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Presidential elections Mali - 2013. Photo UN



SPECIAL EDITION

West Africa: Challenges and prospects of political reforms





UNOWAS RETREAT

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This sixth issue of UNOWAS Magazine is a special edition devoted to the regional colloquium on “Challenges and prospects of political reforms in West Africa in 2015-2017,” which was organized by UNOWAS in Abidjan, Cote d’Ivoire, from 26 to 27 March 2018.

Political reforms is an important theme, which concerns all sub-regional countries. The ongoing political reforms in the region made it pertinent for UNOWAS to organize a platform, where various experts could share their analyses and proposals with an aim to assist the governments and all political actors involved in successfully implementing their respective political reform processes.

The objectives of the two-day colloquium were to: identify and analyze the main reasons which led many West African countries to initiate political reforms from 2015 to 2017; highlight mechanisms and processes, which led to the success or failure of political reforms; consider the background history of and changes in the relevant provisions, the main political aspects, similarities and differences between the various countries concerned; and identifying the scope, challenges, and prospects of political reforms in the sub-region.

To achieve its objectives, the Abidjan colloquium was structured around three opening papers and eighteen thematic papers divided into six sections. Opening papers addressed the following themes: “Generation and types of political reforms in West Africa”, “Political reforms and governance”, and “ECOWAS instruments for building peace and promoting

democracy and good governance in West Africa.” As for thematic conferences, they addressed two key themes - Theme 1: “Context, mechanisms, and causes of political reforms» and Theme 2: “Content, implementation, and impacts of political reforms”.

After reviewing the reform processes initiated in West Africa in 2015-2017, recommendations were made for more legitimate and more relevant future political reforms in the sub-region. The recommendations included the establishment of a sub-regional platform on political reforms and good governance.

A colloquium aimed to identify and analyze the main reasons which led many West African countries to initiate political reforms

The sub-regional colloquium on «Challenges and prospects of political reforms in West Africa in 2015-2017” was attended by 72 participants, including: representatives of 15 out of 16 West African countries (Benin, Burkina Faso, Cote d’Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, and Togo); representatives of regional and international organizations (UNOWAS, ECOWAS, IDEA, OSIWA, UNOCA, UNDP); and representatives of civil society organizations, women’s and young people’s groups (*Réseau Ouest Africain des jeunes Femmes Leaders-ROAJELF*, *Fondation Cléopâtre d’Afrique*, *Je m’engage*, Muslim Student’s Society of Nigeria).

We are hoping that this special edition will make you “relive the colloquium and its debates” and allow you to understand the ongoing political reform processes, including how best to improve governance in the sub-region.

“*Recommendations were made for more legitimate and more relevant future political reforms in the sub-region.*”

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Disclaimer: The content of this special edition is a «near verbatim» of the interventions of the participants of the colloquium on «The challenges and prospects of political reforms in West Africa in 2015-2017». It does not express the opinion or position of the United Nations Office for West Africa and the Sahel (UNOWAS).

Challenges and prospects of political reforms in West Africa (2015-2017)



Opening ceremony of the colloquium on Challenges and prospects of political reforms in West Africa in 2015-2017 in Abidjan, Côte d'Ivoire, 26-27 March 2018.

The official opening ceremony of the colloquium was held on 26 March 2018, with remarks by Mr. Babacar Cissé, United Nations Resident Coordinator in Côte d'Ivoire, Ambassador Jean-Claude Brou, President of the ECOWAS Commission, delivered by his Representative, and Dr. Mohamed Ibn Chambas, Special Representative of the Secretary-General and Head of the United Nations Office for West Africa and the Sahel.

«The success of reform initiatives depended heavily on political will»

In his remarks, the United Nations Resident Coordinator in Côte d'Ivoire welcomed the participants to the colloquium and indicated that although major challenges were still to be met, significant progress had been made to improve democracy in the sub-region. The improvement of multi-party systems, the organization of multi-party and open elections and regular political transitions are some of the achievements.

The Resident Coordinator also commented that the reforms initiated in the sub-region took place in polarized contexts, meaning before elections or after disputed elections. This, in addition to the absence of inclusive dialogue and the politicization of the public administration, often times made the

«The success of reform initiatives depended heavily on political will, national ownership, stakeholder engagement, and state accountability»

implementation of reform initiatives difficult. He recalled that the success of reform initiatives depended heavily on political will, national ownership, stakeholder engagement, and state accountability. For these to be successful, he recommended that they be conducted in a participatory approach and with proper implementation and monitoring mechanisms. He reiterated the United Nations Development Program's availability to support the countries to improve good governance and quality of institutions.

