

## AUTHOR:

Tola Odubajo<sup>1</sup>  
Ebenezer Babajide Ishola<sup>2</sup>

## AFFILIATION:

<sup>1</sup> Research Associate,  
SARChI: African Diplomacy  
and Foreign Policy, University  
of Johannesburg, South  
Africa/Senior Lecturer,  
Department of Political  
Science, University of  
Lagos, Nigeria

<sup>2</sup> Assistant Lecturer,  
Department of Political  
Science, University of  
Lagos, Nigeria/Postgraduate  
Researcher, School of  
Humanities, Social Sciences  
and Law, University  
of Dundee, Scotland,  
United Kingdom

## ORCID:

<sup>1</sup> <https://orcid.org/0000-0002-2550-0912>

<sup>2</sup> <https://orcid.org/0000-0003-0229-2003>

## EMAIL:

<sup>1</sup> [fodubajo@unilag.edu.ng](mailto:fodubajo@unilag.edu.ng)

<sup>2</sup> [eishola@unilag.edu.ng](mailto:eishola@unilag.edu.ng)

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## ECOWAS PROTOCOL ON DEMOCRACY AND GOOD GOVERNANCE: AN ANALYSIS OF RESPONSE TO THE 2021 GUINEAN COUP D'ÉTAT

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## ABSTRACT

*The Economic Community of West African States (ECOWAS) aims to counter the economic, political, social, and security challenges of its sub-region. The aim is embedded in the fact that it is only an economically vibrant, politically stable, socially harmonious, and environmentally secure sub-region that can promote "collective self-sustenance". The pursuit of this mandate led to the creation of several protocols; one of which mandates the organisation to uphold democracy and good governance within its member states. ECOWAS attempts at fulfilling this obligation often suffer setbacks. This research aims to provide answers to the following questions: 1. Why did ECOWAS respond to the 2021 coup d'état in Guinea the way it did? 2. What is the impact of ECOWAS response to the 2021 coup d'état in Guinea on the perception of member-states? The article deploys the qualitative methodology of a single case-study of the 2021 coup d'état in Guinea, to examine ECOWAS capacity of fulfilling its mandate on democracy and good governance. For this purpose, data were sourced through secondary sources, and the descriptive and historical approaches are applied to examine the content and context of ECOWAS response. Furthermore, the concept of democratic backsliding is used as an analytical framework because it provides elucidation for the political development of African states. In the final analysis, it is observed that ECOWAS capacity for political or military intervention in "democratically troubled" member-states may be constrained by both the organisation's internal contradictions and the member-states' lack of resolve to strengthen ECOWAS.*

**Keywords:** *Coup d'état; Democracy; ECOWAS; Good Governance; Guinea; West Africa.*

## 1. INTRODUCTION

The first three decades of political independence of African states were replete with experiences of military coup d'état. From the Congo to the Nile, the forceful take-over of political power was like "a rite of passage" for political development. Countries like Nigeria, Ghana, Mali, Algeria, and several others, suffered the fate of armed military incursion in politics at different times.<sup>1</sup> The decades of the 1990s, however, ushered new standards for political development in the form of attempts towards transitioning to democracy by many African states. Arguably, the end of the cold war prompted consequential realities for domestic political development of African states. The emergent "New World Order" of unipolarity triggered the "democratic wind of change" that blew across the African continent. Indeed, this development compelled many military governments in Africa to embark on democratic transition processes that led to adaptation of western democratic principles.<sup>2</sup> However, it soon became clear that most of the transition processes were aimed at pre-determined outcomes, mainly, the transmutation of the same clique of military-political leadership to civil leadership.

Guinea's political history reflects the conditions of its peers across Africa. It is characterised by military coup d'état and uncertainties that bred political violence and ultimately caused loss of lives and properties. It is a history of crude pursuit of individual ambitions and the consequent deepening of division in a plural state. From independence in 1958, up until the 1990s when other states in Africa were transitioning to democracy, Guinea held firmly to its inglorious past of consistent political violence and uncertainties.<sup>3</sup> A seeming new beginning appeared on the horizon with Alpha Conde's election as president in a bitter electoral contest in 2010 and subsequent re-election in 2015.<sup>4</sup> This process of democratic transformation was frittered away with Conde's personal ambition of elongating his stay in office through the age-long derided act of constitutional amendment to legalise the incumbent's rights to contest elections after exhausting the initial two-terms as stated in the original constitution.<sup>5</sup> The response to this "unstatesmanlike" act eroded the gains that had been recorded in the ten years prior. A section of the Guinean military

1 A Assensoh and Y Assensoh, *African military history and politics: Coups and ideological incursions, 1900-present* (New York: Palgrave, 2001), pp. 127-141.

2 S Riley, "Africa's 'new wind of change'", *The World Today* 48 (7), 1992, pp. 116-119.

3 A Darboe, "Guinea (1958-present)", *International Center on Nonviolent Conflict*, October 2010, <https://www.nonviolent-conflict.org/wp-content/uploads/2016/02/Guinea.pdf>, accessed 1 July 2023.

4 J Stremlau, *Observing the 2010 presidential elections in Guinea- Final report* (Atlanta GA: Carter Center, 2010), p.1.

5 PSC Report, "Tampering with national constitutions is a threat to stability in Africa", ISS/PSC REPORT, 30 April 2019, [https://issafrica.org/pscreport/psc-insights/tampering-with-national-constitutions-is-a-threat-to-stability-in-africa?utm\\_source=BenchmarkEmail&utm\\_campaign=PSC\\_Report&utm\\_medium=email](https://issafrica.org/pscreport/psc-insights/tampering-with-national-constitutions-is-a-threat-to-stability-in-africa?utm_source=BenchmarkEmail&utm_campaign=PSC_Report&utm_medium=email), accessed 1 July 2023.

reacted by toppling the Conde administration in a coup d'état on 5 September 2021. This act is in gross violation of the relevant sections of the ECOWAS Protocol on Democracy and Good Governance.

