120) argues that the PDG was tasked with the responsibility of fighting the imperialist ambitions of France, mobilising the citizens to work towards national unity and state building. The PDG, designed as the “steering body, the driving force” and the instrument that organises political life, was placed at the top of the government hierarchy (Schwab, 2004:120). This meant that all other public institutions, including the military and the police force were subordinate to the party and were only used as organs of implementation and instruments in its service. Andrian (1980:84) points out that *Touré* held all governing power and used the party to assume total political control of the nation. In 1961, he was elected for a seven-year term as President and was the only candidate running for the position. In 1968, 1972 and 1982, *Touré* was again elected unopposed, and retained his position as the head of state and the PDG.

During his term as President, *Touré* based his policy on the principles of Marxism. In 1960, he nationalised banks, transportation and public utilities. The government also extended regulation to all the bauxite and aluminium industries (Nelson *et al.*, 1977:166). Guinea’s Marxist policies gained her allies in Eastern Europe. In 1959, the country established diplomatic relations with the Union of the Soviet Socialist Republics (USSR) and Czechoslovakia, aimed at eradicating French influence in the West African state. The major focus of these relations was on developing the economy of Guinea. For example, in 1960, the USSR deployed its technicians to help the Guinean government to develop its agricultural and transportation sector (Nelson *et al.*, 1977:191).

However, relations with the Soviet Union reached an all-time low in 1961 (Royal Institute of International Affairs, 1964:1). This, after Guinean authorities accused the USSR of importing equipment that was of poor quality. Relations with the USSR collapsed in December 1961 when the Guinean government implicated a staff member of the Soviet embassy in what President *Touré* described as a plot against his regime by the left-wing intellectuals of the PDG (Royal

³⁷ Bangoura. 2009 Guinea. <http://www.dcaf.ch/content/download/47227/70...>

Institute of International Affairs, 1964:1). Consequently, the Soviet Ambassador to Guinea at that time, Daniel *Solodo*, was expelled from the country (Royal Institute of International Affairs, 1964:1). The break with the Soviet Union pushed Guinea into the hands of Western powers. Immediately after ending relations with the Soviet government (a matter of days), Guinea became a trading partner of West Germany. West Germany also provided considerable assistance to Guinea, evidenced in 1962 when it deployed military personnel who were mandated to train Guinea's military and police force (Royal Institute of International Affairs, 1964:116). In the same decade, Guinea established relations with the United States and diplomatic ties between the two states were strengthened in October 1962 after *Touré* paid a state visit to the United States where he met with the then American President, John F Kennedy (Schwab, 2004:127). Whiteman (1971:351) argues that *Touré* was impressed with Kennedy, especially his interests in African development, his opposition towards colonialism and his interest in the Civil Rights movement in the US. In 1963, the US rolled out its Peace Corps Mission, made up of volunteers from the US who usually help in developing agriculture, sanitation and youth programs, in Guinea followed by the supply of food grains. Within a period of ten years, 1961-1971, Guinea received US aid to the value of US\$ 103 million (Nelson *et al.*, 1977:195).

At a regional level, President *Touré* had two primary allies: President *Kwame Nkrumah* of Ghana and *Modibo Keita* who was the Head of State in Mali. This trio had a common aspiration: to see a united and a prosperous Africa. In 1960 Guinea, Ghana and Mali established a regional grouping called the Ghana-Guinea-Mali Union. Primarily, the Union was tasked with the responsibility of promoting economic cooperation between the three states and was also used as a platform for tackling the issues of colonial rule and influence on the African continent. However, the Union collapsed in 1966 after a military coup deposed President Nkrumah (Schmidt, 2007:15).

At a domestic level, *Touré* was known as a strong President who ruled Guinea with an iron fist. His dictatorship was founded on totalitarian values that denied Guinean citizens basic human rights such as the freedom of expression, freedom of thought etcetera (Yabi 2010:35). Under *Touré's* dictatorship, civilian life was strictly monitored by the police force and the military. These two institutions were also used as instruments for harassing the populace as *Touré* tolerated no opposition to his rule (Yabi 2010:35). In the 1960s, he constructed Camp *Bioro*, a

concentration camp, which sometimes served as a political prisoner's death camp, which he later used to purge his opponents. Kaba (1977:32) aptly exposes the punitive measures imposed on those who opposed President *Touré*:

To criticize *Toure's* reports is considered a counter-revolutionary move, and leads to imprisonment, as it did in the case of *Balla Camara*, an able administrator arrested at a conference in 1969 and later condemned to death.

At times, *Touré* became paranoid about his own security and he constantly accused senior army personnel of trying to topple his regime organising the killing of Major General *Mamadou Keita* in 1965 after he was accused of trying to instigate a military coup against *Touré* (Yabi, 2010:35). In 1969, President *Touré* ordered the execution of Colonel *Kaman Diaby* and his companions. In 1971 *Touré* ordered the killing of General *Keita Noumandian* and the Joint Army Chief of Staff, Colonel *Diallo Mamadou*, who were implicated in a coup plot. Victims of the purges also included key political figures of *Touré's* regime. For example, in 1976 the veteran politician *Diallo Telli*, who was once the Secretary General of the OAU, was arrested by Guinean authorities after he was accused of attempting to lead a coup against the regime of *Sekou Touré*. *Telli* died in custody in 1977 due to severe malnutrition (Yabi, 2010:35).

Touré's one-party system and his Marxist policies created weak institutions that stunted economic development. Research provided by the Royal Institute of International Affairs (1964:118) points out that the state controlled economy in Guinea led to severe and chronic shortages of the basic necessities such as meat, rice, oil and spare parts for motor vehicles. In addition, in 1962 when the diamond revenue fell from US\$ 10 million to barely a tenth of that amount, these economic conditions forced Guineans into turning to the informal sector for a livelihood.

Touré's dictatorship came to an end on 26 March 1984 with his death while undergoing heart surgery in the United States. Prime Minister *Louis Lansana Beavogui* became the acting Head of State, pending the national elections which were due to take place in May 1984³⁸.

³⁸ Pan African News. 2008. Remembering Ahmed *Sekou Toure* as Guinea Turns 50. <http://www.africanews.org/pana.\news/>.

4.2 Guinea under the regime of *Lansana Conté* (1984-2008)

Lansana Conté made a mark in Guinea politics when he and a group of army officers, known as the *Comité Militaire de Redressement National* (CMRN), carried out a military coup on 3 April 1984, a few days after the death of *Sekou Touré* (International Crisis Group, 2007: 1). According to Yabi (2010:31), the military instigated a coup due to disputes amongst the ruling elite as to President *Touré's* successor.

Lansana Conté was not a stranger to Guinean politics. By the time the Republic of Guinea attained independence from France in 1958, he was an “under-educated sergeant” serving the colonial army (Picard and Moudoud, 2010: 57). His military career advanced in 1963 with his promotion to second lieutenant and in 1965, to the position of lieutenant. His military career reached a high point in 1973 when he provided training to the guerrilla movements that fought colonial occupation in neighbouring Guinea-Bissau and Cape Verde. His superiors were impressed by the kind of training he provided to the guerrilla movements, and this earned him the position of Chief of Staff of the Army in 1977 (*The Guardian*, 28 December 2008).

President *Conté's* government retained the same authoritarian political culture introduced under *Sekou Touré's* regime. State institutions such as the army and the police force served to purge opponents and they were devoted to protecting President *Conté*. In 1985, *Conté* eliminated his main political rivals such as Colonel *Diarra Traore*, who had been one of the military personnel involved in the original coup after the death of *Touré*, accused of attempting to depose *Conté's* regime. Forty army officers and about thirty dignitaries of the previous regime were executed because of their alleged involvement in the coup plot (Yabi, 2010:32).

Once again, President *Conté's* reliance on the support of the security apparatus was illustrated in February 1996 after his regime survived another coup plot when *Conté* used the army to eliminate the people responsible for planning the attempted coup and has been accused of using violent tactics to crush any form of protest. For instance, in 2005, during food riots, the presidential guard and police arrested and tortured a large number of civilians.³⁹

Nevertheless, President *Conté* was more welcoming to Western advice than his predecessor (*Sekou Touré*) and this approach earned him the title of a reformist. The first significant reform

³⁹ Free Republic. 2005. Food Riots Shake Guinea <http://www.freerepublic.com/focus/f-news/1435844/posts>

he made came in 1985 when he dismantled the one-party system enacted by his predecessor and replaced it with a system that embraced public participation. In 1990, a new Constitution was “promulgated through a public referendum”⁴⁰. Signs of putting Guinea on a democratic path became evident in 1991 when the *Military Committee for National Recovery* (MCNR) was abolished and replaced by the Transitional Committee for National Recovery (TCNR), a civilian and military institution charged with the responsibility of implementing democratic measures. Another major step towards democratising Guinea occurred in 1992 when political parties were officially allowed to take part in Presidential elections (International Crisis Group, 2005:9).

The first multi-party election took place in 1993. *Lansana Conté's* United and Progressive Party (UPP) were declared winners, followed by *Alpha Condé's* People's Assembly of Guinea (RPG). Another major reform that President *Conté* undertook during the early 1990s was the dismantling of a state led economy. *Conté* replaced this system with an economic model that embraced market led growth through privatising business entities that had previously fallen under state control. This move invited multi-national companies to invest in Guinea's mining industry. Melly (2008:7) notes that BHP Billiton and the United Arab Emirates built an aluminium plant to the value of US\$ 4.3 billion. A renowned global mining company by the name of Rio Tinto built a US\$ 6 billion iron ore mining in the mineral rich region of *Simandou*.

However, the promising developments in the political situation changed as the years progressed. In 1998 Alpha Condé, the leader of the main opposition party, the Rally of the Guinean People Party (RPG), was arrested after he was accused of trying to leave Guinea illegally (Melly, 2008:13). Condé was also accused of trying to recruit members of the Guinean military to destabilise the government. In 2005 members of the RPG were arrested and detained in the infamous prison of Siguiri “when their party appeared poised to win the Mayoral elections” (Melly, 2008:13).

In January 2007, Guinea experienced a strike that nearly brought the economy to its knees: civil servants and employees in the private sector as well as those operating in the informal economy orchestrated it. Its main purpose was to pressurize the government to implement political

⁴⁰ World Bank. 2008. Country Brief. <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/GUINEAEXTN/0,,menuPK:351805~pagePK:141132~piPK:1411>

reforms. Some of the desired political reforms put forward by the demonstrators were the creation “of a broad based administration, led by a Prime Minister as head of the government” (International Crisis Group, 2007:6). Although, as was typical, violence was used to crush the strike, resulting in the death of 59 unarmed civilians, this did not stop the unions from carrying forward their demands. They pressed on until an agreement was finally reached on the 27th of January 2007. Under the agreement, *Conté* made promises as regards reforming his political system. The first significant political reform that *Conté* made came on the 13th of February 2007 when he appointed *Lansana Kouyaté* to the position of Prime Minister. For a number of reasons, the 2007 strike was hailed a success by many analysts because it managed to mobilize civil society actors of the Guinean society in the task of fighting for better living conditions (International Crisis Group, 2007:6).

Conté's political regime depended on nepotism and patronage. Evidence presented by the International Crisis Group (2007:2) points out that President *Conté* created a system of “crony capitalism that encourages total confusion between public and private property”. This system is believed to have benefited businessmen close to President *Conté*. For example, prominent businessman *Mamadou Sylla* accessed wealth because of his good relations with the President, being awarded many tenders in the public sector; he gained tax exemptions and received many favours from the Central Bank of Guinea. Nepotism manifests itself in many ways in Guinean society. Notably, senior posts in the public sector were allocated to the officials who showed loyalty to *Conté's* Unity and Progress Party (PUP) (International Crisis Group, 2007:2).

Corruption was central to *Conté's* government amongst senior public officials such as *Fodé Soumah*, former Minister of Youth and Central Bank Governor, arrested in 2006 after being implicated in a corruption scandal, accused of using false cheques and embezzling public funds to the value of 15.5 billion Guinean Francs. In 2008, the Republic of Guinea was ranked 173rd out of 180 states, of the most corrupt states in the world⁴¹.

As the years progressed, *Conté's* political system began to show signs of weakness. Power struggles in the PUP party over *Conté's* successor as President led to the postponement of legislative elections due to take place in 2007. Moreover, the state of Guinea was experiencing a

⁴¹ IRIN News. 2008. Guinea: Reputation for Corruption Worsens.
<http://www.irinnews.org/Report/80575/GUINEA-Reputation-for-corruption-worsens>

series of military and police mutinies over slow rates of promotions and under-paying. One of the most serious mutinies occurred in May 2008 when junior army officers exchanged fire with the Presidential guard. *Conté* stopped the mutiny when he visited the junior officers and agreed to increase the salary of such officers. In the same year, the army crushed a mutiny spearheaded by the police force. Non-payments, late payments and a “failure to implement pledged promotions” were once again at the root of the rebellion (Arieff and Cook, 2010:6).

At a regional level, *Conté’s* government was renowned for interfering in the domestic affairs of its neighbouring states. In 2000, *Lansana Conté* aided a rebel movement called the United Liberation Movement for Democracy in Liberia (ULIMO) that waged an armed resistance against Charles Taylor’s regime in Liberia (Arieff, 2008:340). He provided ULIMO with refuge, weapons and money to carry out Guinea’s foreign policy goals to oust Charles Taylor from power.⁴² It is believed that *Conté* used the regional insecurity to his advantage. Arieff (2008:342) contends that *Conté’s* regime used regional instability as a distraction “from, and a warning against, domestic and international criticism, and as a reason to delay long-awaited democratic progress”. For instance, during the 2000 border attacks waged by the Revolutionary United Front (RUF), *Conté* used the influx of refugees from neighbouring states such as Sierra Leone and Liberia to impose national cohesion and to receive international support for widely welcoming refugees from neighbouring states. In addition, he used the flow of refugees as a tactic to delay the legislative elections which were scheduled for November 2000 (Arieff, 2008:342).