«Dialogue and consensus as guarantors of sustainability and efficiency of reforms»

The message of the President of the ECOWAS Commission was delivered by the latter's representative. In his remarks, the President of the ECOWAS Commission also acknowledged the

progress made to improve democracy in West Africa. However, he pointed out that there had been increasing demands for reforms – expressed through national dialogue frameworks, peaceful or violent demonstrations, or insurrectional movements. For the Representative of the President of the ECOWAS Commission, those demands for improved political governance to strengthen democracy in West Africa should be made in the general interest and not be detrimental or beneficial to individual persons.

Referring to past experiences, he stressed the importance of dialogue and consensus as guarantors of sustainability and efficiency of reforms. He invited the participants to reflect on the best way to reconcile the recommendations issued from the dialogues and the existing legislation. In conclusion, he recalled the importance, content, and strategic role played by the 2001 ECOWAS Supplemen-

tary Protocol on Democracy and Good Governance within the community since its implementation.

«The reforms contribute to the promotion of gender equality and women's fair participation in leadership and political governance»

In his official opening remarks, the Special Representative of the Secretary-General and Head of the United Nations Office for West Africa and the Sahel (UNOWAS) welcomed the participants and recalled that West Africa has experienced a series of free, open elections resulting in peaceful transitions. SRSG Chambas said that despite the progress made in terms of governance and economic growth, the region was still facing major challenges, including increasing poverty, youth unemployment and terrorism.

Dr. Mohamed Ibn Chambas also indicated that the Constitutions adopted as a result of the 1990 democratic renewal had been under

complete revisions since 2015, particularly those provisions that related to the presidential term limits, the party system and the judiciary, while other reforms aim to anchor more rights for citizens. According to Dr. Chambas, for any reform process to be successful, the political leadership's commitment to reforms must be made in consultation with political and socioeconomic actors. He stressed the need to ensure that the reforms contribute to the promotion of gender equality and women's fair participation in leadership and political governance, in a climate of openness, freedom, and democratic participation.

He told the participants that the colloquium intended to contribute to conflict prevention as well as to promote good governance.



► Political Reforms in West Africa and the Sahel; An opportunity to reinforce the protection and promotion of human rights

The democratization process in West Africa and the Sahel has ushered in a wave of consciousness, which is driving renewed popular interest in the political and governance processes in the respective countries. In fact, political reforms provide a unique opportunity to enhance the protection and promotion of human rights either through legislative and/or institutional changes.

Citizens in West Africa and the Sahel are not only becoming more conscientious of their role in electing their leaders and the constitutional power they can exert over them, but also feel more empowered in their decision making.

In most of the countries in the region, the democratization process have often been accompanied by progress in the protection and promotion of human rights, including with respect to setting standards. Governments have come to acknowledge the critical need of aligning their legislative and institutional frameworks to the changing contexts in order to meet the aspirations of their people. One of such aspirations has been the need



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One of such aspirations has been the need to enhance the protection and promotion of human rights through political reforms

to enhance the protection and promotion of human rights through political reforms. In some contexts, political reforms through legislative, constitutional or institutional reviews have provided a platform for engagement through which national standards were aligned with regional and international human rights standards. This is particularly true in situations where underlying reasons for reforms were to enlarge popular participation in the governance process. Conversely, if the

reform is driven by the will of political elites to consolidate power, it could lead to more restrictive laws that could in turn further restrict the interpretation and application of international standards and as a result, impede the full enjoyment of human rights.

Advocating. In recent years, human rights advocates have been instrumental in advocating and participating in political reform processes within the West Africa and Sahel regions. This has been key in placing human rights questions at the center of broader discussions on constitutional, legislative and institutional reforms. As a result, public liberties, including freedom of assembly, freedom of expression and the freedom of the press, have been enshrined in national laws following the advent of multi-party systems and democracy. Today, the pattern of

well-organized mass demonstrations and/or popular movements clamoring for deeper reforms or

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In recent years, human rights advocates have been instrumental in advocating and participating in political reform processes within the West Africa and Sahel regions

as an expression of dissatisfaction over economic and social policies, is testament to these reforms which aspire to fully engrain into the national normative framework the International Bill of Rights and

the African Charter on Human and Peoples' Rights. Likewise, through legislative reforms, some member states are making the respect of human rights the center piece of constitutional reform process by elevating human rights (including economic, social and cultural rights) to constitutionally enshrined rights. Furthermore, the limitation of presidential terms by most countries in the regions has resulted in some predictability in democratic transitions and poses fewer risks of instability.