This article examines the response of ECOWAS to the military coup d'état in Guinea. This response highlights ECOWAS' non-reaction to Conde regime's constitutional amendments drive that was aimed at extending his stay in office. Bearing in mind the ECOWAS' commitment to democracy and good governance in member-states, it is important to question ECOWAS non-reaction to the constitutional amendment during Conde's reign as President. This point is relevant to the extent that the process leading to the constitutional amendment was marred by allegations of suppression and repression of opposing views, and the dissenting voices of a large section of the Guinean population.<sup>6</sup>

Over the years, scholars and analysts have questioned both ECOWAS' capacity, and its will to influence political developments in member-states. In reference to ECOWAS' reactions to the recurrence of coups in the sub-region, Leleti Maluleke and Monique Bennett assert that neutrality does not exist within the Assembly of Heads of State, and thus, it becomes difficult to forge a common front in defence of democratic principles.<sup>7</sup> There is also another school of thought that mandates ECOWAS to address the causes of coups, rather than managing the consequences through the imposition of sanctions.<sup>8</sup> Here, the argument is that if ECOWAS pays deeper attention to democratic governance in member-states, there would be reduction in the incidences of attempts at tenure elongation, and by extension, the resultant execution of military coups. Furthermore, some observers are of the opinion that ECOWAS influence has waned over time, and therefore, the organisation's inability to either deter military incursion or enforce return to democracy.<sup>9</sup> The organisation's waned influence, particularly in respect of political developments of member-states, is reflected in the spate of democratic back-sliding being experienced across the sub-region through military take-over of governments in Mali, Guinea, and Burkina Faso within one year, and more recently Niger Republic. While there are peculiarities to ECOWAS' reaction in each of the cases, some variables are constant in all

6 M Amoah, "Extending term limits, constitutional referendums and elections in francophone Africa", *Social Sciences & Humanities Open* 7 (10054), 2023, p. 3.

7 L Maluleke and M Bennett, "Coups in West Africa- a critical analysis of AU and ECOWAS responses", *Good Governance Africa*, 14 March 2022, <https://gga.org/coups-in-west-africa-a-critical-analysis-of-au-and-ecowas-responses/>, accessed 26 October 2022.

8 K Avoulete, "Should ECOWAS rethink its approach to coups?" *Foreign Policy Research Institute*, 3 February 2022, <https://www.fpri.org/article/2022/02/should-ecowas-rethink-its-approach-to-coups/>, accessed 2 October 2022.

9 A Cascais, "ECOWAS criticized over West African coups" *DW*, 5 May 2022, <https://www.dw.com/en/ecowas-criticized-over-west-african-coups/a-61685721>, accessed 2 October 2022.

the situations. These include lack of members' resource support to follow through with each democratic journey, existence of factions within the political leadership, and inherent contradictions within the ECOWAS structure, among others. The various dimensions to the arguments about ECOWAS impact on the democratic trajectories of West African states, using Guinea as the point of departure, would be the focus of the article.

The article commences with explicating democratic backsliding as the framework of analysis and ties this with the ECOWAS-Guinea case. This is followed by a descriptive analysis of the ECOWAS Protocol on Democracy and Good Governance. The subsequent parts highlight the character of Guinea's political experiment through history and more contemporary developments under the Conde administration. The final part provides the findings through the analysis of the nature of ECOWAS response, and the impact of the response on the perception of other military-governed member-states. Some recommendations about the future of ECOWAS role in the sub-region are provided in the conclusion.

## 2. DEMOCRATIC BACKSLIDING: ECOWAS-GUINEA EXPERIENCE

In an unprecedented manner, and under circumstances beyond the control of dictators in African states, the dynamics of international politics of the 1990s triggered the mass movement of autocratic states towards transition to democracy. The success of the democratic wind of change was a derivative of the end of the cold war, which was characterised by the acknowledged triumph of the West bloc of states over their adversaries of the East bloc. Coming from the position of strength, the West tactically reformed its political relationship with autocratic African regimes by insisting on programs of transition to liberal democratic governance. In retrospect, the process of political reformation was faulty, having been founded on procedure instead of the long-term adaptation of liberal democratic principles to local peculiarities. Understandably, in just about a decade after, the set of hitherto autocratic states that transitioned during the wind of change began exhibiting characteristics that queried their democratic potentials. Such characteristics include; manipulation of electoral processes by incumbents, hugely contested election results, pre- and post-election violence, unending post-election litigations, and curious constitutional amendments, among others.<sup>10</sup> What had commenced in earnest by the late 1990s was a spate of democratic backsliding by Africa's fledgling democracies.

10 E Adolpho, "Electoral violence in Africa", *Policy Notes*, 2012/3 (Uppsala: The NORDIC Africa Institute, 2012); S Omotola, "Explaining electoral violence in Africa's 'new' democracies", *African Journal on Conflict Resolution* 10 (3), 2010, pp. 51-73.

According to Nancy Bermeo, democratic backsliding refers to the “stated debilitation or elimination of the political institutions sustaining an existing democracy”.<sup>11</sup> The act of backsliding is “legitimated by the very institutions democracy promoters prioritise.” The features of democratic backsliding are exhibited through “institutional or behavioural malpractice”<sup>12</sup> that negates the very essence of democracy. The phenomenon of democratic backsliding has been accurately categorised into two; the subtle (this keeps the processes and institutions of democracy working, even if only satisfying the whims and caprices of the powerful few) and the extreme (this annihilates both the processes and institutions of democracy). For analytical convenience, Bermeo presents three means by which the two forms of democratic backsliding can be executed. These are, “promissory coups, executive aggrandisement and strategic electoral manipulation and harassment.”<sup>13</sup>

Promissory coups as a form of messianic intervention are currently gaining traction among democratic backsliding states in West Africa.<sup>14</sup> The coupists “frame the ouster of an elected government as a defence of democratic legality and make a public promise to hold elections and restore democracy as soon as possible.”<sup>15</sup> The major feature of this form of backsliding is the practical steps towards ensuring the collapse of democratic structures and institutions. In contrast, executive aggrandisement privileges democratic institutions, and yet, subverts the functions of the same institutions.<sup>16</sup> According to Bermeo:

Executive aggrandisement occurs when elected executives weaken checks on executive power one by one, undertaking a series of institutional changes that hamper the power of opposition forces to challenge executive preferences. The disassembling of institutions that might challenge the executive is done through legal channels, often using newly elected constitutional assemblies or referenda.<sup>17</sup>

Executive aggrandisement shares similarities with the act of strategic electoral manipulation and harassment as a subtle form of democratic backsliding. The strategy is to initiate “a range of actions aimed at tilting the electoral playing field in favour of incumbents.”<sup>18</sup> Some of these actions are, “hampering media access, using government funds for incumbent campaigns, keeping

11 N Bermeo, “On democratic backsliding”, *Journal of Democracy* 27 (1), 2016.

12 J Gerschewski, *Autocratization and democratic backsliding: taking stock of a recent debate*, PRIF Report (Frankfurt: Peace Research Institute, 2018), p. 7.