In a sudden twist of events, President *Conté*, who had suffered from long years of living with an unknown illness, died on 22 December 2008 and was laid to rest in his village of *Lansayana* on 26 December 2008 (*The Guardian*, 28 December 2008).

4.3 The 2008 military coup and the rise of the military junta

The constitution of the Republic of Guinea states that the Speaker of the National Assembly must assume power when the president dies and the interim President must organise national elections within 60 days (Eriksson, 2010:58). However, this constitutional process was not

⁴² The Economist. 2005. Bad Government, Bad Neighbour Guinea's Looming Power Vacuum endangers West Africa's Recovery. <http://www.economist.com/node/4198911>

followed after *Conté's* death. Instead, the military decided to overthrow the civilian government by dissolving the constitution and the National Assembly, banning political and union activity (Arieff and Cook, 2010:8). This raises the question: what motivated the military to stage a coup in Guinea? The democratic governance-stability theory – which is discussed in chapter three – is useful in helping answer it. To recap, this theory postulates that coups are likely to occur in a political environment characterised by corruption and weak administrative structures that dispense patronage to loyal constituencies. It was against this background of a political environment characterised by corruption and weak administrative structures that dispenses patronage to loyal constituencies that Guinea experienced a coup in 2008. More than fifty years of corrupt rule had stunted economic development. The speech issued by one of the coup leaders, *Moussa Dadis Camara*, aptly exposes how the corrupt rule of the two Presidents (*Touré* and *Conté*) had frustrated the aspirations of many citizens of that country:

At a time of celebrating the 50th anniversary of its independence on 2 October, Guinea was ranked as one of the poorest countries in the world despite its abundant natural resources. Guinea could have been more prosperous. Unfortunately, history and men have decided otherwise. The embezzlement of public funds, general corruption, impunity established as a method of government and anarchy in the management of state affairs have eventually plunged our country into a catastrophic economic situation which is particularly tragic for the overwhelming majority of Guineans. All these woes have been worrying the population for a long time and have caused deep despair for the future (*Pan African News, 5 January 2008*).

Shortly after staging the coup, the military leaders announced that they would form a government headed by a new body: the National Council for Democracy and Development (CNDD). The CNDD was composed of 33 members, most of who were chosen from the ranks of the national army (Arieff and Cook, 2010:7). The CNDD appointed *Moussa Dadis Camara* as the Head of State. He was a junior officer who had spent 17 years in the army after being educated at Conakry's Abdel Nasser University where he studied Law and Economics. He joined the army in 1990 and received military training in Germany. The most senior position that *Camara* had held was that of army captain. One of the reasons given for him being catapulted to the elevated position of Head of State was, as an army officer described *Camara*, his being a “fierce man of fierce ambition who possesses strong social skills and a reputation that he can get

things done”⁴³. *Camara* was also quick to convince the public that he was the right man for the job: “I tell you this, I did not come to power by accident, it is due to a lot of qualities, I am a patriot”⁴⁴.

At first, *Camara* appeared as a leader who was about to lead Guinea to a democratic dispensation. However, this changed when he sacked “civilian regional administrators” and replaced them with military personnel (Arieff and Cook, 2010:9). The military leader also made attempts to centralise his power. He attached important Ministries such as the ministry of defence, finance and the central bank to the Presidency. In January 2009, he established new ministerial positions and appointed military commandos to lead them.

The paranoia that had characterised the previous regimes remained an ever-present feature of *Camara’s* government too; in the early days of 2009, *Camara* arrested junior officers and accused them of plotting a coup against the CNDD and his assault victims included influential figures of the CNND as well. In another instance in 2009, the security minister, General *Mamadouba Toto* was arrested and assaulted by presidential guards after being accused of trying to overthrow the government (Arieff and Cook, 2010:9).

In the most infamous incident of *Camara’s* rule, which occurred on 28 September 2009, Guineans from all walks of life gathered in the early hours of this day at *Conakry* Stadium to support a nation-wide rally, organised by opposition parties. The main purpose of the rally was to put pressure on *Camara* not to contest the national elections, which were due to take place on 31 January 2010. As opposition leaders were about to address a crowd of 50 000 people who were gathered at the stadium, soldiers entered it, closed the gates and opened fire on the protestors (International Crisis Group, 2009:2). In the stampede that ensued, 160 people were killed and close to 1700 people were injured.

Subsequently, the army embarked on a brutal crackdown on those who had formed part of the rally including assaults of a sexual nature. These assaults were usually accompanied by acts of violence such as extreme acts of physical brutality, degrading insults and death threats. It is

⁴³ IAfrica News. 2008. Profile of Mousa Dadis Camara. <http://news.iafrica.com/features/258862.htm>

⁴⁴ IAfrica News. 2008. Profile of Mousa Dadis Camara. <http://news.iafrica.com/features/258862.htm>

alleged that close to 18 women were raped and about 28 women were assaulted (Human Rights Watch, 2009:8).

The massacre caused an international outrage. The UN condemned the incident and urged *Camara* to abide by his prior commitment of not contesting the elections. The global governing body also “created an international commission of inquiry (the Commission) to investigate the many killings, injuries and alleged gross human rights violations that took place in the Republic of Guinea on 28 September 2009” (International Crisis Group, 2009:3). The US later joined the chorus of condemnation and called for appropriate action against the military leaders. On the other hand, the French Foreign Minister, *Bernard Kouchner* pleaded with the international community to send a military force that would protect civilians. ECOWAS added its voice to the condemnation too. The President of the regional body at that time, *Mohammed Ibn Chambas*, declared the acts unacceptable (International Crisis Group, 2009:3).

Two days after the massacre, Conakry, the capital City of Guinea, was plunged into a state of violence. This, as security forces unleashed a reign of terror on those considered to be hostile to the military regime (Amnesty International, 2010:3). One person who witnessed the brutal crackdown on opposition supporters told the UK-based humanitarian agency Amnesty International that:

Some were arrested and put into the boot of one of the vehicles, a Toyota Corolla. There already were two dead bodies in the boot. The soldiers arrested another young man from the neighbourhood. They hit him with their rifle butts and then made him get into the boot of a car. Some people who had been arrested were in a Pajero (a Mitsubishi 4x4) tried to escape but the soldiers opened fire and wounded one of them. The soldiers dragged him along the road and one of them finished him off by stabbing him three times with a knife, in the stomach, heart and back (Amnesty International, 2010:19).

Other opposition supporters were detained in big shipping containers at the infamous *Alpha Yaya Diallo* camp. The container only had a small ventilation gap with iron bars and there was no toilet inside (Amnesty International, 2010:19). Officials of the army were also victims of this brutal crackdown. One prominent figure was an army lieutenant named *Mohamed Lamine Diallo* who was arrested by security forces on 7 October 2009 and sent to *Alpha Yaya Diallo* camps where he was held in solitary confinement (Amnesty International, 2010:19).

4.4 AU and ECOWAS responses to the military coup in Guinea

Just hours after *Camara* seized power, the Peace and Security Council (PSC) called a press conference condemning the act as a “flagrant violation of the constitution and of African legality” which denounces any form of unconstitutional change (Eriksson, 2010:58). On 29 December 2008, the 165th meeting of the PSC passed a resolution that imposed diplomatic sanctions on the regime of the CNND. These diplomatic sanctions suspended Guinea from the policy structures of the AU (AU, 2008). ECOWAS also followed suit. On 10 January 2009, the regional body convened an extraordinary session of the ECOWAS Authority of Heads of State and Government. On this occasion, ECOWAS condemned the military coup, suspended Guinea’s membership and called on the military regime to respect democratic processes. The Heads of States attending this meeting proposed a series of concrete steps aimed at restoring constitutional order in Guinea. These steps included the following:

- The establishment of the National Transitional Council (CNT) as a deliberative body, including civilians and the military, to achieve the objectives of the transition
- The establishment of a consultative forum consisting of all components of civil society in Guinea which will serve as a framework for dialogue to allow Guineans to work collectively towards establishing national cohesion
- The completion of the transition process through the organisation of free and fair elections in 2009
- The non-participation of the CNDD, as well as the Prime Minister of the Transitional government and members of his government in the elections to be held in 2009
- The commitment of the Transitional authorities to respect human rights and the rule of law and to fight against impunity and drug trafficking (ECOWAS, 2009a).

Immediately after this meeting, ECOWAS spearheaded the formation of the International Contact Group on Guinea (ICG-G). The ICG-G was composed of representatives from the following organisations: the Community of Sahel Saharan States (CEN-SAD), the European Union (EU), the Mano River Union (MRU), the Organisation of Islamic Conference (OIC), the *Organisation de la Franchophonie* (OIF), the Chair of the AU PSC, the African and Permanent Members of the UNSC (Lar, 2011:138). The Special Envoy for Guinea appointed by the AU,

Ibrahim Fall, AU Chairperson, Jean Ping and the President of the ECOWAS Commission, *Mohamed Ibn Chambas* chaired the sessions of the group. The group was tasked with the responsibility of monitoring the progress towards the restoration of constitutional rule, engaging in direct talks with the Guinean political stakeholders, who included members of the CNDD, opposition parties, trade unions and civil society. In addition, the group was given the task of coordinating AU efforts with other international and regional initiatives to bring about normality in Guinea (Witt, 2012:12).

The group held its first session in Guinea's capital, Conakry, on 16-17 February 2009. In the inaugural meeting, discussions centred on the transitional stages leading to the elections. The representative of the CNDD, *Sidy Touré*, told delegates that members of the military regime would not participate in the upcoming elections (ICG-G, 2009a). This stance was adopted by the military regime mainly because the ICG-G was a powerful group made up of regional, continental and international actors which they did not want to antagonise.

The second meeting of the ICG-G was held on the 16 March 2009. Representatives in this meeting urged the CNDD to start the process of establishing a National Transitional Government. Furthermore, the military regime was asked to finalize the process of voters' registration. The CNDD implemented these demands and approached the Ministry of Political Affairs and the Independent Electoral Commission "to put in a clear and detailed request for financing" the elections (Yabi, 2010:45). *Camara's* regime also appealed to the global community to offer assistance in terms of "financial and material resources required for the conduct of credible and transparent legislative and presidential elections in the course of 2009" (ICG-G, 2009b). However, doubts remained that the military was committed to serious changes.

In this, the sceptics were proved right when things turned sour during the fourth meeting of the ICG-G, which was held on 15 July 2009 in *Syrte* in Libya. Jean Ping (Chairperson of the AU Commission) and *Mohamed Ibn Chambas* (President of the ECOWAS Commission) co-chaired the meeting in which members of the contact group raised concerns over the security situation in Guinea. The main security concerns raised by the ICG-G included human rights violations and the limitations on freedom of expression regarding political organisations (ICG-G, 2009c). It was clear at this point that the ICG-G was concerned that the regime of the CNDD was not abiding by its obligations for restoring political order in Guinea.

In addition, in an effort to put pressure on the military regime to change its policy, the AU threatened to impose tougher measures in the form of smart sanctions and targeted economic sanctions on the regime. The situation worsened by the time the ICG-G held its sixth meeting in Conakry on 3-4 September 2009 when the ICG-G raised concerns about the delays in the electoral process. The group also noted that democratic processes might be undermined if *Camara* participated in the upcoming elections (ICG-G, 2009d).

The massacre that occurred in Conakry Stadium on 28 September 2009 led to a dramatic policy shift in terms of how the AU and ECOWAS handled the coup in Guinea. ECOWAS condemned the killings and called on member states to help set up an International Committee of Inquiry that would identify the people responsible for instituting the barbaric acts. The regional body then went on to appoint the President of Burkina Faso, *Blaise Compaoré*, as a mediator “who would have direct consultations” with the coup leaders (Yabi, 2010:47). *Compaoré’s* role as chief mediator was outlined in the Extraordinary Summit of the ECOWAS Heads of States held in Abuja, the capital city of Nigeria, on 17 October 2009. The Burkinabe President was strictly mandated with the re-establishment of talks among Guinea political actors with the aim of:

- Establishing a new transitional authority to ensure a short and peaceful transition to constitutional order through credible, free and fair elections
- Ensuring that the Chairman and members of the CNDD, the Prime Minister and those who hold high offices in the new transitional authority [will] would not be candidates in the forthcoming presidential elections
- Setting up benchmarks in the transition chronogram already agreed and ensuring a timely achievement of the set benchmarks (ECOWAS, 2009b).

The Summit also welcomed the decision made by the Secretary General of the UN to establish a commission of inquiry to investigate the events that unfolded on 28 September 2009. Furthermore, the summit went on to direct the President of the ECOWAS Commission (*Mohamed Ibn Chambas*) to:

- Work with the United Nations Secretary General (UNSG), the Chairperson of the AU to create a conducive and enabling environment, including the provision of a security cover, to allow the Commission of Enquiry to undertake its mission.

- Work with the African Union on a regime of targeted sanctions against individuals who would pose a threat to the implementation of the transitional agenda.
- Work with the new transitional authority and subsequently the new Government at the end of the transition, in designing a program for Security Sector Reform, with the support of the AU, UN and other partners (ECOWAS, 2009b).

