

**An analysis of the military coup Mauritania  
and its implications for democratic governance.  
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## Introduction

Ever since the first glimmerings of independence,<sup>1</sup> many African countries have been shaken by one military coup after another. Most of these military regimes have been characterised by bankrupt management, corruption, misappropriation of public funds and large-scale human rights abuses. Since the 1952 – 1998 Egyptian revolution, Africa has experienced no fewer than 85 coups, with 78 taking place from 1961 to 1997.<sup>2</sup> In most cases, the Organisation of African Unity (OAU), from whose ashes arose the African Union (AU), saw these regime changes as purely national matters to be handled internally by each State, and in which the pan-African organisation would under no circumstances intervene.

A consequence of the OAU's policy of non-intervention was that the way in which political power was transferred, and even exercised, in its member countries was deemed immaterial.<sup>3</sup> This state of affairs lasted until the Conference of French and African Heads of State held in La Baule, France, in 1990, an event that was seen by many as catalysing the democratic process in Africa.<sup>4</sup> From then on, timid but sustained efforts began to emerge within the OAU to address the persistent phenomenon of power takeovers by force.<sup>5</sup> It was not until the creation of the AU that coups and all other forms of unconstitutional change<sup>6</sup> were outlawed.<sup>7</sup>

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<sup>1</sup> The very first coup occurred on 15 September 1960 in the then Belgian Congo, three months after its accession to independence.

<sup>2</sup> Morne Van der Linde 'Emerging Electoral trends in the Light of Recent African Elections', 1 *AHRLJ*, 127, 128 (2001).

<sup>3</sup> In the few cases where recognition of regimes taking power by force has been delayed or postponed, this was based on considerations that stemmed from ideological affinities with certain Member States (as in the case of Tanzanian opposition after the overthrow of Nkrumah in Ghana in 1966 and Milton Obote in Uganda in 1971) or from geostrategic interests prevailing at the time (such as Libyan opposition to Hissène Habré's takeover in 1982).

<sup>4</sup> The conference at La Baule, France, in June 1990 is often seen as the starting point of the democratisation process in Africa. See for example Sadig Rashed in 'The Democratization Process and Popular Participation in Africa: Emerging Realities and the Challenge Ahead' in *Development and Change* vol. 26 Number 2, April 1995 p 335. However, this view should be tempered, since it must be recognised that in some African countries, such as Senegal and Botswana, the experience of democracy dates back to well before the La Baule conference.

<sup>5</sup> In 1993, the OAU adopted the Cairo Declaration establishing a conflict-resolution mechanism within the organisation that enabled the Member States to give practical expression to the consequences of unconstitutional changes of government. In 1995, the OAU also established a Commission of Ambassadors whose mandate was to examine ways and means of countering unconstitutional changes in government (see Chidi A. Odinkalu in 'Concerning Kenya: the Current AU Position on Unconstitutional Changes of Government', available from <http://www.afriMAP.org/english/images/paper/>). The OAU took a further step by adopting various declarations condemning unconstitutional power takeovers, such as the Algiers Declaration in 1997 and the Lomé Declaration in 2000 on a framework for responses to unconstitutional regime changes. Similarly, in 1997, it endorsed an embargo imposed by the East African countries against Burundi following an unconstitutional change in government there. See CM/Dec.355 (LXVI) (1997) & *Association pour la Sauvegarde de la paix au Burundi/Tanzanie, Kenya, Ouganda, Rwanda, Zaïre et Zambie* reproduced in *Compilation des Décisions de la Commission africaine des droits de l'homme et des peuples 2002-2007*, p 246, para 17, from the Institute for Human Rights and Development in Africa.

<sup>6</sup> Other forms of unconstitutional changes of government are defined in Article 23(2), (3), (4), and (5) of the African Charter on Democracy, Elections and Governance.

<sup>7</sup> See Articles 4 (m) and (p) of the Constitutive Act. Article 30 of this Act states furthermore that: 'Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union'.