13 Bermeo, “On democratic backsliding”, pp. 5-19.

14 A Akinola and R Makombe, “Rethinking the resurgence of military coups in Africa”, *Journal of Asian and African Studies* 0 (0), 2024.

15 Bermeo, “On democratic backsliding”, p. 8.

16 G Genyi, “Constitutional ‘coups’ and democratic consolidation in Africa: Wither democratic values”, *African Journal of Politics and Administrative Studies* 8 (1), 2015, p. 43.

17 Bermeo, “On democratic backsliding”, p. 11.

18 Bermeo, “On democratic backsliding”, p. 13.

opposition candidates off the ballot, hampering voter registration, packing electoral commissions, changing electoral rules to favour incumbents, and harassing opponents- but all done in such a way that the elections themselves do not appear fraudulent.”<sup>19</sup> It is becoming increasingly difficult to halt the backsliding process under both the subtle and extreme cases. The arrowheads of the backsliding process construct institutional and legal obstacles to fend-off parties committed to the restoration of democracy. The challenges confronting democracy advocates include:

First, challenging laws crafted by democratically elected executives and legislatures is highly risky: foreign pressure will inevitably be seen as an affront to sovereignty. Second, proving that a change in institutions has a nefarious purpose is often difficult. Changes in laws governing elections, communications, or even associations occur routinely in established democracies and are not in themselves, antidemocratic.<sup>20</sup>

With reference to the role of sub-regional blocs in preventing the descent of democracy, it is argued that an organisation’s limitations are tied to the level of integration within the sub-region. In citing the case of ECOWAS’ defence of democracy and good governance in the West Africa sub-region, Gaspare Genna and Taeko Hiroi submit:

ECOWAS cases illustrate when a democratic clause may not be as effective in preventing authoritarian reversal as one might expect. The effectiveness of sanctions presumes economic interdependence. When member-states are not deeply integrated, democracy clauses may not be as effective as when they are highly integrated.<sup>21</sup>

The submission above captures the character of Guinea’s economic relations with co-member-states of ECOWAS. The country’s economic activities within the sub-region accounts for a very negligible quota in her international trade profile. In effect, the level of Guinea’s economic interdependence with other ECOWAS member-states is irrelevant to its economic growth, such that Guinea can call the bluff of ECOWAS trade embargoes whenever the need arises. As shown on Guinea’s trade profile, no ECOWAS member-state falls within the 10 percentile of the country’s export and import activities.<sup>22</sup>

19 Bermeo, “On democratic backsliding”, p.13.

20 Bermeo, “On democratic backsliding”, pp. 15-16.

21 G Genna and T Hiroi, *Regional integration and democratic conditionality: How democracy clauses help democratic consolidation and deepening* (New York: Routledge, 2015), p. 162.

22 Lloyds Bank, “Guinea: Trade Profile” <https://www.lloydsbanktrade.com/en/market-potential/guinea/trade-profile>, accessed 11 August 2023.

Arguably, Conde's second term in office in 2010 commenced the steady backslide of Guinea's democratic experience. From that period, Guinea's political environment became characterised by the features of "executive aggrandisement" and "strategic election manipulation and harassment", until the Conde administration met its waterloo with Guinea's autocratisation through the September 2021 "promissory coup."<sup>23</sup> The hindrances to effective intervention may have played out during the two (subtle and extreme) phases of democratic backsliding. For the former, the existence of democratic structures to validate Conde's "executive aggrandisement" and "strategic election manipulation and harassment" must have prevented ECOWAS from intervening in Guinea's internal affairs. Secondly, the limited nature of integration as exemplified by the absence of strong economic interdependence ensures that the trade sanctions imposed after the "promissory coup" may not produce the desired impact.

### 3. THE PROTOCOL ON DEMOCRACY AND GOOD GOVERNANCE

This section provides the rationale for the "Why" question, by examining the protocol that provided the legal backing for ECOWAS' response. Beyond the economic development imperative of member-states, ECOWAS elected to be involved in their political development and socio-cultural well-being.<sup>24</sup> In line with this purpose, the Declaration of Political Principles of ECOWAS (1991), which provided the framework for the commitment to liberal democracy within member-states, was enacted. The declaration emphasises the need to protect and guarantee fundamental human rights and popular participation in governance. The 2001 ECOWAS Protocol on Democracy and Good Governance is aimed at extending these objectives to establish a sub-regional institutional policy on governance systems and processes within member states.

The ECOWAS Protocol provides the framework for the conduct of elections within states in the sub-region, as well as a strong position against military intrusion in politics, under any guise. The central tenets of the protocol include, the respect for democratic principles including separation of powers, rule of law and independence of the judiciary; support for elections as the only means of gaining state power; popular participation in governance; the

23 Bermeo, "On democratic backsliding", p. 13.

24 B Yaya, "ECOWAS and the promotion of democratic governance in West Africa", *Journal of International Relations and Foreign Policy* 2 (1), 2014, pp. 85-102.

secularisation of the state; absence of discrimination of citizens on religious, ethnic or racial grounds; guarantee of fundamental human rights, including freedom of the press, and freedom of association, among others.

More specifically, the Protocol in Article 19 dictates that, "the role of the armed forces shall be to defend the independence and the territorial integrity of the State and its democratic institutions."<sup>25</sup> Furthermore, Article 22 prescribes that, "the use of arms to disperse non-violent meetings or demonstrations shall be forbidden. Whenever a demonstration becomes violent, only the use of minimal and/or proportionate force shall be authorised."<sup>26</sup> The ECOWAS Protocol states a number of sanctions for a member state's violation of human rights or the disruption of its liberal democratic system of government. The sanctions include; withdrawing support for candidates from the defaulting countries contesting for positions in international organisations, ostracisation of the concerned member state by denying it hosting rights of ECOWAS meeting, and participation in the ECOWAS decision making processes.

The protocol has been put to test in the aftermath of the putsches in Guinea, Burkina Faso, Mali, Chad, and most recently in Niger Republic. The first step was the immediate suspension of the membership of the concerned countries, followed by sanctions against individuals that participated in the forceful take-over of government. In these countries, sanctions meted to coup plotters and members of transition councils who are considered complicit in delaying the restoration to civilian rule include; travel bans, freezing of financial assets, and so on.<sup>27</sup> Furthermore, ECOWAS member states have in recent times closed their borders with countries that are under military rule. Despite the certainty of these sanctions, the military in the Republic of Niger was not deterred in plotting a successful coup, just like an attempted coup plot was foiled by the Sierra Leone police.<sup>28</sup> Instructively, the Guinea military administration has not budged in response to ECOWAS pronouncements, and instead continues to carry on the business of state.