The decisions taken by ECOWAS were endorsed by the AU in the 207th Meeting at the level of Heads of States and Governments which took place in Abuja on 29 October 2009 (AU, 2009). The officials of the PSC attending this meeting pledged to offer support in establishing an International Commission of Inquiry on the events of 28 September. The council made it clear that it fully supported the mediation efforts of *Blaise Compaoré*. More importantly, the PSC imposed a new round of sanctions against the military regime of *Camara*. These measures took the form of smart sanctions or targeted sanctions. In short, the Communiqué of 207th PSC meeting captured the sanction package as follows:

Implementation of targeted sanctions, including denial of visas, travel restrictions and freezing of assets against the President, and members of the CNDD, as well as members of the government – and any other civilian or military individual whose activities are aimed at maintaining the unconstitutional status quo in Guinea (AU, 2009c).

The PSC also endorsed the arms embargo which was imposed by ECOWAS. In the events that followed, President *Compaoré* held high-level talks with the Forum of the *Forces Vive* and the CNDD⁴⁵. The first round of talks took place on 3 November 2009 in *Ouagadougou*, the capital city of Burkina Faso. Yabi (2010:48) contends that talks between these actors were characterised by a difference of opinion. The CNDD were eager to preserve the status quo. They argued for *Camara* being allowed to stand in the elections scheduled for January 2010. The *Forces Vives* on the other hand argued that if *Camara* was allowed to participate in the upcoming elections that democratic processes might be undermined. The forum representing actors of the Guinean civil society also rejected *Compaoré's* proposal that *Camara* should be included in the Government of National Unity.

⁴⁵ The Forum of the *Forces Vive* was composed of social (trade unions, human right groups) and political stakeholders (political parties) in Guinea.

On 3 December 2009, *Camara* survived an assassination attempt when one of his close allies Lieutenant *Toumba Diakite* shot him. He was then replaced by General *Sekouba Konaté*, who at that time, was the Minister of Defence (*New York Times*, 4 December 2010).

The policy proposals towards restoring constitutional rule in Guinea, made by both ECOWAS and the AU were finally accepted on 15 January 2010 when chief mediator, *Blaise Compaoré*, announced that a new agreement, known as the Joint Declaration of *Ouagadougou* had been signed by the CNDD and the Forum on *Forces Vives* (Arieff, 2010:2). In this deal, General *Sekouba Konaté* was recognised as the interim president and was mandated to form a government of national unity. The Declaration also made the following commitments:

- The appointment of a prime minister from the *Forces Vives*, a coalition of opposition political parties, trade unions, and civil society groups formed after the 2008 coup d'état.
- The inauguration of a quasi-legislative body, the National Transitional Council (CNT).
- The organisation of presidential elections within six months, with *Konaté*, the Prime Minister and members of the Government, the CNDD, the CNT, and the Defence and Security forces barred from running as candidates.
- Reform of the Defence and Security forces. (Arieff, 2010:2)

The transition from military to civilian rule came about with the formation of a transitional government on 19 January 2010, with senior ranking representatives of the *Forces Vives* asked to serve in the Government of National Unity (GNU). After the signing of the declaration, prominent political actors of the *Forces Vives* who swelled the ranks of government included *Jean-Marie Doré* who assumed the position of Prime Minister along with *Serah Diallo* who hailed from the trade union movement. She was tasked to head the CNT, composed of 155 members who represented political parties, trade unions and civil society organisations. The transitional council was mandated to effect Guinea's transition to a democratic dispensation through revising electoral laws and organising national elections within a period of six months (Arieff, 2010:2).

The Prime Minister's cabinet comprised 34 ministers of which 24 were to be civilians and 10 from the ranks of the army. However, the defence, security and justice ministry remained under

the control of the CNDD (Arieff and Cook 2010:2). Constitutional rule was finally restored on 15 November 2010 after Alpha Condé won 53% of the votes in a run-off election.

4.6 Analysis of the factors that contributed to the success of the AU sanctions policy in Guinea

The key to the success of the AU sanction policy in Guinea is attributable to various factors. First, the reactions and responses of the AU and ECOWAS were directed by policies and protocols such as the Lomé Declaration, AU Constitutive Act, the ECOWAS Protocol on Democracy and Good Governance, which were adopted to deal with governments that have come into power by carrying out coups (Lar, 2011:136). These were well designed documents which clearly stipulated appropriate and necessary responses in the event of such a crisis.

The AU's sanctions policy with regard to events in Guinea found expression in the Communiqué of the 165th Meeting of the PSC which described the coup as: "a flagrant violation of the constitution of Guinea and the relevant AU instruments, as well as its demand for the return to constitutional order" (AU, 2008). Additionally, the suspension of Guinea from the policy structures of the AU was also informed by Article 30 of the AU Constitutive Act which states that the "Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union". For example, paragraph 3 of the Communiqué of the Peace and Security Council 165th Meeting captured the sanctions policy towards Guinea as follows:

Suspends the participation of Guinea in the activities of the AU until the return to constitutional order in the country in accordance with the relevant provisions of the AU Constitutive Act and the *Lomé* Declaration of July 2000 on unconstitutional changes of government. In addition, Council reaffirms its determination to take, in due course, all other measures prescribed in the *Lomé* Declaration to accelerate the return to constitutional order (AU, 2008).

At a regional level, the sanctions policy towards Guinea was expressed in the Extraordinary Session of the ECOWAS Authority of Heads of State and Government. The Session declared that ECOWAS is committed to the principles of democracy and the rule of law, "and its rejection of unconstitutional accession to or maintenance of power will be rejected in accordance to

ECOWAS Protocols and relevant AU instruments”. Particularly, the ECOWAS decision that implemented sanctions on Guinea was taken in accordance with Article 45 of the Protocol on Democracy and Good Governance which states, in the event that democracy is abruptly brought to an end, ECOWAS may impose diplomatic sanctions in the following forms:

- Refusal to support the candidate presented by the member state concerned for elective posts in international organisations
- Refusal to organise meetings in the state concerned
- Suspension of the concerned member states from all ECOWAS decision-making bodies (ECOWAS, 2001:22).

The mediation role of ECOWAS especially that of engaging the perpetrators of the coup in Guinea, was also shaped by the sanction policies of ECOWAS. For example, Article 45 (3) of the Protocol on Democracy and Good Governance prescribes that:

During the period of suspension, ECOWAS shall continue to monitor, encourage and support the efforts made by the suspended member state to return to normalcy and constitutional order (ECOWAS, 2001).

These sanction policies had the following effects on the military regime in Guinea. Firstly, they managed to influence it, as mentioned previously, to form a transitional government composed of 34 civilians and 10 officials from the army. Secondly, the sanction policies managed to prohibit members of the military regime from participating in the elections, thus fulfilling the commitment made by ECOWAS Heads of State on 10 January 2009, which advocated for:

Non participation of the CNDD, as well as the Prime Minister of the Transitional government and members of his government in the elections to be held in 2009 which was (ECOWAS, 2009a).

Thirdly, the sanction policies of the AU and ECOWAS were able to isolate the regime of the CNDD to the extent that it was not able to make appeals to African states to recognise the military regime as the legitimate government of Guinea. For example, the travel ban and the visa denial that were imposed by the AU on 29 October 2009 prohibited *Camara* from attending any meeting hosted by the AU. Furthermore, these sanctions also prohibited him from visiting member states of the AU. Thus, the existence of clear policies and the resolute intention to apply them to Guinea led to effective pressure on the military regime to comply and restore normalcy in Guinea (Lar, 2011:136).

In addition, these sanction policies made it possible for the AU and ECOWAS to articulate a common position, thus preventing a situation whereby the targeted state could have played one organisation off against the other (Lar, 2011:136). Thus, the cooperation between the two bodies closed their ranks, preventing the military from acting in any way that was contrary to the policies enunciated by these two organisations. In sum, the existence of clear policies and the political will to act decisively by both the ECOWAS and the AU (guided by its policies) made it possible to put pressure on the military regime to act in practical ways to restore order in Guinea.

Another reason for the success of the AU sanctions policy is that the activities instituted by ECOWAS and the AU after the Guinea coup received the support of social and political actors. This included trade unions, civil society and the opposition parties; these were a significant voice in the society and were thus invited regularly to the meetings of the ICG-G. More importantly, these actors agreed with the transitional modalities proposed by ECOWAS. This was significant because it demonstrated that such actors supported the project of resolving the coup in Guinea (Yabi, 2010: 49). For example, the move adopted by ECOWAS which focused on permanent dialogue with CNDD, coupled with compliance to the election schedule, as well as the prohibition of members of the junta from participating in the elections, was supported by activists as well as the trade union movement (Yabi, 2010:49). In addition to the above, the political and social actors of Guinea welcomed the smart sanctions, in the form of a travel ban and visa denials, imposed by the AU and ECOWAS after 28 September 2009. The support of the civil society, trade unions and opposition parties was critical because it mobilised domestic support for the AU and ECOWAS sanctions policy.

The AU and ECOWAS decision to prohibit *Camara* from participating in the elections introduced a new dynamic in the political landscape of Guinea. It influenced trade unions, political and human rights activists to organise a nation-wide rally aimed at putting pressure on *Camara* not to participate in the elections scheduled for 31 January 2010 (Matlosa and Zounmenou 2011:106). Consequently, *Camara* made a public statement insisting that the opposition should not have held the rally and promised that he was not going to stand in the elections scheduled for January (*Aljazeera News*, 29 October 2009).

Another reason that made the AU sanction policy a success was that the ICG-G played a pivotal role in coordinating the efforts of the AU and ECOWAS and those of other international actors

such as the EU, France, United States and UN etcetera. This was important because it allowed the above-mentioned actors to apply pressure on Guinea to restore constitutional rule. For instance, just days after the military opened fire on peaceful protestors at Conakry Stadium on 28 September, the United States announced that it was imposing a travel ban on members of the Junta and individuals who supported actions that undermined the restoration of democracy in Guinea (*Mail & Guardian, 3 October 2009*). Soon thereafter, the EU and France followed suit, with these two actors going as far as imposing an arms embargo on the government of Guinea (*Mail & Guardian, 3 October 2009*).

A further reason is that the ICG-G displayed a level of serious commitment in resolving the political crisis. For example, “the ICG-G distinguished itself from other contact groups in the region by the frequency of its sessions – the group held nine sessions between February and December 2009 against two or three sessions per for the Guinea Bissau International Contact Group” (Yabi, 2010:50). This level of commitment may be attributed to the fact that two African Organisations were co-chairing the meetings of the ICG-G and were therefore in a better position than “non-African partners to” apply pressure on the military regime to change its policy (Yabi, 2010:50). Through the ICG-G, the AU and ECOWAS managed to mobilise international support for its sanctions regime. This was evidenced in the 207th Meeting of the PSC that recommended the AU to circulate the list of individuals to be targeted to the UNSC and all other AU partners, which in this case included the EU, the OIC, the USA and the IOF (Magliveras, 2011:23).

Another factor that contributed to the success of the AU sanctions policy is that actors, such as the AU, ECOWAS and the ICG-G, responded with a level of urgency towards resolving the coup due to the geographic position of Guinea. It is located in the politically unstable region of West Africa, characterised by states that are trying to recover from decades of underdevelopment, civil wars and high levels of poverty and unemployment. A lack of urgency in resolving the crisis in Guinea on the part of international actors would have had serious implications for the region: Guineans would have fled their country, resulting in an influx of refugees into fragile neighbouring states such as Sierra Leone and Liberia. The influx would have perpetuated instability by increasing poverty and unemployment levels (Conciliation Resources, 2012:8). However, the prompt response from the international actors prevented this dire scenario.

Another factor contributing to the success of the AU sanction policy in Guinea was the accumulated experience of ECOWAS in conflict resolution. The preponderance of coups in West Africa, 43 coups in the period 1962-2012, prompted ECOWAS to develop mechanisms of conflict resolution such as the Protocol on Democracy and Good Governance that have allowed it to respond effectively to coups. Prior to the coup in Guinea, the regional body had deployed its tools of conflict resolution to the 2003 coup in Guinea-Bissau and the 2005 one that occurred in Togo (Zounmenou, 2009b:72). In both these situations, ECOWAS managed to restore constitutional regimes after these states experienced coups. Thus, the knowledge gained by ECOWAS in mediating constitutional rule in these two states furnished the regional organisation with the skills and experience required to handle the coup in Guinea.

4.7 Conclusion

This chapter has described the policy success of the AU sanction policy as regards Guinea, first examining its post-colonial history as the background to events discussed. This section revealed that two dictators, *Sekou Touré* and *Lansana Conté*, who failed to implement a democratic programme, had ruled Guinea. Furthermore, the two leaders left behind a legacy of human rights abuses, and underdevelopment, which set the stage for a military coup. This chapter also discussed the rise of military rule. In this section, the impact of this rule that nearly paralyzed Guinea was revealed; where political change was arrested by using violence against those who sought to oppose the military policies.

The responses of the AU and ECOWAS in restoring order to Guinea were also assessed, revealing the manner in which they responded to the coup by imposing sanctions on the military regime there. More importantly, the AU managed to restore normality in Guinea, which may be attributed to a number of factors. Firstly, both the AU and ECOWAS responded to the coup in Guinea based on existing policies. These were clearly articulated. Secondly, the activities instituted by the AU and ECOWAS managed to elicit the support of social and political actors. Thirdly, the sanctions policies of the AU and ECOWAS eroded the legitimacy of the CNDD regime thus preventing endorsement by the international community. The level of commitment and the sense of urgency displayed by the ICG-G was a crucial dimension that shaped the

success of the AU sanction policy. Indeed, failure to do this would have perpetuated regional instability. Overall, the success of the AU sanction policy in Guinea may be attributed to the accumulated experience of ECOWAS.

Chapter 5: Pitfalls of the AU sanctions policy in Madagascar

5. Introduction

This chapter analyses and discusses why the AU sanctions policy failed in relation to the military coup that took place on 17 March 2009. It first addresses the immediate post-colonial political history of Madagascar, starting with the regime of *Philibert Tsiranana* (1960-1972), followed by that of *Didier Ratsiraka* (1975-2001) and that of *Marc Ravalomanana* (2001-2009)⁴⁶. This is followed by a discussion on the 2009 military coup and the rise of *Andry Rajoelina* to power. The AU and SADC responses are examined and this chapter is rounded off by a presentation of the factors that contributed towards the failure of the said policy in Madagascar.