Just as the organisation of free, regular and democratic elections in a growing number of African countries was lending credence to the idea that a culture of democracy was taking root<sup>8</sup>, a military coup overthrew Sidi Ould Cheikh Abdallahi,<sup>9</sup> Mauritania's first democratically elected President, just 16 months after he came to power.<sup>10</sup> The military promised to organise new elections within the shortest possible time.<sup>11</sup> Yet again, 'the laws of force had overcome the force of law'. This in itself warrants an analysis of the implications of this particular military coup for democratic governance, but this demands a prior analysis of the relevance of elections in a democracy.

### Relevance of elections in a democracy

In his studies on the typology of coups d'état, Moustapha Benchenane offers a classification with five *sui generis* categories: the *comprador* coup, the conservationist coup, the coup as a manifestation of exacerbated class struggle, the coup that punctuates a revolution and the coup as a barrier to transition.<sup>12</sup> Benchenane's classification brings out those coups that are traditionally instigated against autocratic regimes, or fomented in times of unrest characterised by a breakdown of public institutions. Although this classification was entirely relevant a few years ago, the emergence of democracy as a political regime to which all peoples now aspire forces us to take a different view. A coup against a democratically elected regime, as in Mauritania, is a new variant that has to be taken into account from now on.<sup>13</sup>

Democracy is generally accepted as 'government of the people, by the people and for the people'.<sup>14</sup> The essential traits of this type of political regime are the separation of powers, democratic alternation between political parties through free and transparent elections and the protection of individual rights and freedoms. The essential distinction between democracy and other modes of governance is the sovereignty attributed to the people. The people's sovereignty is expressed through citizens' participation in the management of public affairs, whether directly or indirectly through representatives and rulers who are designated according to the outcome of free and transparent elections. Although there is more to democracy than elections alone,<sup>15</sup> they are a barometer of democratic governance and a means for both control and censure of those who govern. As Roland Henwood wrote:

'Elections are important for both political and psychological reasons, as they embody the functional and symbolic demands of the modern State and its political

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<sup>8</sup> Free and transparent elections were recently organised in Ghana, Benin, Mali, Senegal, Nigeria and Zambia, amongst others.

<sup>9</sup> The coup occurred in the early morning of 6 August 2008. Exceptionally, this military coup took place without bloodshed, with the arrest of the President who was taken to the military garrison and subsequently to the guest residence of the conference centre.

<sup>10</sup> President Cheikh Abdallahi was elected as the Head of State with 52% of the vote in free and transparent elections held in March 2007.

<sup>11</sup> See the Address to the Nation given by General Mohamed Ould Abdel Aziz, President of the Supreme Council of State on 17 August 2008. Available at <<http://www.ami.mr/fr/articles/2008/Aout/17/02.html>> (consulted on 20 August 2008).

<sup>12</sup> The conclusions of Benchenane's study are cited in '*Typologie des coups d'Etats militaires*', an anonymous article available at <<http://unpan1.un.org/intradoc/groups/public/documents/OFPA/UNPAN008953.pdf>> (consulted on 21 August 2008).

<sup>13</sup> It is true that among Africa's democratically elected Presidents, Pascal Lissouba in the Congo and Ange Félix Patassé in the Central African Republic were ousted by coups well before the coup in Mauritania, in 1997 and 2003 respectively. However, these two instances differ from the Mauritanian case in that the coups occurred during periods of confusion characterised by civil unrest.

<sup>14</sup> Definition given in Abraham Lincoln's Gettysburg Address in 1863.

<sup>15</sup> Elections are a part of the formal approach to democracy, whereas the concept of democracy goes beyond the formal approach to encompass the material approach, which enshrines democratic principles such the separation of powers.



needs. Elections are the tangible instruments of political control by the electorate or the people. An election is usually the first experience of the tie between the population and its politicians and government, and is therefore one of the most visible aspects of democracy. This means that elections are important not only to elect those who govern, but also to confer legitimacy – the legal right to govern and the political right to make the decisions that may be applied’.<sup>16</sup>

Over and above a means of censure, elections are therefore the conduit through which legitimacy is conferred upon governments in a democracy.