25 Economic Community of West African States, *Protocol A/SP1/12/01 on democracy and good governance supplementary to the protocol relating to the mechanism for conflict prevention, management, resolution, peacekeeping and security* (Dakar: Executive Secretariat, 2001), p.13.

26 Economic Community of West African States, *Protocol A/SP1/12/01 on democracy and good governance*, p.14.

27 Aljazeera, "West Africa bloc ECOWAS imposes sanctions on Mali leaders", <https://www.aljazeera.com/news/2021/11/7/west-africa-bloc-ecowas-imposes-sanctions-on-mali-leaders>, accessed 4 February 2022; J Tasamba, "ECOWAS imposes sanctions on Guinea's military junta", <https://www.aa.com.tr/en/africa/ecowas-imposes-sanctions-on-guinea-s-military-junta/2366962>, accessed 6 February 2022.

28 "Coup plot: Sierra Leone arrests top military officers", *The Guardian*, 2 August 2023. <https://guardian.ng/news/coup-plot-sierra-leone-arrests-top-military-officers/>, accessed 9 August 2023.



The question arises as to what could be responsible for such defiance? There are various reasons for the Guinean military administration's disregard for ECOWAS directives, and readiness to bear the consequences of the act. One of such reasons is the relative weakness of ECOWAS as a platform for integration. This snag adversely affects the capacity of the organisation to enforce agreements, protocols and sanctions on member-states. For instance, experience has shown that the organisation is only able to enforce military sanctions if powerful states that contribute a large chunk of military resources support such enforcement. This statement is given empirical backing by Yahya Jammeh's acquiescence with ECOWAS' pronouncement in the aftermath of the 2016 Presidential Election in Gambia.<sup>29</sup> The evident readiness of ECOWAS member states to mobilise a combined military force impacted Jammeh's decision to relinquish power to Adama Barrow. In effect, the capacity of ECOWAS to command respect is a function of the interest of powerful member-states.<sup>30</sup>

There is also the issue of credibility crisis on the part of ECOWAS, as it concerns political development in member-states. ECOWAS has often been accused of sitting idly by, while incumbents defy extant constitutional provisions and manipulate the political process to effect constitutional amendments for the purposes of tenure elongation. In the case of Guinea, Saliou Samb notes that "ECOWAS's credibility in Guinea has been strained since 2018, when the bloc failed to condemn Conde for running for a third term in office ..., despite a law declaring that presidents must step down after two terms."<sup>31</sup> ECOWAS "... response to the Guinea crisis reflects its legitimacy crisis. The organisation was conspicuously mute when Conde effectively carried out "a coup against the Guinean constitution to elongate his term in office."<sup>32</sup> Under such circumstances, ECOWAS lost respect and the moral high-ground to prevent and, or condemn the resultant coup d'état.

Another issue that impacts reverence to ECOWAS directives is the nature of politicking within member-states. The desperation to hold and maintain state power by members of the ruling class is at the core of political

29 T Odubajo, "The scourge of personalization of political power in Africa: An interrogation of the Jammeh years". In: K Kalu and T Falola (eds.), *Reflections on leadership and institutions in Africa* (London: Rowman and Littlefield, 2020), pp. 81-94.

30 G Okeke and T Odubajo, "Regional economic groupings and security challenges: A comparative study of ECOWAS and SADC", *Journal of International and Global Studies* 9 (2), 2018, p. 123.

31 S Samb, "West Africa leaders leave Guinea after meeting sanctions-hit junta", *Reuters*, <https://www.euronews.com/2021/09/18/guinea-security>, accessed 12 August 2024.

32 B Maiangwaand D Idowu, "Guinea coup highlights the weaknesses of West Africa's regional body", <https://theconversation.com/guinea-coup-highlights-the-weaknesses-of-west-africas-regional-body-167650>, accessed 6 February 2022.

crisis and violence in African states.<sup>33</sup> The penchant for political power acquisition and retention at all costs is at the root of the threat to liberal democracy, which consequently leads to distortions and uncertainties in the political process. Invariably, the internal contradictions around political power contestations limits the capacity of an intervening actor like ECOWAS to either deter or enforce sanctions for the violation of the Declaration of the Protocol on Democracy and Good Governance. The issue of political power acquisition and retention is central to the political debacle currently confronting Guinea.

#### 4. GUINEA: HISTORY OF INCLEMENT POLITICAL CLIMATE

This section attempts a presentation of Guinea's political trajectory, in order to highlight the lingering challenges of democratisation and good governance. The territory of modern-day Guinea was under the imperial subjugation of the French from the late nineteenth century to the mid-twentieth century. Led by Sekou Touré, Guinea was the only French colony in Africa that voted for immediate independence in the referendum conducted across French colonies in Africa in September 1958.<sup>34</sup>

Providing explanation for this divergence, Elizabeth Schmidt identified the following factors as key to the choice of Guinean nationalists for independence in 1958 – the radical and class-conscious nature of the leadership of Guinean political parties under colonial rule, nationalist outlook of these parties, massive citizens' mobilisation and grassroots organisation of the political parties, and demobilisation of local colonial chiefs.<sup>35</sup> These variables were important in swaying the outcome of the referendum in Guinea to support independence, rather than continued membership of the French colonial community in West Africa.

Guinea gained political independence on 2 October 1958. The first indigenous administration was led by the late Sekou Touré. The administration adopted a socialist system, while the political system was organised as a one-party state. The administration was considered harsh, brutal and dictatorial.<sup>36</sup>

33 H Alavi, "The state in the postcolonial societies: Pakistan and Bangladesh", *New Left Review* 74, 1972, pp. 59-81; N Cheeseman, *Democracy in Africa: Successes, failures, and the struggle for political reform* (New York: Cambridge University Press, 2015).

34 S Traore, *Guinea Conakry democratic governance, a history: Political conflict and ethnic influences* (California: CreateSpace Independent Publishing, 2017).

35 E Schmidt, "Anticolonial nationalism in French West Africa: What made Guinea unique?", *African Studies Review* 52 (2), 2009, pp. 1-34.

36 B Fogarty, "Guinea's golden boy: Dore's dangerous balancing act", *Harvard International Review* 32 (1), 2010, pp. 22-25; D Bangoura, "Transitioning to democratic governance in Guinea". In: ABryden and F Chappuis (eds.), *Learning from West African experiences in security sector governance* (London: Ubiquity Press, 2015), pp. 37-59.