It is also important to underscore the positive contribution of some reforms in introducing quotas as a step to promoting gender equality. In the sub-region, the majority of countries have either enacted legislation or have taken administrative steps to increase the percentage of women to be considered for both elective and appointed positions. While sufficient progress is yet to be made across the regions in terms of actual implementation of these commitments, the fact that such measures have been enshrined in legal texts provides a solid platform for sustained engagement moving forward.

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In Sierra Leone after the conflict, and as part of the reform process, the Truth and Reconciliation Commission was established and later recommended the creation of the Human Rights Commission of Sierra Leone

Constitutional reforms. In addition to constitutional and legislative reform processes, some countries in the sub-region have undertaken institutional reforms some of which have had a direct positive impact on the respect of human rights. This has happened primarily through the establishment of National Human Rights Institutions mandated to provide national leadership in the protection and promotion of human rights. For instance, after the conflict in Sierra Leone, and as part of the reform process, a Truth and Reconciliation Com-

mission was established and later recommended the creation of the Human Rights Commission of Sierra Leone. In The Gambia, the establishment of Truth, Reconciliation and Reparations Commission as well as National Human Rights Commission is in progress. Presently, Ghana, Liberia, Niger, Nigeria, Sierra Leone, Togo, Côte d'Ivoire, Mali, Senegal, Guinea, Burkina Faso, Cape Verde, Guinea and Mauritania have all established national human rights institutions. Similarly, reforms have led to the establishment of Independent Electoral Commissions, Anti-Corruption Commissions and other related entities whose work contribute to the respect of human rights and good governance.

However, for reforms aimed at reinforcing the respect of human rights to be effective, they will require political will, national ownership and leadership, legitimacy and a high level of acceptance from the population. The centrality of a human rights-based approach in political reforms cannot be overemphasized, as it constitutes a solid basis for sustainable peace and security.



Ghanaian Parliamentary. Photo: DR

► Generation and types of political reforms in West Africa

By Prof. Victor Prudent Topanou

In his opening presentation, Professor Topanou indicated that despite the distinctive features of each country of the sub-region, the political reforms conducted from independency to date can be divided into three large categories.



Togolese call for constitutional reforms during an anti-government rally in the capital Lomé on September 6 (AFP)

In his opening presentation, Professor Topanou indicated that despite the distinctive features of each country of the sub-region, the political reforms conducted from independency to date can be divided into three large categories.

He recalled that the period 1960-1970 was marked by aspirations to introduce multi-party systems and political change. In contrast, the period 1970-1990 was characterized by the establishment of single-party systems and autocracies, while the period from 1990 onwards showed the return

to multi-party system in almost all West African countries. Since 2000, another wave of reforms has brought about the updating or challenging of the provisions adopted in the 1990s.

In his presentation, which was mainly focused on the reform processes introduced as from the

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All political reforms conducted in the sub-region may be grouped into several categories, including imperative reforms, as well as “opportunistic” reforms

1990s, Professor Topanou said that the establishment of democracy and political reforms in the sub-region had encountered two types of resistance from those who challenge the universal nature of the Western democracy and from those who think that Africans were not mature enough for democracy. According to Professor Topanou (see interview page 16), all political reforms conducted in the sub-region may be grouped into several categories, including imperative reforms, which arise from internally or externally induced crises, as well as “opportunistic” reforms. He finally noted that reforms induced by a crisis are the only positive ones, as they solve or end crises and as such, they should be authorized, supported, monitored, and accompanied. On the other hand, “opportunistic” amendments, which are the most negative ones as they lead to major risks of destabilization, must be banned.

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► Political reforms and link with governance

By Dr Adebayo Olukoshi

In his presentation, Dr. Olukoshi explained that between 1960 and 2018, West African countries conducted many political reforms striving often to improve governance.



The key question remained to what extent political reforms have contributed to finding solutions to the challenges facing the society. To answer this question, Dr. Adebayo said that political reforms are important for the survival of democracy and social and economic development. He showed that governance is not static but dynamic, and that reform processes constantly need to be adapted to the people's concerns. However, he pointed out that the reforms undertaken since 2015 have often resulted in a disconnection between the political elite and the people. To show that the link between reforms and improved governance is not always well established, Dr. Adebayo noted that in Burkina Faso and The Gambia, the political change has solved a political problem but has not ended people's daily struggle. He recom-

“The key question remained to what extent political reforms have contributed to finding solutions to the challenges facing the society”

mended that West African leaders should make efforts to formulate long-term visions and not look for opportunistic reforms. The panelist concluded his presentation by saying that open elections, political change, and reforms, which give a great role to opposition parties, are, among other things, an overall condition for improving democratic governance.