### **Implications of the Mauritanian coup for democratic governance**

The military coup in Mauritania occurred in a context of political tension and social crisis that was exacerbated by serious dissent within the presidential entourage.<sup>17</sup> Despite the reigning political and social unrest, what triggered the coup was the presidential decree sacking the Army Chief of Staff, the Commander of the Gendarmerie, the Commander of the Presidential Security Battalion and the Commander of the National Guard.<sup>18</sup> This political impasse was the backdrop of a conflict that emerged between Parliament and the President, and culminated in the collective resignation of a majority of MPs and senators from the ruling party, the PNDD (National Pact for Democracy and Development).<sup>19</sup> Earlier, in May 2008, Prime Minister Zeine Ould Zeidane’s government was forced to resign to avoid a motion of no-confidence.

The morning after the coup, the rebels had set up a Council of State whose President<sup>20</sup> announced plans to organise elections within the shortest possible time, and a Constitutional Charter on governance for the transitional period had been published. The nature of the coup and the fact that the majority of MPs supported the military junta suggests that analysis should reach beyond the coup’s implications for democratic governance, to examine the provisions of the Mauritanian Constitution that relate to the deposition and replacement of the head of state.

The dominance of the executive branch headed by the President is one of the common aspects of political institutions in French-speaking Africa.<sup>21</sup> Mauritania is a case in point, as one can see by the strong legitimacy that the head of government takes from being directly elected to the post by universal suffrage. The Prime Minister’s role is to shore up his power and, if necessary, to defuse problems and protect him from deposition. With respect to the relationship between the head of the Mauritanian executive and Parliament, the former has the power to dissolve Parliament specifically in the event of recurrent crises between Parliament and the executive; whereas the other way around, Parliament may only question the head of government and ministers in such circumstances.

Article 77 of Mauritania’s Constitution states that: ‘If within an interval of less than thirty-six (36) months, two changes of government have occurred following a vote or motion of no-confidence, the President of the Republic may, after consulting with the President of the National Assembly,

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<sup>16</sup> Rolland Henwood ‘Democracy and elections in Africa: A critique’, notes for a presentation to the University of Pretoria (South Africa), LLM in Human Rights and Democratisation in Africa, 2007.

<sup>17</sup> See Mariane Meunier in ‘Mauritanie : le retour des vieux démons’, *Jeune Afrique* no. 2483-2484 of 10 - 23 August 2008, p.12.

<sup>18</sup> Respectively, Generals Ould Ghazouani, Felix Negri and Ould Abdelaziz, and Colonel Ould Bekrine.

<sup>19</sup> On 4 August 2008, 25 Members of Parliament and 24 Senators from the ruling PNDD had resigned from the party. They accused President Abdallahi of obstructing the functions of the democratic institutions.

<sup>20</sup> The Council of State is headed by the leader of the coup, General Mohamed Ould Abdel Aliz, the former Commander of the Presidential Guard. He had previously been involved in the coup of 3 August 2005 that ousted the then Mauritanian President, Maaouiya Ould Taya. Mohamed Ould Abdel Aziz had been a member of the military council which had led the process of transition in 2005 to 2007, leading to the free elections organised in 2007.

<sup>21</sup> See André Cabanis and Michel Louis Martin, in *Les constitutions d’Afrique francophone, évolutions récentes*, Karthala 1999, p. 77.

pronounce the dissolution of the latter'. It is therefore with good reason that an observer of the political scene in Mauritania described the resignation *en masse* of the PNDD Members of Parliament as a 'constitutional democratic coup d'état', explaining that the President had lost support for his programme from the parliamentary majority, which had called and won a vote of no-confidence against the previous government and was about to do likewise against the new government. He concludes that 'the democratic coup took place several days before the military coup'.<sup>22</sup>

Whatever the reasons behind a coup, they are always a blatant violation of the right of the people to democratic governance, and can only erode the process of democratisation.<sup>23</sup> Because of its illegal nature, any coup raises the question of the role and place of the armed forces within a state's institutions.

The role of the army is to protect a country's independence, territorial integrity and democratic institutions.<sup>24</sup> Furthermore, it is apolitical by obligation, and subject to political authorities which are established by the rule of law.<sup>25</sup> This being so, the armed forces may in no way whatsoever impose political choices on their fellow citizens; only legally appointed civil personalities may, in accordance with the powers conferred upon them by the laws of the Republic, make decisions or choices that commit the nation to a course of action.