Guinea was under the firm grip of Touré until his death in 1984. The lack of institutional arrangement for the management of political power led to internal turmoil and crisis which culminated in the seizure of political power through a coup d'état executed by Lieutenant Colonel Lansana Conte in 1984. Conte's administration opted for the neoliberal economic policies of the West, while disregarding the socialist foundation that was laid by the former regime. Of more relevance to future political development was the adoption of a new constitution through a referendum in 1990. The constitution provided for a transition program of military rule to democracy that commenced with the general elections of 1993 and subsequent general elections every five years afterwards.<sup>37</sup>

Lt. Col. Conte participated in the transition program as both the military leader and an aspirant for the position of president in the election that ushered the democratic system in 1993. President Conte's administration was marred by accusations of lawlessness, intolerance of political opposition, and a general atmosphere of abuse of power.<sup>38</sup> President Conte's death in office in 2008, created yet another leadership vacuum which led to a battle for succession. The uncertainty created by the leadership tussle paved the way for another military intrusion through a coup d'état. Charles Call asserts that the coup enjoyed popular support initially due to the stabilisation potential of the military regime in the face of fears of possible civil unrest in the aftermath of Conte's death, and the hope for a transition to civil rule programme by the military regime.<sup>39</sup> The new government's target of ensuring transition to civil rule and reforms were merely aimed at strengthening its legitimacy.<sup>40</sup>

Captain Moussa Camara's administration evinced all the trappings of a military regime; rule by decree, intolerance of opposition, limitations on human rights, among others. Indeed, the regime deployed every available trick to disrupt the transition to civil rule processes which was the administration's selling point from the onset.<sup>41</sup> An attack on Captain Camara by his aide in December 2009 forced him to go on a medical voyage outside Guinea. Camara's absence and loss of control provided the opportunity of implementing the transition to civil rule program by the Minister of Defence,

37 A Daboe, "Guinea (1958-present)", <https://www.nonviolent-conflict.org/wp-content/uploads/2016/02/Guinea.pdf>, accessed 7 February 2022.

38 Fogarty, "Guinea's golden boy: Dore's dangerous balancing act", p. 23.

39 C Call, *UN mediation and the politics of transition after constitutional crises: Guinea, 2009-2010* (New York: International Peace Institute, 2012), p. 14.

40 A Hopper, "Guinea foul: Challenging Camara's coup", *Harvard International Review* 31 (3), 2009.

41 A Nossiter, "Guinea Seethes as a Captain Rules at Gunpoint", <https://www.nytimes.com/2009/10/03/world/africa/03guinea.html>, accessed 5 February 2022.

General Sekouba Konate. General Konate demonstrated commitment to the transition process by creating the National Transition Council, as well as the office of a Prime Minister to midwife the transition process to completion.

Following negotiations among major stakeholders; civil society organisations, the military, and opposition political actors, it was agreed that rounds of general elections that preclude the participation of serving military leaders would be held in 2010. The presidential election of 2010 presented two candidates; Conde of the Rally for the People of Guinea (RPG) and Cellou Diallo of the Union of Democratic Forces of Guinea (UFDG), whose contest for the post of president were concluded at the second round of elections. Conde was eventually declared the winner in the second round of elections and was duly returned as president. This development was significant in Guinea's political history as it was the first multiparty elections conducted in post-independent Guinea that barred the incumbent head of government from participating as a candidate in the election.

Up until the time of Conde's election as president, Guinea's political history had been characterised by imbroglia and upheavals. Moreover, the military had also played an ignoble role by its unacceptable intrusion in the political terrain, leading to the politicisation of the institution, and the erosion of discipline within its cadre.<sup>42</sup> With the coming of Conde, there were high hopes that the last had been heard of military intrusion in politics in Guinea. This narrative was however disrupted with yet another military incursion in September 2021.

## 5. CONDE ERA: FALL FROM GRACE

Prior to his winning the presidential election in 2010, Conde was a notable opposition activist. The Professor of Public Law from Sorbonne University, Paris, France, contested in the 1993 and 1998 elections. Conde was a victim of state repression as he was arrested in December 1998 on charges of attempting to subvert government. Following the Guinean leader's conviction and imprisonment, he became a cult figure in prison, which subsequently enlarged his political profile. Conde was however granted conditional pardon in 2001.<sup>43</sup>

42 Bangoura, "Transitioning to democratic governance in Guinea", p. 39.

43 I Konate, *The arbitrary detention of Alpha Conde: Restoring the truth* (Paris: Editions L'Harmattan, 2020).

Conde re-entered the political scene in 2008 following the death of Conte. A member of the Malinke group, one of two major ethnic groups in Guinea, Conde won the Presidential election in 2010 after two rounds, becoming the first popularly elected President in Guinean political history.<sup>44</sup> Conde's administration set high hopes for Guineans. This optimism was underscored by the slogan of his political party, Rally of the People of Guinea (RPG), "Dream big Guinea, your best has yet begun".

The newly elected government in 2010 anchored its developmental efforts around five priority areas, namely; provision of schools and healthcare facilities for all, strengthening national unity through entrenching democracy, facilitating foreign direct investment and regional integration, achieving food self-sufficiency for Guinea in three years, as well as increasing the productivity of the informal sector. The overall promise of the Conde administration for the development of Guinea was anchored on the key themes of "Travail, Justice, Solidarite" (Work, Justice, Solidarity).

An assessment of the administration's performance against these ideals shows a disappointing scorecard. In addition to the failure in economic performance, Conde's government was involved in the harassment, arrest and intimidation of opposition activists in Guinea.<sup>45</sup> On Human Development, the United Nations Development Programme ranked Guinea in the Low Human Development category (178 among the 187 countries measured globally)<sup>46</sup>. In 2020, the country remained in the Low Human Development category, ranking 178 among the 189 ranked countries.<sup>47</sup>

Further evidence of the misplaced priorities of the Conde administration was the efforts at tenure elongation by Conde through the constitutional review of 2020. This enabled the President to contest for a third term in office. The election was marred by protests and irregularities.<sup>48</sup> The deployment of the twin weapons of democratic backsliding; executive aggrandisement and strategic manipulation of elections led to a long-drawn conflict between the

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44 "Alpha Conde declared winner in Guinea's president polls", *BBC*, 15 November 2010 <https://www.bbc.com/news/world-africa-11762142>, accessed 5 February 2022.