5.1 Madagascar under the regime of President *Philibert Tsiranana* (1960-1972)

For eleven years (1960-1972) after gaining independence from France, Madagascar was ruled by *Philibert Tsiranana*. *Tsiranana*, a former schoolmaster who entered the political scene in the 1940s, created a government that embraced democratic values. Socially, the following features exemplified democratic life in Madagascar: *Tsiranana's* regime was able to create an atmosphere of tolerance, which was anchored to “a considerable degree on freedom of speech and press” (Brown, 1995:295). In addition to this, citizens in the post-colonial state of Madagascar were given freedom of political association, and there were no political prisoners and no clampdown on journalists and opposition supporters.

The principles of multiparty democracy shaped the political system of Madagascar and a number of political organisations participated in the 1960 National Assembly elections (Allen, 1995:52). They included the Party of the Independence of Congress of Madagascar (AKFM), *Miara Mirindra* (MM), *Mouvement National pour l'Indépendance de Madagascar* (MONIMA)

⁴⁶ From 1972-1975 Madagascar was ruled by Gabriel *Ramanantsoa*. On 5 February 1975 until 9 February [1975] Madagascar was ruled by Richard *Ratsimandrava*. From 1993-1996 Madagascar was ruled by Albert *Zafy*.

Tsirananana's political party, the PSD (*Parti Social Démocrate*), acquired 75 of 107 seats in the National Assembly. This number increased in 1965 when the party obtained 104 seats (94% of the votes). In the Parliamentary elections held on 6 September 1970, the PSD managed to retain 104 seats in the National Assembly (Allen, 1995:52).

Soon after winning elections, *Tsirananana* consolidated his rule by merging political and administrative functions into one role. Allen (1995:52) contends that this political programme was carried out for the purposes of reaffirming the slogan “the PSD state”. Brown (1995:299) observes that the rule of the PSD was further reinforced by the establishment of a government newspaper namely the *Vaovao*, published in the Malagasy language and the *Courrier de Madagascar*, which was published in the French language.

In matters relating to international relations, President *Tsirananana* and his administration followed an anti-communist course and pro-Western policy. During his tenure, President *Tsirananana* banned *Mao's* Little Red Book and criticised the Chinese railway construction in Tanzania. Moreover, *Tsirananana* condemned the Soviet Indian Ocean fleet, but not the American and French fleets, complaining that the Soviet fleet was a military threat (Allen, 1995:51). On the other hand, relations with the West and capitalist nations were good. In 1961, the *Tsirananana* administration established embassies in Britain, Italy, Taiwan and South Korea. During the same period, President *Tsirananana* visited the United States of America, Germany and France (Hardyman, 1961:130). Additionally, France, Madagascar's former colonial ruler, continued to maintain strong ties with Madagascar. It is alleged that the French government supplied Madagascar with economic aid and technical assistance.

In the realm of regional politics, *Tsirananana* always maintained a foreign policy that was not consistent with the prevalent Pan-African views of that time. Repeatedly, he argued that Pan-Africanism was full of empty rhetoric and that some of its visions were impractical (Brown, 1995:301). On a number of occasions, *Tsirananana* and his administration made decisions contrary to the ideals of the Organisation of African Unity. In the 1960s, he attempted to change the name of the OAU to the Organisation of African and Malagasy Unity. In the same decade, he sided with *Moise Tshombe*, a Congolese politician who instigated the invasion of Stanleyville by mercenaries from Belgium. Other acts that made *Tsirananana* unpopular within the African

community included the signing of a diplomatic treaty with Israel and maintaining diplomatic and economic ties with Apartheid South Africa in the 1960s (Brown, 1995:301).

Signs of weakness in *Tsirananana's* regime became apparent in the late 1960s, and were attributable to several factors. Economic stagnation, caused by a scarcity of foreign investment, led to a drastic decline in living standards. In 1967, Madagascar was ranked as one of the twenty poorest states in the world, with a per capita income of only US\$ 80, with this economic crisis creating a perception, particularly amongst the Malagasy population, that little had changed since Madagascar's independence from France (Brown, 1995:304-307). Another major factor that weakened the regime of President *Tsirananana* was the issue of political corruption and patronage. Government and local party leaders embezzled funds allocated for growth and development in the agricultural sector (Brown, 1995:55). Consequently, the peasants and the urban proletariat waged a revolt against the regime during 1971 in the Malagasy Province of *Toliara*. Evidence provided by Global Security reveals that the revolt turned violent when protestors attacked military and administrative buildings in *Toliara* ⁴⁷.

On 18 May 1972, *Tsirananana* transferred all executive powers to the Army General, Gabriel *Ramanantsoa* whose government was largely composed of the highest-ranking officers who served in the national army during the reign of *Tsirananana*. However, corruption stunted progress. Amongst others, the Minister of the Economy, *Pierre Rabetafika*, received bribes from French companies doing business in Madagascar (Covell, 1987:53). As a result, *Ramanantsoa* was asked to resign on 5 February 1975, to be replaced by Colonel Richard *Ratsimandrava*. However, *Ratsimandrava's* ascendancy was cut short when he was assassinated in an attempted coup, instigated by the military, five days after assuming power (Marcus, 2004:2).

5.2 Madagascar under the regime of *Didier Ratsiraka* (1975-2001)

After the death of *Ratsimandrava*, a military Directorate, composed of 18 officers, was formed and assumed all government authority. However, a military Supreme Revolutionary Council (SRC) composed of eight senior officers deposed the Directorate from power (Randrianja and

⁴⁷ Global Security, 2011. Madagascar's Battle for Independence.
<http://www.globalsecurity.org/military/world/war/madagascar.htm>

Ellis, 2009:193). A prominent figure who emerged as a key member of the SRC was a former naval officer and minister of Foreign Affairs, *Didier Ratsiraka*. In June 1975, *Ratsiraka* was appointed as Head of State and Chairman of the SRC (South African Institute of International Affairs, 1991:1). Furthermore, *Ratsiraka* cemented his personal status by organising a constitutional referendum on 21 December 1975. Essentially, the Referendum **was** aimed at testing the public, to gauge if they would accept *Ratsiraka's* political programme. Notably, some of the questions of the constitutional referendum were formulated as follows: do you accept the Charter of the Socialist Revolution and the constitution that will implement it, and Captain *Didier Ratsiraka* as President of the Republic? (Randrianja and Ellis, 2009:193).

Overall, 96% of the voter population accepted the new constitution and *Ratsiraka's* governing programme which was rolled out under the Charter of the Socialist Revolution. Quintessentially, this Charter envisioned a Malagasy society founded on socialist values. It argued that the only road to development was one of socialism which could be achieved through: Nationalising the economy, condemning Western imperialism, supporting liberation movements, waging wars of independence against their respective colonial governments and condemning any form of neo-colonialism (Brown, 1995:329).

The socialist experiment was implemented in the economy during 1976 when the *Ratsiraka* regime nationalised the petroleum distribution industries and sugar refineries which were owned by French companies. The government also nationalised the textile industry; financial institutions such as banks; insurance companies and many of the agricultural industries (Pillard, 1979:343)

Ratsiraka's socialist posture pushed him towards the communist bloc. This first became apparent on 15 June 1976 when he visited the People's Republic of China. The visit was aimed at improving economic relations between China and Madagascar. Apart from discussing economic matters, the two states pledged to strengthen ideological ties and fight the imperialist forces that trampled on the sovereignty of the developing world (*Peking Review*, 18 June 1976). *Ratsiraka's* speech attests to this stance:

We have come on pilgrimage to the great source of the contemporary revolution. We have come to strengthen our relations of militant co-operation. We have come also to reinforce the testimony

of our common commitment to the defence of the principles and ideals of the revolution of peoples. Together with you, side by side with you and in unity with all peoples devoted to freedom, progress and peace, we take this exceptional opportunity to declare once again our firm commitment to the defence of the free determination of all the peoples, to unremittingly combat, colonialism, neo-colonialism, imperialism and hegemonism, to wipe out racism and racial discrimination from the face of the globe, to fight against the diabolical creation of hotbeds of tension by the action of big powers (*Peking Review*, 18 June 1976).

Additionally, economic and political relations were cultivated with other communist states. In the late 1970s, North Korea became one of the leading communist states that assisted the regime of President *Ratsiraka*, providing, *inter alia*, military equipment and training to the national army in Madagascar as well as training to the personal bodyguards of *Ratsiraka*. Other sources of economic aid at that time also emanated from the Union of the Soviet Socialist Republic (USSR) and China (Brown, 1995:332). The USSR is purported to have sponsored *Ratsiraka* with weapons such as MiG 21 fighters while the Chinese government was at the forefront of building the highway that linked the Malagasy capital Antananarivo with *Toamasina*. Moreover, the socialist bloc, in particular China and the Soviet Union, asserted their presence by building embassies in Antananarivo. However, the decade of socialist rule during the period 1975-1985, stunted economic growth. According to the South African Institute of International Affairs (1991:4), state control of market prices had an adverse economic effect on the coffee, vanilla, sugar and coconut industries.

A flurry of political reforms aimed at creating an open and pluralistic society followed, with the first political changes occurring shortly after the fall of the Berlin Wall in 1989; these included the granting of press freedom and the acceptance of a multiparty democracy. Multiparty elections were held in 1989 and *Ratsiraka's* party, known as the Association for the Rebirth of Madagascar (AREMA), won the national elections with 62.71% of the votes. The remaining votes went to the Activists for Madagascar Progress (MFM), which received 19.33% with the Madagascar for the Malagasy Party (MONIMA) achieving the lowest number of votes at 3.03% of the total⁴⁸.

⁴⁸ *Electoral Institute of Southern Africa*. 2008. Madagascar: 1989 Presidential Election Results. <http://www.eisa.org.za/WEP/mad1989results.htm>

However, by the 1990s, cracks also began to appear in *Ratsiraka's* regime. A growing economic crisis that was caused by disastrous socialist policies was part of the beginning of the fracturing of the regime. As Marcus (2004:2) explains:

Ratsiraka's economy was in tatters, he had a debt crisis stemming from a donor bailout of his experiment in state owned enterprises and his significant partner, the Soviet Union, was on the brink of collapse.

Consequently, this eroded *Ratsiraka's* legitimacy and by 1991, his position had become so weak that the opposition leader *Albert Zafy* of the National Union for Democracy and Development (UNDD) party led an 80 000 strong-civilian strike. Again, in August 1991, 400 000 people marched to the city centre in Antananarivo. This strike brought the economy to its knees as it led to a sudden halt in the country's banking, trading and governance sectors, which ceased to function (Marcus, 2004:2).

However, *Ratsiraka* was unable to respond to the crisis, resulting in *Zafy* forming a shadow government (proclaiming himself as Prime Minister) and the *Haute Autorité*, a political body composed of 16 parties in the *Henry Velano* became the National Assembly under *Zafy's* shadow government (Marcus, 2004:2). *Henry Velano* was a coalition of multiple parties that was led by *Albert Zafy*, *Manandafy Rakotonirina* and *Richard Anndriamanjato*. The aim of the *Henry Velano* coalition was to mobilise the urban disenfranchised against *Ratsiraka's* AREMA party (Marcus and Ratsimbaharison, 2005:502).

The formation of this shadow government forced *Ratsiraka* to the bargaining table and on 31 October 1991, he signed the Panorama Convention, paving the way for a transitional government. The Panorama Convention permitted *Ratsiraka* to remain as President and the *Haute Autorité* became the legislature (Marcus, 2004:2). A major turning point in *Ratsiraka's* regime came in August 1992 when a new constitution was adopted in a referendum organised by transitional authorities, paving the way for a democratic dispensation. On 25 November 1992, Malagasy authorities managed to organise Presidential elections, after the High Constitutional Court ruled in favour of *Ratsiraka's* eligibility for candidature in the Presidential elections. The November elections failed to produce a clear victor and the second round of elections in

February 1993 ended with the leader of the opposition, Albert *Zafy*, winning elections and being sworn in as President in March 1993 (Electoral Institute of Southern Africa, 2009:1).

However, when he entered office, *Zafy* struggled to build a political culture founded on democratic norms and values. Marcus and Ratsimbaharison (2005:503) aptly demonstrate how *Zafy*'s regime throttled the development of democracy.

In office, however, *Zafy* while rhetorically espousing liberalism, proceeded to centralize political and economic power in the presidency, for example, by proposing and securing constitutional amendments through a referendum that enabled him to appoint a Prime Minister without legislative approval, by weakening the authority of the provinces vis-à-vis the central government and by building his neo-patrimonial network organised by Henry *Velona*.

Ultimately, these acts made *Zafy* unpopular with the members of the public and in September 1996, he was asked to step down from his position after being accused by the opposition of violating the constitution. The power vacuum left behind by his departure ended in December 1996 when the interim government decided to hold Presidential elections. The main contenders for the Presidency at that time included the impeached and discredited leader, Albert *Zafy*, unpopular contender, *Nobert Ratsirahonana* and the former dictator, *Didier Ratsiraka*. The voters elected *Ratsiraka* as President of the Malagasy state (Marcus and Razafindrakoto, 2003:30).

5.3 Madagascar under the Regime of *Marc Ravalomanana* 2001-2009

Marc Ravalomanana entered the political scene in Madagascar in 1999 when he successfully campaigned for and won the “mayorship” of Antananarivo (Cornwell, 2003:41). *Ravalomanana*'s social status set him apart from his predecessors. He was a “self-made millionaire”, a businessperson who came up with a fresh approach to servicing a society torn asunder by decades of corruption, political instability and poverty (Cornwell, 2003:41).