Protecting the collective interest and restoring democracy are frequently given as reasons justifying a military coup. However, experience has shown that most coups in Africa<sup>26</sup> have succeeded only in confiscating power and pandering to personal interests, to the detriment of the collective interests they claim to protect. As Chidi A. Odinkalu has rightly observed, 'unconstitutional changes of government establish dictatorships, disrupt democratic governance, prevent populations from exercising their rights to form or change their governments and lead to serious abuses of human rights'.<sup>27</sup>

### **How should a coup be dealt with?**

Noting the persistent occurrence of coups in Africa and their impact on the development of its populations, the AU, in January 2007, adopted an African Charter on Democracy, Elections and Governance,<sup>28</sup> which is currently one of the very few internationally binding legal instruments that outlaws coups<sup>29</sup> and requires judicial proceedings against those responsible should a coup take place.<sup>30</sup> Despite the pioneering nature of the Charter and the noble intentions that presided over its

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<sup>22</sup> Comments from the political scientist Mohammed Yahzih Ould Bab Ahmed, see '*Le président mauritanien Abdellahi renversé par un coup d'Etat militaire*' at <<http://www.magharebia.com/cocoon/awi/xhtml1/fr/features/awi/features/2008/08/06/feature-01>> (consulted on 23 August 2008).

<sup>23</sup> *Jawara v. Gambia AHRLR 2000 98 (ACHPR 2000)* para 73.

<sup>24</sup> See Article 19 of the Protocol on Democracy and Good Governance drawn up by the Economic Community of West African States (ECOWAS), available at <<http://www.sec.ecowas.int/sitecedeo/francais/protocoles/Protocole-additionnel-sur-la-Bonne-gouvernance-et-la-democ.pdf>> (consulted on 26 August 2008).

<sup>25</sup> See Article 1(e) of the Protocol on Democracy and Good Governance, cf. note above

<sup>26</sup> Notable exceptions are the coups in Mali in 1991 and Mauritania in 2005, the only ones which have advanced the transition to democracy.

<sup>27</sup> Chidi A. Odinkalu 'Concerning Kenya: the Current AU Position on Unconstitutional Changes of Government', available at <<http://www.afriMAP.org/printerPapers.php>>.

<sup>28</sup> The Charter on Democracy was adopted by the Conference of Heads of State and Governments of the African Union during its 8th summit meeting in Addis Ababa, Ethiopia, 29 - 30 January 2007. See Assembly/AU/Dec. 147 (VIII). Available at <[http://www.africa-union.org/Official\\_documents/Treaties\\_Conventions\\_fr/Charte%20africaine%20de%20la%20Democratie.pdf](http://www.africa-union.org/Official_documents/Treaties_Conventions_fr/Charte%20africaine%20de%20la%20Democratie.pdf)>. The Charter is not yet in force as it is still awaiting ratification.

<sup>29</sup> Article 2(4).

<sup>30</sup> Article 25(5).

development, it has been criticised as an instrument that, in some respects, aims to perpetuate the (undemocratic) regimes in place rather than to encourage the fundamental principles of democracy to take root.<sup>31</sup> This criticism is all the more justified by the fact that the Charter fails to devote more than a passing reference to the undemocratic constitutions that provide the legal basis of many illegitimate regimes in Africa. Because of this, the Charter effectively evades the issue in that it attempts to prevent unconstitutional changes of government without addressing the fundamental problem, since many unconstitutional regime changes (coups) in Africa have clearly stemmed from political stalemates that in turn often stem from the lack of alternation between political parties, which itself is caused by constitutions that, in these situations, are tailor-made to perpetuate the regimes in power.<sup>32</sup>

Even though it declares total and firm opposition to unconstitutional changes in government, the African Charter on Democracy could not be more vague as to ways of responding to challenges to democratic governance. Article 25(6) provides for sanctions on ‘any Member State that is proved to have instigated or supported unconstitutional change in government in another State’, but does not specify the nature of such sanctions. Should these include economic sanctions, as is often the case, it has been observed in the past that they affect civilian populations more severely than those actually responsible for the unconstitutional change of government.<sup>33</sup>

The AU’s military intervention in the island of Anjouan in March 2008 to oust Colonel Mohamed Bacar, who had taken over power after the disputed outcome of the June 2007 elections<sup>34</sup>, lent some credence to the organisation’s declared intentions of bringing an end to unconstitutional changes of government and promoting democratic governance. Although current events in Zimbabwe may prompt questions as to the true reasons for this particular military intervention, the fact remains that it was an important step on the part of the AU in the interests of promoting a culture of democracy.