45 I Allegrozi, "The relentless crackdown on Guinea's opposition", <https://www.hrw.org/news/2020/12/14/relentless-crackdown-guineas-opposition>, accessed 4 February 2022; "Guinea: Another President Conde critic is imprisoned", *Africanews*, 29 January 2021 <https://www.africanews.com/2021/01/28/guinea-another-president-conde-critic-is-imprisoned/>, accessed 4 February 2022.

46 United Nations Human Development Programme, *Human development report 2011 – The next frontier: Human development and the Anthropocene* (New York: United Nations Human Development Programme, 2020).

47 United Nations Human Development Programme, *Human development report 2011*.

48 "Guinea elections: Alpha Conde wins third term amid violent protests", *BBC* 24 October 2020, <https://www.bbc.com/news/world-africa-54657359>, accessed 5 February 2022.

people and government forces which consequently created uncertainties and instability across the country. It was this toxic state of affairs that gave the military the impetus to intervene again in the political affairs of Guinea through the promissory coup d'état of 5 September 2021, led by Colonel Mamady Doumbouya.

## 6. THE COUP: SINE QUA NON?

A number of factors have been identified as plausible explanation for military intrusion in liberal democratic political systems with particular reference to post-colonial societies. These factors include; defective political institutions, parochial political culture, legacy from colonialism, national insecurity, absence of economic development, contagion effect, ethnic crisis, abuse of democratic processes, among others.<sup>49</sup>

The imperative of military intervention in politics is generally underscored by its nature as the only institution of the state that embodies the monopoly of force. The intrusion of the military in Guinea on 5 September 2021 under the leadership of Colonel Mamady Doumbouya, hitherto, Head of the Special Task Force, lend credence to the position of modernisation theorists on the military as a liberating force in a period of national instability.<sup>50</sup> The latest putsch in Guinea's political history happened against the background of increased authoritarianism and immiseration of Guineans despite the country's abundance of natural resources, such as; bauxite, gold, diamonds, iron ore, among others. According to United Nations Development Programme and Oxford Poverty and Human Development Initiative, 38 per cent of Guineans suffer from severe multidimensional poverty, with respect to, health, education and standard of living.<sup>51</sup>

Aside the questionable manner through which Conde secured a third-term in office, the coup plotters rationalised their action by making reference to the increasing misappropriation of surplus by the administration to the detriment of the Guinean masses. In Col. Doumbouya's words, "Guinea

49 S Finer, *The man on the horseback: the role of the military in politics* (London: Pall Mall Press, 1962); S Huntington, *Political order in changing societies* (London: Yale University Press, 1977); G Okeke, "Theories of military in African politics". In: S Oloruntoba and T Falola (eds.), *The Palgrave handbook of African politics, governance and development* (New York: Palgrave Macmillan), pp. 219-242.

50 S Oloruntoba, "Military coups and military rule in Nigeria". In: D Ologbenla and G Okeke (eds.), *Nigerian politics: Issues and perspectives* (Lagos: UNILAG Press, 2017), p. 154.

51 United Nations Development Programme and Oxford Poverty and Human Development Initiative, *Global multidimensional poverty index 2019: Illuminating inequalities* (United States: AGS, 2019).

is beautiful. We don't need to rape Guinea anymore, we just need to make love to her."<sup>52</sup> The peaceful nature of the coup d'état as well as its popular acceptance by opposition groups and the masses, provide some level of legitimacy for the intervention. The military intervention is, however, in direct contrast with the position of ECOWAS as stipulated in the 2001 Protocol on Democracy and Good Governance.

## 7. ECOWAS RESPONSE: A SLAP ON THE WRIST?

This section of the article is focused on answering the question of the impact of ECOWAS response to the coup in Guinea, particularly within the cohort of military-governed member-states. The forceful take-over of the Guinean government by the military clearly contravenes the principles that underscore the commitment of ECOWAS member-states to liberal democracy. Article 19 of the ECOWAS Protocol on Democracy and Good Governance restricts the role of the military in governance to protecting the territorial integrity of the country. The protocol prescribes that the military at all times must be subject to civilian authority, rather than otherwise as evident in military regimes.

The Protocol provides a range of consequential actions for ECOWAS member states that breach its provisions, especially military disruption of the democratic process. The ECOWAS Mediation and Security Council (an intergovernmental body composed of Ministers of Foreign Affairs of the member-states of the organisation) plays an important part in deciding ECOWAS course of action in countries where the democratic processes have been undermined by military intervention. The nine-member council guides ECOWAS' decision and action towards the restoration of the democratic process and the institution of a civilian administration. With reference to the Guinean case, ECOWAS first line of action on 8 September 2021, was to condemn the coup and issue a suspension order on Guinea as a member of the sub-regional body.<sup>53</sup> Following the condemnation and suspension, The Extraordinary Session of the ECOWAS Authority of Heads of States and Government, held on the 16 September 2021 in Accra, Ghana, made the following declaration; suspend Guinea from all ECOWAS governing bodies until the restoration of constitutional order, organise presidential and legislative elections within six months, impose travel bans on the members

52 "Guinea coup: Military arrests president, dissolves government", *AlJazeera* 6 September 2021 <https://www.aljazeera.com/news/2021/9/6/guinea-coup-military-arrest-president-dissolve-government>, accessed 7 February 2022.

53 "ECOWAS suspends Guinea after coup", *NEWS24* 9 September 2021 <https://www.news24.com/news24/africa/news/ecowas-suspends-guinea-after-coup-20210909>, accessed 6 February 2022.

of the regime and their family members, to ensure Guinea's bilateral and multilateral partners support the implementation of the sanctions, to bar members of the regime from contesting in the presidential elections, and to ensure the involvement of ECOWAS in the resolution of the political crisis in Guinea.

ECOWAS reaction to the events in Guinea is understandable, but quite unfortunately, did not yield any positive response from the military administration in Guinea. From its policies and pronouncements, the administration appears focused on its own plan of action. From its post-coup actions, the junta was well prepared to counter all negativities arising from ECOWAS response to the coup d'état. Shortly after the coup, the junta strengthened its strategic alliance with Moscow<sup>54</sup>, specifically with high-level visits on both sides to reaffirm their trade and political relations. As a matter of fact, the military administration's reactions to ECOWAS pronouncement depict the leadership as unfazed by the development. Indeed, their reaction suggests that ECOWAS must have been considered as a meddling interloper which can only bark but lacks the ability to bite.<sup>55</sup> While ECOWAS makes its pronouncements about return to constitutional democracy, the Guinea military government works at its own pace. For instance, while the organisation projects a two-year transition to democracy programme, the military government works with a three-year transition timetable. The disagreements on *modus-operandi* continue to attract more sanctions against the military government.<sup>56</sup> The apparent disdain for ECOWAS is symptomatic of a deeper contention between Guinea and the sub-regional organisation.