► ECOWAS political reform instruments

By Dr Onyinye Onwuka, (ECOWAS)

Dr. Onwuka started his presentation by indicating that ECOWAS has adopted a wide range of legal instruments, including the Protocol relating to Conflict Prevention, Management, Resolution, Peacekeeping and Security, and its Supplementary Protocol on Democracy and Good Governance (A/SP1/12/01).



According to Dr. Onwuka, with the implementation of these instruments, ECOWAS has successfully conducted peacekeeping missions, and contributed to the peaceful resolution of conflicts within member states. She underscored that Section 2 of the Protocol on Democracy and Good Governance, which applies to all member states, stipulates that “no substantial modification shall be made to the electoral laws in the last six months before the elections, except with the consent of a majority of political actors.” According to the expert, this section solves many problems as a preventive measure in electoral processes, which could otherwise cause controversies, disputes, and violence.

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The ECOWAS organization has many legal instruments, including the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, and its Supplementary Protocol A/SP1/12/01 on Democracy and Good Governance

► Debate: the disconnection between policies and people’s concerns was a reality in many countries

In the plenary debate about the three opening presentations, participants observed that the disconnection between the political discourse and people’s concerns was a reality in many countries, which raised a major question: “Should any reform process be based only on legal grounds, or also consider legitimacy?” Some participants therefore suggested that reforms conducted should go beyond political questions (including the length of presidential terms or the organization of the political party system) and be extended to governance in general, including socio-economic, education, and cultural questions. In this regard, they requested that West African leaders should endeavor to better understand their citizens’ concerns. However, other participants noted that reforms as a means to provide more comprehensive solutions to the nations’ problems were very difficult to achieve.

Agendas. The ensuing debate addressed the conditions in which reforms are initiated. It seemed to be established that beyond legitimate amendments, political reforms often include hidden agendas. On this issue, some participants noted that a further improvement of the West African community’s legal instruments could reduce any possible leverage to use political reforms for personal objectives. It was also noted that ECOWAS had made significant progress in developing legal instruments, but there is a gap between the quality of instruments and their level of implementation that needs to be addressed in order to have more positive impact. For this purpose, the institution should better iden-

tify all problems facing the West African democracies and use all means available to address them.

The participants also suggested that the civil society's involvement in political reform processes, considered as raising people's awareness, should be reviewed and improved. The discussions also showed that governance challenges included: (1) the lack of an open political space; (2) the need to continue democratic reforms beyond changes of governments; (3) corruption; (4) lack of political change resulting in a sluggish reform agenda; and (5) a large amount of unsolved problems which are simply passed on to the next generations.

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Some participants therefore suggested that reforms conducted should go beyond political questions and be extended to governance in general, including socio-economic, education, and cultural questions



A protestor carries a sign reading «We want good political and economic governance» during a demonstration against a referendum on a constitutional revision on July 1, 2017, in Bamako. Photo: AFP

► Context, mechanisms, and causes of political reforms

The representatives from Guinea, Mali, and Senegal addressed this first sub-theme, discussing the conditions which led to the initiation of the political reforms in their respective countries.



The speakers concluded that political reforms were either initiated in a context of peace and institutionality or in contexts of ongoing crises. For example, Guinea and Mali conducted their reforms in the hope of ending their respective political impasses, while in Senegal the reforms were conducted in a context of peace. In Senegal, the need for political reforms was identified during the national conference held from June 2008 to May 2009, which addressed governance challenges. The political will to address these identified proposals increased a few years later, in 2012, when the new political leaders agreed to update the political system; improve and consolidate good governance, rule of law, and democracy; preserve institutional stability and promote political dialogue. With a view to future reforms, in 2013, the Act III of decentralization relating to the General Code of Local Governments (Code Général des Collectivités Locales) turned all local governments into communes,

transformed departments into local governments and created regional territorial centers.