Furthermore, the persistence of military coups and their impact on the development of African populations should encourage the AU to go beyond mere condemnation and to adopt an approach backed by greater substance. It should be remembered that the military approach used in certain circumstances by the Economic Community of West African States (ECOWAS) has enabled civilian governments to be established in some of its member countries, such as Liberia and Sierra Leone.<sup>35</sup>

While deploring the adverse impact of coups on democratic governance and stating a case in favour of armed force to bring these to an end, this article also pleads in favour of the adoption of a Protocol to the African Charter on Democracy, which would address ways of exercising and transferring political power. However, given that the African Charter on Democracy itself has not yet come into force, it is important, until such an instrument is adopted, that the AU and other international bodies should keep a watching brief upstream from the democratic process to ensure that any government, including those elected democratically, which attempts to misuse State institutions or interfere with its Constitution is called to order, and that democratic principles are restored.

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<sup>31</sup> See for example Nadjita F. Ngarhodjim in ‘A critical *analysis* of the content of the African Charter on Democracy, Elections and Governance’, available at <<http://www.afriMAP.org/papers.php>>

<sup>32</sup> This is the case in many African countries such as Chad, Burkina Faso, Uganda, etc.

<sup>33</sup> *Association pour la Sauvegarde de la paix au Burundi/Tanzanie, Kenya, Ouganda, Rwanda, Zaïre et Zambie* reproduced in Institute for Human Rights and Development in Africa, *Compilation des Décisions de la Commission africaine des droits de l’homme et des peuples 2002-2007*, p.246.

<sup>34</sup> Anjouan is one of the Comoros Islands in the Indian Ocean. The reasons for the military intervention lay in the disputed outcome of the June 2007 elections, when Colonel M. Bacar proclaimed himself the winner with 90% of the vote. The AU and the government of the Comoros contested the result and called for fresh elections. Faced with M. Bacar’s intransigence and demands from the government of the Union of the Comoros, the AU decided on military intervention to remove him from power.

<sup>35</sup> Nadjita F. Francis ‘Sub-regional integration and democratization in Africa: Critically analyzing the approach of the ECOWAS in West Africa’ available at <[http://www.up.ac.za/dspace/bitstream/2263/1155/1/ngarhodjim\\_nf\\_1.pdf](http://www.up.ac.za/dspace/bitstream/2263/1155/1/ngarhodjim_nf_1.pdf)>.



## Conclusion

Given the current state of affairs, it would be premature to exclude any possibility of a return to democracy in Mauritania. However, it should be recognised that, whatever the outcome, the military coup and the unfortunate precedent it sets has been a setback to the process of democratisation, not only in Mauritania but also in the rest of Africa.

In the explanation he gave at the La Baule conference on the difficulties that Europe, and especially France, has encountered on the path to democracy, former French President F. Mitterrand said: ‘it took us two centuries to attempt to bring order, first in our thinking and then in our deeds, and there were successive relapses’.<sup>36</sup> If democracy everywhere else has only become established after a great many relapses, it is to be hoped that the Mauritanian coup is but an episode that will not jeopardise the democratisation process now under way across the continent – a process in which the international community in general and the African Union in particular have a crucial role, a role which they can and must play if the welfare of Africa’s populations is to be secured and a culture of democracy to take root.

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*The opinions expressed in this paper are those of the author and do not necessarily reflect the opinions of AfriMAP or the Open Society Institute.*

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<sup>36</sup> This speech may be consulted at <[http://www.rfi.fr/actufr/articles/037/article\\_20103.asp](http://www.rfi.fr/actufr/articles/037/article_20103.asp)> (consulted on 20 August 2008).