The contention is about the moral rationale for ECOWAS intervention in Guinea. The argument is that ECOWAS failed in its responsibility as enshrined in the protocol to intervene at the points where Conde engaged in executive aggrandisement and strategic manipulation of election processes, thus the organisation is not in a position to condemn a coup plot. Quite significantly, some Heads of State of ECOWAS member-states have at some point in time deployed measures that defy the organisation's positions on democratic

54 M Soumare, "Guinea-Russia: Moscow's tie with Doumbouya", *The Africa Report*, 22 February 2022.

55 C Akorlie, "West Africa bloc resort to sanctions over Guinea and Mali coups", <https://www.reuters.com/world/africa/west-african-leaders-meet-decide-guinea-after-coup-2021-09-16/>, 17 September, 2021, accessed 7 August, 2023.

56 "ECOWAS slaps sanctions on Guinea", *Agence France-Presse* 23 September 2022 <https://www.voafrica.com/a/ecowas-slaps-sanctions-on-guinea/6760072.html>, 23 September 2022, accessed 9 August 2023.



tenets and are yet enjoying the recognition of the organisation. A sore point for ECOWAS in this regard is the organisation's acceptance of the process that led to the assumption of Alassane Ouattara for a third term in office as the President of Cote d'Ivoire. In a similar manner as Ouattara's agenda against the wishes of the generality of Ivorians was successfully prosecuted without any backlash from ECOWAS, the organisation refused to act as Conde successfully plotted a similar agenda, even to the detriment of the Guinean people. Invariably, a resort to self-help by the nation's military may be justified, particularly when viewed against the backdrop of the positive reaction of the general populace to Conde's dethronement via the coup d'état.<sup>57</sup>

Similarly, ECOWAS inactions during Conde's period of repressive actions and policies against the citizens call the commitment of the organisation to democracy and good governance to question. Despite Conde's resort to autocratic policies, such as; denial of fundamental human rights, restriction of press freedom, and other actions that are antithetical to the principles of ECOWAS Protocol on Democracy and Good Governance, the organisation failed to call the former president to order. Even within the circle of member-states, there are indications that some of the political leaders are critical about controversial constitutional amendments for the purpose of tenure extension. This much was expressed by former Liberian President George Weah, when he retorted:

While we are condemning these military coups, we must also muster the courage to look into what is triggering these unconstitutional takeovers..... Could it be that we are not honouring our political commitments to respect the term limits of our various constitutions.<sup>58</sup>

From the benefit of hindsight, ECOWAS' diminished status as a bastion of democracy in the sub-region was made more obvious against the backdrop of the following two developments; the Guinea military administration's seeming lack of concern about ECOWAS sanctions, and the administration's focus on its own transition agenda (rather than adopting ECOWAS recommendations).

The response to the coup d'état in the Republic of Niger is the latest in ECOWAS' efforts at demonstrating its commitment to the fulfilment of its

57 "After Coup, Guineans celebrate 'freedom' with a mix of 'hope and worry'", *THE OBSERVERS*, 7 September 2021 <https://observers.france24.com/en/africa/20210907-coup-guinea-conde-freedom-guineans-torn-worry-conakry>, accessed 27 October 2022.

58 J Powell *et al.*, "A new coup era for Africa?", *ACCORD*, 2021/4, 15 March 2022, <https://www.accord.org.za/conflict-trends/a-new-coup-era-for-africa/>, accessed 28 August 2024.

mandate on democracy and good governance. However, the outcome of the effort erased all doubts about ECOWAS' lack of capacity to tame a recalcitrant military regime. Despite enforcing the sanctions on economic blockade, travel bans and threat of forceful sacking of the military administration, the Nigerien military authority ignored ECOWAS' ultimatum regarding the process of return to democracy.<sup>59</sup> The Republic of Niger's case provided the opportunity for two other military-governed countries (Mali and Burkina Faso) to forge a common front with Niger, against ECOWAS, by calling the organisation's bluff, and withdrawing their membership on 28 January, 2024.<sup>60</sup> This confrontation should have presented ECOWAS the golden opportunity to assert its relevance by taking steps to completely alienate these countries (with devastating economic and political consequences) since it could no longer force a non-member to comply with its rules. This may have been a strong warning signal for the likes of Guinea and other member-states with anti-democratic credentials.

In contrast to the expectations of proponents of a formidable ECOWAS, the organisation recanted by offering the olive branch to the three countries. By 24 February 2024, ECOWAS lifted sanctions on all the military regimes; Guinea, Mali, Niger, Burkina Faso.<sup>61</sup> In effect, ECOWAS could not enforce its own rules, but succumbed to threats from a minority of the member-states, and is currently under intense pressure to prevent the establishment of another sub-regional organisation by the disgruntled states within the sub-region. It is therefore glaring that ECOWAS lacks the capacity to enforce its mandate of democracy and good governance on the member-states.

## 8. THE LEARNING POINTS

From the research, ECOWAS' response to the 2021 coup d'état in Guinea is triggered by a sense of fulfilment of its responsibility to the citizens of a member-state. However, the nature of response is conditioned by such variables as; the organisation's internal contradictions and lack of requisite capacity to enforce compliance of its rules. Secondly, the impact

59 Federal Republic of Nigeria, "ECOWAS imposes sanctions on Niger Junta, Calls for immediate release, reinstatement of president Bazoum", 30 July 2023, <https://statehouse.gov.ng/news/ecowas-imposes-sanctions-on-niger-junta-calls-for-immediate-release-reinstatement-of-president-bazoum/>, accessed 24 July 2024.

60 O Ezenwa and O Ajala, "Ecowas: West African trade bloc shaken as three member states withdraw and form their own alliance", *The Conversation*, 28 February 2024.

61 "ECOWAS lifts sanctions on Niger amid tensions in West Africa bloc", *Aljazeera* 24 February 2024, <https://www.aljazeera.com/news/2024/2/24/ecowas-lifts-sanctions-on-niger-amid-tensions-in-west-africa-bloc>, accessed 24 July 2024.

of the response on the perception of other member-states is that of a weak organisation that is not capable of enforcing compliance. This perception was exhibited with the coup d'état in the Republic of Niger while ECOWAS was still in running battles with the military authorities in Mali, Burkina Faso, and Guinea. The depth of that perception of weakness became apparent with the membership withdrawal of the concerned parties. It got worse with ECOWAS volte-face by the lifting of sanctions and the appeal to disgruntled former member-states to desist from establishing a new organisation.