The highlight of his political career arrived in December 2001 when he decided to run against incumbent head of State, *Didier Ratsiraka*, in the Presidential elections. In the end, neither *Ratsiraka* (with 40.61%) nor *Ravalomanana* (46.44%) managed to obtain the required number of

votes (50%+1) to claim the reins of power (Electoral Institute of Southern Africa, 2006:4). This stalemate produced ominous results. Ploch (2010:6) argues that the dilemma led to an intense standoff between the two candidates and their parties. The group led by *Ravalomanana* refused to accept the results of the elections. They called on the international community to assist domestic authorities to verify the election results. The *Ravalomanana* faction also appealed to multilateral institutions to help launch the process of establishing transitional authorities that would lead the Malagasy population to a democratic dispensation. Eventually, *Ravalomanana* declared himself the winner of the presidential elections (Ploch, 2010:6). However, *Ratsiraka* refused to accept *Ravalomanana*'s legitimacy and continued to maintain control in the provinces of *Mahajanga*, *Toamasina*, *Toliara*, *Fianarantsoa* and *Antsiranana*, while *Ravalomanana* controlled the capital city Antananarivo (Marcus, 2004:9). As a result, fighting ensued in these provinces between the supporters of *Ravalomanana* and *Ratsiraka*. The matter was eventually settled by the High Constitutional Court which called for a recount of votes. The recount was concluded on 29 April 2002, and the Court announced the results (*Ravalomanana* 51.46% and *Ratsiraka* 35.90%). Realising that he had lost power, *Ratsiraka* went into exile in France on 5 July 2002 (Marcus, 2004a:9).

Immediately after he assumed power, *Ravalomanana* unveiled a programme aimed at reforming the public sector. This sought to rationalise the bureaucracy by creating a public service that was "leaner, more efficient and more accountable" (Marcus, 2004a:1). For instance, the once bloated cabinet was cut from 33 ministers to 16, who were incentivised by bonuses if they met performance targets.⁴⁹

Another significant achievement made during the regime of *Ravalomanana* was the establishment of an Independent Anti-Corruption Bureau (BIANCO). In the main, BIANCO was tasked with the responsibility for investigating cases of corruption in the public sector. This body was led by a capable workforce that included General Rene *Ramarozatovo*, who was chosen based on his success as leader of the investigation into former President *Ratsiraka*'s violent crackdown on demonstrators on 10 August 1991 (Marcus, 2004:1b).

⁴⁹ *The Economist*. 2004. Madagascar: Progress at Last.
<http://www.economist.com/node/8382173?zid=309&ah=80dcf288b8561b012f603b9fd9577f0e>

Moreover, *Ravalomanana's* regime dealt extensively with the injustices of the previous regime. Ploch's (2011:3) analysis is useful in explaining how this process functioned:

Many former officials from the *Ratsiraka* government were subsequently tried and sentenced on charges of corruption or political abuses. The court cases were viewed by many as a signal that the *Ravalomanana* administration was serious about addressing past political abuses and had consolidated political power (Ploch, 2011:3).

The concept of sustainable development was at the centre of *Ravalomanana's* social policy. In March 2006, he unrolled his Madagascar Action Plan (MAP). MAP was largely designed to alleviate poverty and ensure that the Madagascar responded to the challenges of globalisation through the following standards:

- creating a more accountable and responsive government
- upgrading or revamping public infrastructure
- uplifting rural communities from poverty and unemployment
- fighting HIV/AIDS
- cherishing the environment (Marcus, 2006:4).

As a result, MAP had a positive impact and was able to improve the lives of impoverished citizens in Madagascar. In 2006, the state of Madagascar moved from 146 to 143 – out of 177 – on the United Nations Development Program's Human Development Index (UNDP HDI). Moreover, the UNDP awarded Madagascar 26 on its Gross Domestic Product-Human Development Index (GDP-HDI) score, "as opposed to a 24 in 2005, indicating an improvement in human development in comparison to overall GDP" (Marcus, 2006:4). In the area of public works, *Ravalomanana's* administration managed to build close to 2000 classrooms, upgraded public infrastructure and built new hospitals⁵⁰.

Economically, *Ravalomanana* stimulated development and growth through liberalising the economy. In 2004, he sold state owned firms such as Air Madagascar and the railways company to German and South African investors. The World Bank was pleased with *Ravalomanana's* economic policy and in 2004, the global financial body decided to cancel US\$ 2 billion worth of sovereign debt. In later years, the global financial institution provided Madagascar with US\$ 1

⁵⁰ *The Economist*. 2006. Madagascar, A Nice Dairy Tale. <http://www.economist.com/node/8382173>

billion worth of aid. *Ravalomanana*'s liberal policies attracted "high profile investment projects" which included the building of a US\$ 800 million titanium oxide mine by the Australian company Rio Tinto (Ploch, 2009:7). In addition, *Ravalomanana*'s market led economy invited the South Korean company, *Daewoo*, to invest millions in Madagascar's corn and palm oil industry. Precede

In matters relating to foreign affairs, *Ravalomanana*'s government cultivated bilateral relations with significant global players such as the US, Germany, Austria, Canada and China with the aim of reducing Madagascar's reliance on traditional trading partners such as France and the European Union. *Ravalomanana*'s liberal posture made him a natural ally of the United States (Marcus, 2006:2). In 2007, the US government provided Madagascar with close to US\$ 58.2 million worth of aid, which was channelled towards healthcare programmes such as the government's malaria initiative, aimed at reducing Malaria deaths by 50% (Ploch, 2009:8). On 6 April 2006, the German President, *Horst Köhler*, visited Madagascar. This was the first time that any German President had visited Madagascar. *Köhler* was impressed about the state of development in Madagascar and mentioned that it was "heading unequivocally in the right direction and pledged to continue to grow trade ties" (Marcus, 2006:2).

Although *Ravalomanana* was marginally better than *Ratsiraka* in terms of governing, he was still an autocrat who limited political participation in Madagascar. This phenomenon manifested itself in the 2006 Presidential elections (Bertelsmann Stiftung, 2012:8). Observers point out that the government prevented the return of one veteran politician, *Pierrot Rajaonarivelo*, in order to stop him from running against *Ravalomanana* in the elections. *Rajaonarivelo* had previously served as Deputy Prime Minister under the regime of *Ratsiraka* and had also been the National Secretary of AREMA in the 1990s. The government warned *Rajaonarivelo* that if he returned, he risked arrest because of the corruption accusations levelled against him by *Ravalomanana* and his cohorts. There were cases of political intimidation too, that included the closing down of opposition headquarters in *Tamatave* and the arrest of opposition candidates. Issues around the ballot system and poor administration stunted political participation during the country's legislative elections. In this regard, candidates were required to pay for and distribute their own ballots, with the possibility of reimbursement if they managed to acquire at least 10% of the

votes. This system was designed to block illegible candidates, but ended up marginalizing those with limited financial means (Bachelard and Marcus, 2011:4).

Patronage and corruption were dominant features of *Ravalomanana's* regime. Marcus (2004:4) reveals that *Ravalomanana's* close associates and the “top brass” of his ruling TIM party were the people who were empowered economically during his regime. Heriniaina Razafimahefa, the treasurer of TIM, was also the Managing Director of *Ravalomanana's* company, *Tiko* as well as Chairperson of Air Madagascar. Another beneficiary included Patrick *Ramiaramanana*, who held an executive position in *Tiko* and later became the mayor of Antananarivo. In 2002, as further signs of patronage and corruption manifested themselves when the government awarded *Tiko* the sole rights to large advertising space in the municipal stadium (Marcus, 2004:4b).

A major turning point in *Ravalomanana's* rule came in December 2008 when he decided to shut down the television station VIVA, owned by *Andry Rajoelina*. Days after *Ravalomanana* did so, *Rajoelina* issued an ultimatum that demanded press freedom and civil liberties. The ultimatum also demanded that the government reopen this TV station by the 13 of January 2009 (Ploch and Cook, 2012:9). However, *Rajoelina's* ultimatum fell on deaf ears. On 17 January 2009 he decided to intensify his campaign by organising a national rally in Antananarivo that was aimed at challenging the authoritarian tendencies of President *Ravalomanana*. Nearly 30 000 people attended *Rajoelina's* rally, most of them from the ranks of the civil society, media and opposition parties.

Chaos ensued as protestors destroyed property owned by *Ravalomanana* and a mob of angry protestors razed public property such as the state radio station and municipal buildings (Ploch and Cook, 2012:10). *Ravalomanana's* response was harsh and on 3 February 2009, he issued an arrest warrant and fired *Rajoelina* from his position as mayor of Antananarivo.

On 7 February 2009, the Presidential Guard opened fire on peaceful protestors marching outside the Presidential Palace. Thirty-one people died and close to 200 people were injured (Bachelard and Marcus, 2011:4).

5.4 The 2009 military coup and the rise of *Andry Rajoelina*

The political situation exploded on 17 March 2009 after the Army forced President Marc *Ravalomanana* to resign. In addition, the army also coerced him to sign an order that dissolved the government (Amnesty International, 2010:8). The order gave the national army full rights to govern Madagascar and also granted it the right to chart a democratic dispensation through the following actions:

- Organising a national conference to discuss and draft possible amendments to the constitution
- Preparing a review of the electoral code
- Preparing a law on political parties
- Organising elections within the next 24 months. (Amnesty International, 2010:8)

These events raise a question at this point for the researcher: what motivated the military to stage a coup in Madagascar? The democratic governance-stability theory, discussed in chapter three sheds light on this question. To recap, the democratic stability theory postulates that coups are likely to occur in a political environment characterised by corruption and weak administrative structures that dispenses patronage to loyal constituencies (Nogma, 2004:89). It was against this background that Madagascar experienced the coup. *Ravalomanana*, it was said, “systematically weakened opposition” by jailing leaders of other political movements and imposing tougher laws that limited freedom of speech (Maunganidze, 2009:3). The military was dissatisfied with the prevailing situation and on 16 March 2009 seized control of the Presidential Palace and the central bank. Finally, on 17 March 2009 *Ravalomanana* announced that he would be stepping down as President (Ploch, 2009:3).

Immediately after the coup, the military leaders transferred all executive power to civilian authorities and appointed *Andry Rajoelina* as the new President of Madagascar. Article 2 of the decree, drafted by the military after the coup formally recognised *Rajoelina*'s role, stating that “the duties and attributions of the President of the Republic shall be exercised by *Rajoelina* for a maximum period of 24 months” (Amnesty International, 2010:8). *Rajoelina*, on the other hand, was eager to cement his position as the new Head of State and on 18 March 2009, he wrote to the High Constitutional Court asking them to recognise the decree issued by the military directorate.

The court endorsed the decree and declared that *Rajoelina* had the right to exercise all executive powers. The incoming President wasted no time in asserting his authority. Shortly after the High Constitutional Court endorsed his Presidency, *Rajoelina* declared a state of emergency and suspended the Senate and the National Assembly (Amnesty International, 2010:8).

In the months that followed, *Rajoelina* worked towards forming a government. His efforts paid off later on in March 2009 after he announced that he would organise his government under the High Transitional Authority (HTA). The HTA was largely made up of 44 members most of whom came from various political organisations and different ethnic groups. One of the key political figures who served in *Rajoelina's* government included *Monja Roindefo Zafitsimivalo* who was appointed as the new Prime Minister (Marcus, 2009:1).

Ironically, *Rajoelina's* regime was characterised by the same authoritarian tendencies that prevailed during the rule of *Ravalomanana*, with the police force and security agencies being used to target those who opposed *Rajoelina's* rule. These victims often included members of parliament, senators and lawyers (Amnesty International 2010:8) and arbitrary arrests were carried out against journalists and leaders of the civil society movements.

Rajoelina also used the judicial system for the purposes of purging his opponents. On 28 August 2011, *Ravalomanana*, together with other top officials who had served in his regime, were sentenced “in absentia” to life imprisonment and hard labour. This judgment was politically motivated and in the main aimed at discouraging *Ravalomanana* from returning to Madagascar (IDASA, 2011:3)⁵¹.

Civilians too, were not spared the wrath of the regime and on 20 April 2009, security forces opened fire on unarmed protestors, killing two civilians while injuring scores of people during a public protest (Amnesty International, 2010:14). On 29 April 2009, the police opened fire on a group of civilians accused of throwing stones at the police and burning the national flag.

Rajolian's despotic power contributed towards eroding democratic values. The paper published by the International Crisis Group (2010:7) describes the nefarious practices that stunted the development of democracy in Madagascar:

⁵¹ Ravalomana left for exile on 30 March 2009.

Since *Andry Rajoelina* took power in March 2009 and dissolved the assemblies, there are no democratic checks on government. Small groups of individuals close to the presidency conduct affairs of state and short-circuit institutional decision-making mechanisms. Decisions are taken by a small number of people composed of official or informal advisers of the president and a few ministers. Several members of this group have very limited political experience and are neither technocrats nor elected politicians.

Rajoelina tightened his grip on power by amending the Constitution. For instance, on 17 November 2010, he organised a national referendum. The referendum was aimed at changing the minimum age of a President from 40 to 35 to accommodate his age (*Rajoelina* was 35 years old). Furthermore, the referendum entrenched *Rajoelina's* absolute rule by adding Article 166 “which allowed him to stay in power until the presidential election takes place, but it does not set a deadline for those elections” (Bachelard, and Marcus, 2011:3).