In essence, the political impasse in Guinea provides a number of lessons for ECOWAS in the bid to act as an agent for the consolidation of democracy in the West African sub-region. Although, the first step in the process of democratic consolidation must be internally driven because the locals are best suited for handling their peculiar internal challenges. For this purpose, political leaders in West Africa will have to reform their penchant for acquisition of power where heavy premium is placed on the capture of state power for accumulative purposes.<sup>62</sup> This tendency towards political power capture is a proximate cause for the military's disruption of the democratic process.

Furthermore, the variant of democracy promoted by ECOWAS, African Union and other external actors should be reformed in line with Africa's peculiarities. This form of democracy emphasises multiparty elections to the detriment of other important tenets including; the entrenchment of constitutionalism, respect for fundamental human rights and rule of law, among others. Claude Ake's proposition on the nature of democracy suitable for the African condition includes; the adoption of popular participation in government beyond elections; promotion of political, social and economic rights; respect for collective rights of groups organised on the basis of ethnic and religious commonalities; and inclusiveness of marginalised groups.<sup>63</sup> In effect, attaining democracy and consolidating democracy is a total socio-political package, rather than the concentration on election processes.

At the level of ECOWAS and its protocol on democracy, Bappah Yaya advocates the need to effectively monitor national elections in the sub-region<sup>64</sup>. The ECOWAS Protocol on Democracy and Good Governance prescribes that ECOWAS monitoring team will cover the period before and during elections. It is equally important to be involved in post-elections development, such as; the expectant legal tussles and the settlement of any form of violence that

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62 C Ake, *Democracy and development in Africa* (Washington: The Brookings Institution, 1996), pp. 5-17.

63 Ake, *Democracy and development in Africa*.

64 Yaya, "ECOWAS and the promotion of democratic governance in West Africa", p. 96.

may be precipitated by disgruntled groups. These actions would send signals of ECOWAS' commitment to ward-off any form of military intervention in the political process.

A very critical issue that must attract more than the passing interest of ECOWAS is the challenge of impulsive constitutional amendments for the selfish political benefits of incumbents. This phenomenon has gained traction among political heads of state and government across Africa. There are examples in Uganda, Cote d'Ivoire, and a number of other places. In these cases, the intention is the prolongation of stay in office, through processes that suppress and intimidate political opponents. In effect, for ECOWAS to act as an agent of democratic consolidation, the organisation must be deeply involved in the internal workings of democracy in member-states. There are strong accusations by Guinea's military authority of ECOWAS' aloofness during the constitutional amendments manipulations of Conde that gave way to the political crisis that set the stage for the coup d'état. As surmised by Benjamin Maiangwa and Dare Idowu, "If ECOWAS is to be a champion for good governance, it should address the root causes of political instability and coups. Foremost are the illegitimate measures to extend the terms of incumbents and their abuse of power."<sup>65</sup>

ECOWAS must also avoid double-standards in dealing with the issue of democracy and good governance in member-states. In this regard, equal and similar treatment must be deployed in protecting democratic rights and principles in member-states. As the organisation presented its gun-boat diplomacy in resolving the Gambia issue<sup>66</sup> and created a monitoring force in Mali, the organisation should have been more engaged and involved in Guinea, particularly as Conde began fiddling with the ill-intentioned constitutional amendments.

It is equally of utmost importance that ECOWAS creates a military High Command, in order to demonstrate its preparedness to prevent military incursion in the politics of any of its member-states. From an objective point of view, the threat of sanctions has not deterred or reduced the possibilities of military intervention in politics. The case with the Republic of Niger and the boldness of the military governments of Burkina Faso and Mali to support the military government of Niger may be a demonstration of the weakness of ECOWAS sanctions as a tool of deterrence for coup plotters.<sup>67</sup> However, the

65 Maiangwa and Idowu, "Guinea coup highlights the weaknesses of West Africa's regional body."

66 C Hartman, "ECOWAS and the restoration of democracy in the Gambia", *Africa Spectrum* 52 (1), 2017, pp. 85-99.

67 "Mali, Burkina Faso send delegation to Niger Republic for solidarity, Warn ECOWAS to stay off", *Sahara Reporters* 7 August 2023 <https://saharareporters.com/2023/08/07/mali-burkina->

possibility of the use of force to sack any illegal government; either civilian or military adventurist, may be strong enough to prevent unconstitutional changes of government. In this regard, the member-states of ECOWAS must be committed to creating a standing army that may be mobilised for action against an unconstitutional government in any of the member-states.

## 9. CONCLUSION

The attraction and frequency of coup d'état in West Africa and other parts of the African continent underscore the need for common action by states to advance civilian rule as an index of political development. The rise of liberal democracy particularly in the aftermath of the Cold War in the 1990s has ensured that military intrusion in politics is considered defective and condemnable. It is in response to this background that ECOWAS member states advanced binding legislations to protect the budding democracies in the sub-region. The Declaration of Political Principles of the ECOWAS (1991) and more recently, the ECOWAS Protocol on Democracy and Good Governance (2001), encapsulate the commitment of West African states to liberal democracy.

The central argument of the paper is that the implementation of the ECOWAS Protocol on Democracy and Good Governance is fundamentally flawed by both the nature of politics within member states of ECOWAS and the nature and character of ECOWAS as an intergovernmental organisation. From the point of view of the former, contestation for power based on using the state and its institutions to accumulate resources for private benefits is antithetical to democracy. There is therefore the need for West African states to redefine their democratic ideals with reference to their uniqueness as postcolonial social formations. And for the latter, the present structure of ECOWAS negates its ability to act as an agent of democratic consolidation and platform for good governance regimes in member-states, hence, the organisation's inability to deter military incursion in politics through its Protocol on Democracy and Good Governance.

In the final analysis, a more robust ECOWAS is required to fulfil the lofty ideals for which it was created. Bearing in mind that an intergovernmental organisation is as relevant as the member-states would make it, the 15 member states (assuming the disgruntled members return to the fold) must therefore exhibit greater commitment and political will in ensuring the realisation of ECOWAS mandates. The commitment and political will must

be demonstrated at every level of democratic backsliding; this requires highly visible presence of ECOWAS in the political processes of member-states, such that the tendencies for executive aggrandisement and manipulation of electoral process are nipped in the bud. With such actions, promissory coups and subsequent autocratisation may be prevented.