Marcus (2009:1) contends that the political crisis created a tremendous economic shock:

Since *Rajoelina* took over from Ravalomanana, foreign aid has dropped significantly. Furthermore, imports have declined by 22% and close to 220,000 people have lost their jobs. In addition, Petroleum and Chemical products have fallen by 15% and economic growth in 2009 stood at a disappointing 0.6%. The political crisis has also deepened poverty and inequality. It is reported that poverty in Madagascar has increased sharply from 68.7% to 75.6% in 2010. The situation is also exacerbated by rising food prices. For example, the International Monetary Fund (IMF) notes that commodity prices deteriorated by 3 points on trade balances and the Malagasy economy shrank by 2% 2009 to 2010.

5.5 AU and SADC responses

The AU was quick to respond to the coup in Madagascar. At first, the continental body condemned it. Moreover, the AU issued a communiqué that urged the instigators of the coup “to comply with the provisions of the Malagasy constitution on interim arrangements in the event of a resignation” (AU, 2009b). The key provisions that the AU referred to were in Article 52 of the Malagasy Constitution, which stated that in the event where the post of the presidency became vacant, the election of the new president should take place within 60 days (Madagascar, 1992). On 20 March 2009, the 181st Meeting of the PSC passed a resolution that imposed diplomatic

sanctions on the regime of Rajoelina. These diplomatic sanctions suspended Madagascar from the policy structures of the AU (AU, 2009b).

However, the perpetrators of the coup were quick to defend their actions. Days after the military instigated the coup, the Malagasy Prime Minister, who was installed by the military, *Monja Roindefo*, declared that the coup was carried out for the purposes of protecting Madagascar against totalitarian rule (Eriksson, 2010:62).

On 30 March 2009, SADC convened an Extraordinary Summit of Heads of States and Government in Swaziland. In this meeting, SADC member states condemned the coup and refused to recognise *Rajoelina* as the President of Madagascar. More importantly, the regional body suspended Madagascar from its policy structures and its organs “until the return of the country to constitutional normalcy” (SADC, 2009a).

Soon thereafter, the AU together with the international community spearheaded the formation of the International Contact Group on Madagascar (ICG-M). The group was composed of the AU, SADC, the Common Market for Eastern and Southern Africa (COMESA), the Organisation *Internationale de la Francophonie* (OIF), the Permanent Members of the UN Security Council and the European Union (Ploch and Cook, 2012:12). Primarily, the ICG-M was tasked with the responsibility of finding a common solution for the political crisis in Madagascar. The ICG-M held its inaugural meeting on 30 April 2009 in Addis Ababa, the capital city of Ethiopia. During this meeting, the ICG-M encouraged the head of the AU commission at that time, Jean Ping, to intensify efforts at restoring constitutional rule in Madagascar (ICG-M, 2009a).

On the 20 June 2009, SADC convened an Extraordinary Summit at the Head of State level and appointed the former President of Mozambique, *Joaquim Chissano*, as the head of the SADC mediation team in Madagascar (Cawthra, 2010:20).

The ICG-M held its second consultative meeting on 22 June 2009. In the course of it, the ICG-M mandated that the AU hold a meeting with all the warring factions, the Chefs de File, “in order to reach a consensual solution for a rapid return to constitutional order” (ICG-M, 2009b)⁵².

⁵² The Chefs de File is a forum of political stakeholders that included the ousted President *Marc Ravalomanana*, the current head of state, *Andry Rajoelina*, and previous presidents such as *Albert Zafy* and *Didier Ratsiraka*.

In pursuit of the decision taken in the second consultative meeting of the ICG-M, the said *Chefs de File* held a meeting in Maputo on 5-9 August 2009 under the auspices of the AU, was chaired by *Joaquim Chissano*, assisted by special envoys of the AU, the OIF and the UN (AU 2010a). Primarily, this meeting attempted to identify points of agreement and disagreement and explored ways of finding a solution to the impasse in Madagascar. The decisions made by the Chefs de File in this meeting, culminated in the signing of the Maputo Agreement that produced the following outcomes:

- An agreement on the cancellations of convictions related to the events of 2002 in Madagascar
- An agreement on the case of President *Ravalomanana* for repealing his sentence to life in prison for ordering the killing of 40 peaceful protestors
- An agreement on the cancellation of convictions against political figures, civil and military under *Ravalomanana*
- Participants also agreed on the length of the transition period, which should not go beyond 15 months from the date of the signing of the agreement in Maputo
- Parties agreed that the transition would end with the holding of credible elections under international supervision, leading to the establishment of stable democratic institutions in Madagascar
- The Parties agreed on transitional institutions, amnesty, national reconciliation, the status of former leaders, constitutional reforms and national reconciliation
- Parties also agreed on establishing a Government of National Unity headed by a consensus Prime Minister, 3 Deputy Prime Ministers and 28 ministers (SADC, 2009b).

SADC welcomed the move made by the political camps and urged the political actors to support the objectives and the agreements signed at the Maputo Summit (SADC, 2009b).

The events that unfolded after this meeting had implications for the mediation process. On 3 September 2009 the three camps of the *Chefs de File*, *Ravalomanana*, *Zafy* and *Ratsiraka*, attempted to weaken *Rajoelina's* rule by calling on the army to overthrow the government. As a consequence, *Rajoelina* responded by forming a Transitional Government without the

participation of the three other camps (*Ravalomanana, Zafy and Ratsiraka*) (Zounmenou, 2009b: 73).

The AU and the *Ravalomanana* camp did not welcome the move carried out by *Rajoelina*. On 10 September 2009, the PSC convened its 202nd meeting to discuss a solution towards solving the quandary. The PSC expressed its “deep concern about this development and stressed that the Maputo Agreement remained the consensual framework for a peaceful exit” (AU, 2010a). Furthermore, the PSC called on the *Chefs de File* to “resume dialogue with other political movements for inclusive and peaceful implementation of the Charter and the Transition Agreements signed in Maputo” (AU, 2010a). In addition, the PSC urged the perpetrators of the coup to restore constitutional rule within a period not exceeding 15 months.

On 6 October 2009, the ICG-M convened its third consultative meeting in *Antananarivo*. The AU Chairperson Jean Ping chaired the meeting. In this gathering, ICG-M endorsed the following decisions: that President *Andry Rajoelina* could remain as the head of the Transitional government if he did not contest power in the upcoming elections (Cawthra, 2010:15). The ICG-M also endorsed the proposal that the post of Vice President of the transitional government had to be filled by Dr. *Emmanuel Rakotovahiny* of the *Zafy* led camp.

Subsequently, the *Chefs de File* held their third meeting under the auspices of the AU in Addis Ababa on 3-7 of November, 2009 and on this occasion, they adopted “the Additional Act to the Charter of the Transition” also known as the *Addis Ababa* Additional Act (AU, 2010a). The Additional Act introduced the appointment of two Vice Presidents from the *Ravalomanana* and the *Zafy* camp. The Act additionally went on to endorse *Eugène Mangalaza* as the *Prime Minister* of the transitional government, and also assigned six Ministerial posts to each of the four political camps with the remaining seven posts allocated to other political stakeholders in Madagascar (AU, 2010a). The adoption of this mechanism indicated that the leaders of Madagascar had reached consensus on the main leadership posts (Cawthra, 2010:15).

In the event, the PSC welcomed the signing of the Additional Act and urged the four political stakeholders to finalize the appointment of the representatives mentioned in the Charter. The PSC also requested the Chairperson of the AU Commission to spearhead the formation of the monitoring mechanism. The council further requested that the Chairperson of the AU

Commission work collectively with other stakeholders (such as the EU, the UNDP and the IOF) to develop a framework to assess Madagascar's electoral needs (AU, 2009b).

In the months that followed, President *Guebuza Armando Emilio* of Mozambique, in his capacity as President of the SADC Organ on Politics, Defence and Security Cooperation, together with the SADC chief negotiator *Joaquim Chissano*, invited the *Chefs de File* to a meeting in Maputo. The aim of this meeting was to resolve the outstanding issues. However, President *Andry Rajoelina* declined the invitation to participate in these talks mainly because they were not conducted under the auspices of the AU. In this gathering, the three political camps of the *Chefs de File* appointed a Government of National Unity without the consent of *Andry Rajoelina* (Cawthra, 2010:15). However, *Rajoelina* retaliated by dismissing the consensus Prime Minister *Eugène Mangalaza*, preventing the return of some members of the *Chefs de File* (Ravalomanana and Zafy) and pledging to hold parliamentary elections without the participation of the *Chefs de File*. In addition, *Rajoelina* went on to reject any further involvement by the international community (Cawthra, 2010:15).

Likewise, the AU PSC, which held its 211th meeting on 7 December 2009, warned that the move could jeopardise the progress achieved by the four political groups in ending the political crisis in Madagascar (Press Statement of the 211th meeting of the Peace and Security Council, 2009). Moreover, the PSC called on all the political actors in Madagascar to “demonstrate the required political will to resolve the current impasse in strict compliance with the Maputo Agreements and the Additional Act of Addis Ababa” (Press Statement of the 211th meeting of the Peace and Security Council, 2009).

The ICG-M convened its 4th consultative meeting during the period 4-7 January 2010. Initially, the aim of this meeting was to “re-launch a process for a way out of the crisis” (ICG-M, 2010c). In this regard, officials attending the consultative meeting of the ICG-M “reaffirmed validity of the Maputo Agreements and the Addis Ababa Additional Act” and urged the political movements in Madagascar:

To conclude expeditiously the full agreement on a transitional arrangement, building on what they had already agreed to in the Maputo Agreements of 8 and 9 August 2009 and the Addis Ababa Additional Act of 6 November 2009, duly negotiated and signed by the four Leaders of the political camps in Madagascar (ICG-M, 2010c).

In matters relating to a peaceful transition, representatives of the ICG-M counselled that: the transition should be as short as possible; that elections should be organised in a free and transparent manner. Lastly, the ICG-M advised transitional authorities to “agree on the timetable and conditions for supervision of the elections” (ICG-M, 2010c).

In this regard, the events that occurred after the 4th consultative meeting of the ICG-M indicated that the AU and its partners were ready to adopt stronger measures in the form of targeted sanctions such as visa denials, travel bans etcetera against the regime of *Rajoelina*. The adoption of tougher measures, against *Rajoelian* and his allies was witnessed at the 5th Consultative Meeting of the ICG-M which was took place on 18 February 2010 in Addis Ababa. On this occasion, representatives called on the AU, SADC and the international community to implement targeted sanctions such as visa denials, travel bans, asset freezing, against *Rajoelina* and his government (ICG-M, 2010d).

In the light of the prevailing political crisis, the SADC Double Troika Summit of Heads of State and Government, held in Maputo on 14 January 2010, maintained that Madagascar should be suspended from SADC structures until constitutional rule was restored (SADC, 2010a).

Eventually, the decisions of SADC and the ICG-M were entertained in the 216th meeting of the PSC that took place on 19 February 2010 in Addis Ababa (AU, 2010b). In this respect, the PSC resolved that unless *Rajoelina's* regime implemented the Maputo Agreements and the Addis Ababa Additional Act by the 17 March 2010, the AU would impose the following measures:

- Travel ban against all members of the institutions set up by the de facto authorities born out of the unconstitutional change and all other individual members of the *Rajoelina* camp whose actions impede the AU and SADC efforts to restore constitutional order.
- The freezing of funds, other financial assets and economic resources of the President, ministers and government officials who support the maintenance of the unconstitutional status quo in Madagascar. This also included individuals and entities that impeded AU and SADC efforts to restore constitutional order (AU, 2010b).

In addition, the AU went on to lobby the international community to support its decision in imposing sanctions on Madagascar. However, the AU failed to see this through and this point is addressed in greater length in the following section. The continental organisation also warned its

partners to refrain from any activity that might undermine the decisions of the AU in relation to the unconstitutional change in Madagascar (AU, 2010b).

These above-mentioned sanctions were formally imposed by the PSC on 17 March 2010 against *Rajoelina*. It is clear from the utterances in paragraph 4 of the Communiqué of the 221st meeting of the PSC that the sanctions regime consisted of a mixture of targeted or smart sanctions and diplomatic sanctions. Mostly, the smart sanctions in this case included the freezing of funds and other financial assets and economic resources that belonged to *Rajoelina* and his close aides. The relevant component of the diplomatic sanctions read as follows: “diplomatic isolation, against Mr. *Andry Nirina Rajoelina*” (AU, 2010b).

SADC continued to push its diplomatic campaign and on 30 April 2010, the regional body convened discussions with the political actors of Madagascar. The discussions aimed at ending the stalemate in Madagascar. The meeting was held in Johannesburg, South Africa, and was facilitated by President Jacob *Zuma*. Other top officials who attended the meeting included SADC’s Executive Secretary *Augusto Salomao* and the Chairperson of the AU Commission *Jean Ping*. The four political camps of the Chefs de File (*Marc Ravalomanana*, *Albert Zafy*, *Didier Ratsiraka* and *Andry Rajoelina*) were also present at the talks (Peace and Security Council Report, 2010). The leaders of the four political camps agreed to establish a consensual and inclusive transitional government. However, the meeting was unable to produce a clear outcome on electoral and amnesty processes. The chief negotiator of the political crisis, *Joaquim Chissano*, noted that this gathering was unable to “resolve the timing of the elections and the granting of amnesty for alleged crimes committed in the lead up to *Ravalomanana*’s removal” (Peace and Security Council Report, 2010).

The events that unfolded after the SADC meeting proved the political crisis in Madagascar was becoming progressively insoluble: days after the Johannesburg talks were concluded, *Rajoelina* continued with his unilateral approach and pronounced that he would be forming a government without the participation of other political camps. He further announced that technocrats, members of the civil society and representatives of the army would compose his neutral government (Peace and Security Council Report, 2010).

However, SADC adopted a lenient position with regard to these actions. It merely rebuked *Rajoelina* for threatening to implement such measures. While addressing the media on 14 May 2010, SADC's chief negotiator *Joaquim Chissano*, warned that "unilateralism is unacceptable" (*AFP, 4 May 2010*) and went on to remind the political stakeholders of the commitments they had made before the international community and the Malagasy people.

From 16 August to 17 August 2010, SADC convened a Summit of Heads of State and Government in Windhoek, Namibia. Concerning the political crisis in Madagascar, the summit resolved that:

SADC, the African Union and the wider international community should lend their political, technical, material and financial support to the process of the mediation process (SADC, 2010b).

In February 2011, Leonard Simao (who was an assistant of Chissano's in the SADC mediation process) presented the *Chefs de File* with a document titled the Roadmap of Ending the Crisis in Madagascar (Nathan, 2013:6). The Roadmap proposed that *Andry Rajoelina* would be the President of the Transition and that he should appoint a consensual Prime Minister. Other critical proposals spelled out in the roadmap included: the formation of a transitional government of national unity, offering unconditional amnesty to those who committed inhumane acts and the hosting of national elections that would be supervised by the international community (Lunn, 2012:4). *Rajoelina* accepted the Roadmap and declared that he supported it.

However, because of paragraph 20 of the Roadmap which stated that "*Ravalomanana* cannot return to Madagascar until a favourable political and security environment was established", the *Chefs de File* were not in full support of the Roadmap (Kotzé, 2013:10). They also rejected the Roadmap because they had not been adequately consulted; because it gave *Rajoelina* too much power during the transition, permitted him to contest elections and legitimised the coup (Nathan, 2013:6).

On 31 March 2011, SADC convened a summit of the Organ on Politics, Defence and Security Cooperation that took place in Livingstone in Zambia. On this occasion, delegates received a report from *Chissano* which recommended that SADC should endorse the Roadmap and that it should be recommended to the international community (Kotzé, 2013:11). The summit was not in support of the notion propagated by the Roadmap that *Rajoelina* should be the President of the

Transition. This sentiment was captured in paragraph 15 of the SADC Communiqué which stated that:

The Extraordinary Summit does not recognize Mr. *Rajoelina* as President of Madagascar as his appointment did not only violate the constitution of Madagascar and democratic principles, but also violated the core principles of and values of the SADC Treaty, the African Union Constitutive Act and the United Nations Charter (SADC, 2011).

On 20 and 21 June 2011 SADC held an Extraordinary Summit of Heads of State and Government in Johannesburg, South Africa. On this occasion, “a number of decisions were taken that constituted amendments to the Roadmap” (Kotzé, 2013:12). These decisions were captured as follows:

- The Summit endorsed the Roadmap to bring Madagascar into constitutional normalcy presented by the SADC mediator on Madagascar after affecting the necessary amendments
- Summit also urged the High Transition Authority (HTA) to allow Malagasy people in exile for political reasons to be allowed to return unconditionally to the country including Mr. Ravalomanana
- The Summit urged the HTA to enact and urgently develop all outstanding legal instruments to ensure the political freedom of all Malagasy in the inclusive process leading to free fair and credible elections (SADC, 2011).

The decisions taken by SADC were discussed by the AU in the 283rd meeting of the PSC. In this meeting, the PSC requested that the “Roadmap be amended accordingly and be fully consistent with the relevant decisions and instruments of the AU and SADC” (AU, 2011). The PSC also counselled that the AU Commission and SADC Secretariat establish a joint presence in Madagascar to monitor the evolution of the situation and facilitate the implementation of the Roadmap; to be done in close coordination with the AU partners that included the IOF, EU and the Indian Ocean Commission (AU, 2011).

In August 2011, South Africa assumed the position of Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, taking over from Zambia. “The South African Deputy Minister of International Relations, *Marius Fransman* acted most of the time in that

ministerial level at that capacity” (Kotzé, 2013:14). Under the leadership of *Fransman*, SADC was able to amend the Roadmap in accordance with the decisions taken at the Extraordinary Summit. For example, *Fransman* amended paragraph 20 of the Roadmap to read as follows: “the HTA shall allow all Malagasy citizens in exile for political reasons to return to the country unconditionally, including Mr. Marc Ravalomanana” (Kotzé, 2013:14). *Fransman* also added the following paragraphs to the Roadmap:

The HTA shall provide security and safety to all Malagasy returnees. The HTA shall urgently develop and enact necessary legal instruments, including an amnesty law to ensure the political freedom of all Malagasy in the inclusive process leading to free fair and credible elections (Kotze, 2013:14).

On 17 September 2011, all the political stakeholders except for the *Ratsiraka* faction signed the revised Roadmap. Those who signed up to the Roadmap agreed to:

- Create a new, inclusive and consensual transitional government of national unity and attendant institutions of transition to govern Madagascar and to oversee the holding of internationally supervised, free-and-fair elections within a year
- Create a balance of power between the contesting parties in Madagascar, which can be defined as the eight (8) *mouvances* (parties) recognising *Rajoelina*; and the three major political *mouvances* of President *Ravalomanana* and those of former presidents *Didier Ratsiraka* and *Albert Zafy*
- Participating in the transition in good faith, creating an atmosphere of peace and security for all the Malagasy people, to avoid impeding the transition process and to maintain a constructive and patriotic attitude with a view to advancing the transition
- Allowing the unconditional return of all exiles including President *Marc Ravalomanana* and granting of blanket amnesty with certain exclusions (Ravalomanana, 2012:12).

On 15 October 2011, the SADC Ministerial Committee of the Organ Troika visited Madagascar. The purpose of the visit was to hold discussions with the political stakeholders who had signed the SADC Roadmap (Press Statement of the SADC Organ Troika, 2011). On this occasion, the Troika urged all the political actors in Madagascar, including those who were still in exile, to abide by the decisions set out in the Roadmap. The Troika also called on *Rajoelina* to refrain

from undertaking unilateral actions that would abjure the agreements contained in the roadmap. Furthermore, the political stakeholders signed an Agreement on the Implementation Framework of the roadmap for ending the political impasse in Madagascar. The critical elements of this agreement included: the appointment of a consensual Prime Minister by 1 November 2011 and the appointment of the representatives of Transitional Government and Transitional Parliament by 17 November 2011. Lastly, the agreement prescribed that the legislative authority should ratify the First Act of Parliament that establishes a new National Independent Electoral Commission by 30 November 2011 (Press Statement of the SADC Organ Troika, 2011).

Once again, the diplomatic talks continued to take centre stage and on 8 December 2011, the AU PSC convened its 303rd meeting in Addis Ababa. In this context, the PSC requested the international community and AU partners to assist Malagasy transitional authorities in implementing the Roadmap. The type of assistance was mainly technical and required the international community to sponsor the election process in Madagascar (AU, 2011).

Finally, the year 2011 closed off with the 6th Consultative meeting of the ICG-M. This took place on 8 December 2011 in Addis Ababa. In this gathering, AU partners that included the EU, the OIF, the UN, the COMESA etcetera agreed to pledge financial, technical and logistical resources towards the electoral processes in Madagascar (ICG-M, 2011).

Many reforms aimed at restoring constitutional rule in Madagascar took place after the international community made this pledge. On 10 March 2012, authorities in Madagascar created an Independent Electoral Commission. The body comprised 10 representatives from the civil society, with 9 representatives from each political party, an appeals court judge and two representatives from *Rajoelina's* administration. In April 2012, Parliament passed an Amnesty Law that protected some representatives of the previous regime from facing persecution (Ploch and Cook, 2012:3).

In January 2014, Presidential elections were held in Madagascar and *Henry Martial Rakotoarimanana* was elected to the position of Head of State. However, Ravalomanana could not take part in the elections mainly because some political actors, more especially from *Rajoelina* refused to grant him entry into Madagascar (*Bloomberg. 14 January 2014*).

5.6 Analysis of the factors that derailed success of the AU sanction policy in Madagascar

The AU sanction policy has failed to restore constitutional rule in Madagascar, thus permitting Rajoelina to act in a way that violates principles spelled out in the agreements brokered by SADC. This may be explained by the following factors.

5.6.1 SADC contravenes AU principles

The first factor that continues to derail progress in Madagascar lies in the fact that some of the decisions taken by SADC contradict AU principles. The SADC Roadmap clause that recognises *Rajoelina* as the President of the Transitional Government is contrary to Article 25 of the AU Charter on Democracy, Elections and Governance, which states that: “the perpetrators of an unconstitutional change shall not be allowed to participate in the elections held to restore democratic order or hold any position of responsibility in political institutions of their state” (AU, 2007 and Nibashaka, 2012:3). Neglecting this Article strengthened *Rajoelina’s* position and diminished the prospects of forming a transitional government made up of candidates from the ranks of the *Chefs de File*. On 28 October 2011, *Rajoelina* appointed Omer *Beriziky* as prime minister, “without the consent of opposition parties as required by the Roadmap” (IDASA, 2011:4). The *Ravalomanana* camp and opposition parties criticised the move and issued public statements which claimed that *Beriziky’s* appointment was illegal. Consequently, the decision adopted by SADC to recognize *Rajoelina* undermines the AU sanctions policy and this has made it difficult for international organisations to adopt a common position towards Madagascar. In turn, this has generated a situation whereby *Rajoelina* is exploiting these divisions and has continued to enact decisions that do not include the other political stakeholders such as *Ravalomanana*, *Zafy* and *Ratsiraka*.

5.6.2 Conflicting Interests

The conflicting interests of various actors also diminished the prospects of finding a common ground to solve the political impasse in Madagascar and some international organisations such as the EU have followed the leadership of South Africa on this matter. The EU has done so in that it has played a neutral role because it is committed to resolving the political impasse in Madagascar without showing any sense of favour for *Rajoelina* or for *Ravalomana* (Cawthra, 2010:19). France, as Madagascar's former colonial master, is eager to maintain economic and political interests and has thrown its weight behind *Rajoelina*, largely to keep Madagascar within its sphere of influence (Lanz and Gasser, 2013:14). For example, on 18 December 2012, France allowed *Rajoelina* to travel to Paris to meet with its Foreign Minister. Additionally, France played an instrumental role in advising the heads of security at Antananarivo Airport to deny *Ravalomanana* access from entering Madagascar (*All Africa*, 26 January 2012). On the other hand, *Ravalomanana* enjoys the support of Swaziland and Zimbabwe. When Swaziland held the Chair of the SADC Organ on Politics, Defence and Security Cooperation in April 2009, it proposed the option instituting military action in order to restore the rule of *Marc Ravalomanana* to member states, with Zimbabwe sharing the same sentiment. For instance, in June 2009, when President Mugabe was elected as the chairperson of the Common Market for East and Southern Africa (COMESA), he issued a statement that stated that COMESA "supports SADC's efforts to restore constitutional rule in Madagascar by examining all options including the possibility of military intervention" (Nathan, 2013:11). Thus, it might be supposed that these two states, that are governed in an undemocratic manner, proposed military action because they were concerned that they might be overthrown in a similar fashion; a concept supported by King Mswati of Swaziland's warning the "army personnel not to emulate the Malagasy soldiers who participated in the dethroning of their country's president" (Nathan, 2013:11).

SADC officials are also responsible for perpetuating the lack of progress in Madagascar: *Chissano's* mediation assistant and former Mozambican Foreign Minister, *Leonard Simao*, voiced opinions that do not favour a consensual government. In 2011, *Simao* stated that the *Ravalomanana*, *Ratsiraka* and *Zafy* camps should not be included in the transitional government of Madagascar (Kotzé, 2012:13) and this has led *Ravalomanana's* camp to accuse the mediation team of the following:

The SADC mediation team, in particular *Leonard Simao*, is biased towards the illegal regime. He is making public statements about the process and decisions taken by SADC that are not in line with the communicated decisions of the SADC Heads of States (*Ravalomanana* quoted in *Kotzé*, 2013:13).

Conflicting interests were also fuelled by internal divisions between SADC structures, such as the Extraordinary Summits of the Heads of State and Government and the SADC mediation team. These divisions surfaced at the SADC Summit of the Extraordinary Heads of State that took place on 31 March 2011. On this occasion, the SADC Heads of State refused to endorse the Roadmap drafted by the chief mediator, *Jacquim Chissano*. The Roadmap was rejected because of paragraph 20 which stated that “*Ravalomanana* could not return to Madagascar before a favourable political and security environment was established” (*Kotzé*, 2013:10). As a result, the Summit shifted the responsibility of the mediation to the Troika of the SADC Organ on Politics, Defence and Security Cooperation. The Troika mediators, who led by the South African Deputy Minister of International Relations and Cooperation *Marius Fransman*, side-lined *Chissano* and later amended Paragraph 20 of the Roadmap to read as follows: “HTA shall allow all Malagasy citizens in exile for political reasons to return to country unconditionally, including Mr. *Marc Ravalomanana*” (*Kotzé*, 2013:14). Thus, these internal divisions hampered the SADC’s mediation efforts and made the regional body look incompetent, out of touch and at loggerheads with its own mediators (*Nathan*, 2013:6).

5.6.3 Lack of Political will

A lack of political will, especially from some members of the *Chefs de File*, has hampered the restoration of political order in Madagascar. In the early days of the political crisis, *Zafy*, *Ratsiraka* and *Ravalomanana* attempted to weaken the regime of the HTA by calling on *Rajoelina* to surrender his authority and position to the Prime Minister. This had far-reaching consequences for the mediation process and prompted the AU and the UN to withdraw the diplomatic staff from their mediation efforts, citing a lack of political will by the above mentioned parties as the reason (*Zounmenou*, 2009b:74). The UN and the AU were thus hindered in their duty of mobilising global support for the mediation process. However, instead

of suspending their mediation efforts, they could have held *Zafy* and *Ratsiraka* to account and to order, bringing pressure to bear for them to honour the agreement.

The ICG-M meetings also highlighted this lack of commitment in that it only held six meetings within a period of three years whereas the ICG-G held nine sessions in a single year, the period January to December 2009 (Cawthra, 2010:19).

Another facet that continues to derail progress in Madagascar relates to the lack of political will on the part of *Rajoelina* to abide by the decisions highlighted in the SADC Roadmap. The report prepared by *Ravalomanana* (2012:11) mentions that *Rajoelina's* regime has violated the latter in two respects. The first violation of the SADC Roadmap reads as follows:

Attempts to deny President *Ravalomanana* the right to unconditional return to Madagascar to contest the election (Roadmap Clause 20) by falsely alleging that he is somehow complicit in crimes against humanity and thus does not qualify for the Clause 18 Amnesty in the Roadmap (*Ravalomanana*, 2012:11).

On 22 January 2012, *Ravalomanana* boarded a flight to his native land. However, the former President was unable to land when authorities blocked the air space over Antananarivo Airport (Lunn, 2012:5). On 14 April 2012, transitional authorities passed an Amnesty Bill. However, it still excluded *Ravalomanana* from its provisions by mentioning that anyone who had committed a murder could not be covered by the bill (Lunn 2012:5).

Furthermore *Rajoelina* has abjured the principles set out in the Roadmap by threatening to prosecute *Ravalomanana* on cases of crimes against humanity and threatening to apply for his extradition. In addition, President *Rajoelina* has stated that he is not willing to accept the unconditional return of President *Ravalomanana* as provided for in paragraph 20 of the Roadmap, and added that President *Ravalomanana* will only be allowed to return after Madagascar goes to the polls (*Ravalomanana*, 2012:21).

The other challenge that confronts the mediation process is the issue of domestic actors that continue to support the regime of *Rajoelina*. The military is an important player in this case. In 2010, the military maintained that it did not want to seize power for itself and would not acknowledge anyone besides *Rajoelina* as the head of the transitional government. In particular, the military has gone on to state that it will be opposed to any action that seeks to replace

Rajoelina as the President of this government (Cawthra, 2010:18). Thus, *Rajoelina* has been able to undermine the mediation efforts of SADC because he perceives SADC as an institution which is dominated by Anglophone states that do not have the best interests of Madagascar at heart. Furthermore, *Rajoelina* went on to state that the mediation process, initiated by SADC, is not his idea. He further proclaimed that if SADC calls him to a meeting he will refuse to attend (Kotzé, 2013:9). It is therefore clear that *Rajoelina* has no faith in SADC, arguably, because of its contradictory behaviour towards his regime and thus has been emboldened to defy SADC while it has failed to take decisive action against him.

5.6.4 SADC's lack of experience in conflict resolution

Another factor that may help to explain the failure of the AU sanctions policy in Madagascar is that SADC has inadequate experience in dealing with coups in the region. This lack of experience may be attributed to the fact that the region has been least affected (in Africa) by coups, experiencing the relatively low number of four coups (as indicated in Table 5 in chapter three) in the period 1975-2009. Thus, this situation resulted in SADC investing little time and effort in developing instruments required to resolve coups in the region and in this manner ending up recognising *Rajoelina* as the head of the transitional government (Zounmenou, 2009b: 73).

However, this was not the case in Guinea. The knowledge and experience, of conflict resolution, that was accumulated by ECOWAS played a crucial role in restoring constitutional order in Guinea. They helped the regional body to deploy its tools of conflict resolution that allowed ECOWAS to respond in practical ways. For example, the regional body invoked Article 45 of the Protocol on Democracy and Good Governance to suspend Guinea from its policy structures. To add, ECOWAS also used the very same Article to prohibit members of the CNDD from participating in the national elections (Protocol on Democracy and Good Governance, 2001).

5.6.5 The geographical position

The geographical position of Madagascar may have generated a lack of political will on the part of SADC to respond with a sense of urgency towards the coup in Madagascar. Although it is located in the region of Southern African, Madagascar is an island state and it does not share any border with any African state. Thus, the lack of urgency may stem from the fact that the crisis in Madagascar will not spill over to neighbouring states (Zounmenou, 2009b: 78).

In Guinea, however, regional and international organisations responded with a sense of urgency mainly because Guinea is a landlocked state that is located in a politically volatile region of West Africa. Thus, failure to respond with a sense of urgency would have caused serious problems for the region. It would have prompted Guinean citizens to flee their country and seek refuge in fragile neighbouring states such as Sierra Leone and Liberia. Consequently, this influx of foreigners into these fragile states would have perpetuated poverty and unemployment (Conciliation Resources, 2012:8).

5.7 Conclusion

This chapter has discussed the pitfalls of the AU sanction policy regarding coups in Madagascar. As a background, it first examined the post-colonial history of Madagascar and described each of the periods of rule by *Philbert Tsiranana*, *Didier Ratsiraka* and *Marc Ravalomanana*. This chapter also discussed the rise of *Andry Rajoelina* and pointed out that the *Rajoelina* regime has acted in a manner that violates human rights; his prevention of political change by side-lining his opponents from mainstream politics and refusing to implement the transitional modalities proposed by SADC.

The responses of the AU and SADC to the coup were examined, revealing that the AU and SADC responded to the coup by imposing sanctions on the regime of *Andry Rajoelina*. However, these sanctions have not yet managed to restore normality in Madagascar, which may be attributed to several factors. Firstly, SADC failed to restore political order in Madagascar because it has itself contravened AU principles. The specific challenge in this regard lies in the fact that the Roadmap that was drafted by SADC recognises *Rajoelina* as the legitimate President

of the Transition. This, however, is not in line with Article 25 of the AU Charter on Democracy, Elections and Governance, which states that perpetrators of a coup shall not hold any position of responsibility in their state. Secondly, conflicting interests that arise from the internal divisions between SADC structures and the mediation team have hampered the restoration of normality in Madagascar. Other elements that continue to derail progress are conflicting interests between South Africa, France, Zimbabwe and Swaziland. Thirdly, progress has stalled because of the absence of genuine political will on the part of the four major political stakeholders. Fourthly, SADC's lack of experience has also contributed towards slowing down progress and may be explained by the fact that SADC has invested little time in developing tools and instruments that will allow it to respond effectively to coups. Sixth and finally, the geographical position of Madagascar has permitted actors a lack of urgency because Madagascar is an island state that does not share any borders with any other state in the SADC region.

Chapter 6: Conclusion

This dissertation set out to assess the efficacy of the AU sanction policies with regard to addressing the problems brought about by coups and how to create stability in affected states. By conducting such an assessment, this dissertation set out to answer the following question: Why is the AU, as a continental body, able to succeed in implementing its sanctions policy in some cases, in this case Guinea, and fail in others, in this case Madagascar?

The success of the AU sanction policy in Guinea may be attributed to the fact that both the AU and ECOWAS responded to the coup based on existing sanction policies. The sanction policy articulated by the AU was largely taken from the AU Constitutive Act, Protocol relating to the Establishment of the Peace and Security Council, *Lomé* Declaration (also known as the Declaration on the Framework for an OAU response to unconstitutional changes in Government) and the Charter on Democracy, Elections and Governance.

These policies point to a wide range of principles and collective values, including respect for democratic practices. More importantly, the policies prescribe the type of action that the AU should follow when encountering a situation of unconstitutional change.

Equally, ECOWAS responded to the coup in Guinea based on its own sanctions policy. In this regard, it is important to mention that ECOWAS used the Protocol on Democracy and Good Governance not only as an instrument of condemnation but also as a mechanism of imposing sanctions against the military regime in Guinea. The regional body also went to the extent of imposing diplomatic sanctions in accordance with Article 45 of this Protocol.

This line of action was not witnessed in the case of Madagascar, and the failure of the AU sanctions policy was evident, largely as a result of SADC not yet having developed its own sanctions policy that prescribes the kind of action that SADC should adopt when confronted with a coup in the region. This raises the question: why has SADC failed to develop a normative framework?

The answer to the above question may be explained by the fact that Southern Africa has been least affected by the phenomenon of coups, having only experienced four successful coups during the period 1972-2009 (as indicated Table 5 in chapter three), compared with West Africa

which has experienced forty two successful coups over the period 1962 to 2012. The preponderance of coups (as indicated in Table 1 in chapter three) in West Africa prompted ECOWAS to develop a sanction policy allowing it to respond to coups effectively. This was different in the case of SADC. Hence, one finds that in the case of Madagascar, SADC acted outside the scope of the AU sanction policies and consequently recognised *Rajeolina* as the head of the transitional government.

The success of the AU sanctions policy in Guinea is also attributable to the fact that the two organisations (AU and ECOWAS) managed to provide effective leadership by coordinating their efforts and sharing responsibilities. This aspect was demonstrated by the fact that the Chairperson of the AU Commission, *Jean Ping* and the Chairperson of the ECOWAS Commission, *Mohamed Ibn Chambas*, jointly chaired the meetings of the ICG-G. This was important because it allowed the AU and ECOWAS to communicate their shared message, rejecting the coup in Guinea. In both theory and practice, this reflects that the workings of the AU sanction policy in Guinea are anchored in the theory of collective security because it was coordinating with international bodies.

In Madagascar, however, conflicting interests between various actors diminished the prospects of the AU coordinating with its partners in finding a common solution to the problem. France, as a former colonial power, has thrown in its support for *Rajoelina* because it does not want to shift Madagascar from its sphere of influence. On the other hand, the political leaders of Zimbabwe and Swaziland have shown support for *Rajoelina*. The divisions between the mediation and SADC structures also fuel competing interests. In this regard, the mediation team that was led by *Chissano* has moderated a position that is contrary to the SADC decisions. As a result, SADC shifted the responsibility for the mediation to the Troika of the SADC Organ on Politics, Defence and Security Cooperation.

In the case of Madagascar, the AU sanctions regime, particularly the part that refers to travel bans and visa denials, has been ineffective because it has not received the support of some powerful states. For example, the travel ban on *Rajoelina* was violated on 18 December 2012 when he was allowed to travel to Paris (France) to meet with the French Foreign Minister.

In Guinea, the AU sanction policy succeeded because the AU and ECOWAS managed to mobilise support for their sanction regime. This was done through circulating the list of the individuals who had to be sanctioned by the UN, the OIF, the USA, France and the EU. The above-mentioned actors responded to the call of the AU by imposing travel sanctions, visa denials and asset freezing on the members of the CNDD.

The failure of the AU sanction policies towards Madagascar may be attributed to the following factors: the Roadmap that was brokered by SADC mediators gave *Rajoelina* an opportunity to prevent political change by their recognising him as the legitimate president of the Transitional Government. For example, some political actors, who mainly hail from *Ravalomanana's* factions, have been denied an opportunity of participating in the transitional processes. In addition, *Rajoelina's* administration has continuously denied former President Marc *Ravalomanana* entry into the country. However, this was not the case in Guinea, where the Minister's cabinet was mainly made up of 34 Ministers, 24 of whom were civilians while the remaining 10 were chosen from the ranks of the army.

The situation in Guinea proves that the AU succeeded because actors had a genuine political will to resolve the crisis. The head of the CNDD, General *Sekouba Konaté*, who succeeded *Camara*, committed himself to acknowledging the principles spelled out in the Joint Declaration of Ouagadougou. In the days that followed, he formed a transitional government composed of both civilians and the military.

ECOWAS and the AU also dedicated much time in resolving the impasse. It is probable that the reasons behind the strong political will stemmed from the fact that actors wanted to prevent Guinea from sliding into a state of ethnic conflict or civil war which would have destabilised the region of West Africa. However, this was not the case in Madagascar. As mentioned, the lack of urgency stems from the fact that Madagascar is an island state. This reinforced the notion that the domestic political upheaval in Madagascar would not have the same devastating consequences for the SADC region.

An absence of a genuine political will on the part of *Rajoelina* to implement SADC agreements has diminished the possibilities of forming a consensual government in Madagascar. This may be explained by the fact that *Rajoelina* views the SADC mediation efforts as having no impact on

his regime. *Rajoelina* moreover believes that the SADC frameworks which are geared to forming a consensual government are aimed at weakening his regime. Hence, he has been defiant regarding the call made by SADC to include the other three members in the transitional government of Madagascar. *Rajoelina* is also defiant towards SADC because he knows that there is no sustained action on the part of the regional body to sanction his regime.

Some domestic actors have contributed towards the failure of the AU sanction policy in Madagascar. Senior military officials have repeatedly maintained that they will continue to support *Rajoelina* and resist international action that seeks to remove *Rajoelina* from his position.

In Guinea, the domestic actors such as trade unions, political parties and the civil society proved to be in support of restoring constitutional rule, thus directly contributing to the success of the AU sanction policy. They agreed with AU and ECOWAS decisions that condemned and isolated the regime of the CNDD. Domestic actors were in support of the plan that sought to establish a transitional government in Guinea.

The ICG-G was instrumental in the success of the AU sanctions policy in Guinea precisely because it demonstrated a level of commitment in solving the crisis. It held nine sessions between January and December 2009. However, this was not the case in Madagascar. The meetings of the ICG-M were often marred by a lack of urgency. In addition, these were less frequent because the ICG-M only held six sessions from 2009-2011.

It appears that the role of ECOWAS with regard to the situation in Guinea was clearly defined by Article 25 of the Protocol on Democracy and Good Governance. Hence, it was clear from the onset that the policy of ECOWAS was focused on creating a permanent dialogue with CNDD, forcing the military regime to comply with the election schedule as well as prohibiting members of the junta from participating in the elections. However, SADC did not play a clearly defined role in Madagascar. Instead of prohibiting *Rajoelina* from leading the transitional government, SADC should have found a way of mobilising international support for its sanctions regime against *Rajoelina*.

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