“In many countries, political reforms are initiated in a context of peace and normal functioning of institutions or in contexts of crisis

However, the Malian context is characterized by a security crisis resulting from political governance challenges, religious extremism and geostrategic challenges. Structurally, the Malian context can be described as an open political system complying with a number of basic democratic tenets, such as the existence of a multi-party system, individual and collective freedoms, organization of elections and regular political change. However, the analysis

“The reforms initiated in Mali were conducted in an environment dominated by weak actors, both socially and institutionally. Besides, when compared to the Algiers agreement, the reform appeared as a divisive project

of institutional practice revealed that the semi-presidential system established by the 1992 Constitution turned the Malian Government more autocratic by making the President of the Republic the main decision-making authority. This resulted in an ossification of the political system. The reforms initiated in Mali were conducted in an environment dominated by weak actors, both socially and institutionally. Besides, when compared to the Algiers agreement, the reform appeared as a divisive project. On the other hand, all national stakeholders were not involved in defining and adopting these reforms, and the engagement of a French firm, which worked on the content, was also denounced.

From the presentation about Guinea, it appeared that political reforms were conducted in a context of crisis stemming from a legacy of bad governance during a 24-year military regime. The situation resulted in institutional and economic weaknesses despite some reforms and the establishment of a multi-party system. It was noted that Guinea launched reforms



Political Participation should address the young generation. Photo: UNFPA Ghana

because it was facing an impasse related to the organization of local elections. The speaker noted that it was only in 2010 that Guinea held its first presidential election that was recognized widely as “free and fair”. Despite the positive evaluation of the election, the opposition organized street demonstrations, which caused human losses and significant structural damage. In February 2012, the Dialogue and National Reconciliation Commission elaborated proposals to end the crisis; although these were not accepted by the opposition. In late 2012 – early 2013, in a request to ask for the organization of legislative elections, the opposition organized a series of demonstrations which later resulted in the death of several protestors. The Guinean government then called for an inter-Guinean dialogue, held on May - June 2013 under the supervision of the international community, which allowed the various parties to agree on the most important issues, including the required political reforms and holding of the legislative elections, which were eventually organized on 18 September 2013. Another

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The Guinean government called for an inter-Guinea dialogue under the supervision of the international community. The dialogue allowed to agree on the most important issues, including the required political reforms and holding of the legislative elections

dialogue round took place in 2015 and resulted in the organization of the presidential election on 11 October 2015. In 2016, the failure to hold the local elections, which had been expected since 2010, led the opposition to organize a series of demonstrations. The government subsequently called for a dialogue in September 2016 and signed an agreement on 12 October 2016. To implement that agreement and facilitate the organization of local

elections, the electoral code was amended in February 2017.

Reforms should be conducted in compliance with current legislation, while ensuring a minimum level of inclusivity

During the plenary debate it was stressed that in order to enhance the success and relevance of political reforms, not only the political situation needs to be addressed, but also social, economic, and particularly educational aspects aiming to increase prospects for the youth. About the legality and legitimacy of political reform processes, from the plenary debate it appeared that reforms should be conducted in compliance with the current legislation, while ensuring a minimum level of inclusivity. In Togo, for example, since the beginning of the crisis in 2018, the government has conducted reforms in compliance with legal procedures, however it was suggested that there was a need for more inclusivity and to make a greater effort to listen to the voices of those who have been demonstrating in the streets.

► Causes and factors triggering political reforms

The representatives of Ghana, Guinea-Bissau, and Togo presented their papers on factors triggering political reforms. It emerged from the presentations that the triggers for political reforms varied from one country to another. In some countries, the reforms have been driven by political dialogue processes, while in others, the reforms seem to have been initiated by the government. Despite distinctive features of the reform processes in each country, similarities can be observed.



Hundreds protest to demand resignation of Guinea-Bissau's government. Photo: DW

In Ghana, reforms have been conducted mostly with a view to improving governance. The appointment by the Head of State of a General Auditor responsible for controlling public expenditures is meant to fight corruption. Other reforms are underway, including constitutional amendments to further advance the decentralization process with the election of mayors and the establishment of a proportional representation system. These reforms should allow political parties to participate in local elections and subsequently in local development processes. The reforms should furthermore help specific social groups, such as women, to

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In Togo and Guinea-Bissau, the immediate causes of reforms could sometimes be related to crises, while there should be also the need to initiate political reforms with a view to complying with legal instruments in the West African sub-region

participate in the management of public affairs.

On the contrary, in Togo and Guinea-Bissau, the immediate causes of reforms could sometimes be related to crises, while there was also the need to initiate political reforms with a view to complying with legal instruments in the West African sub-region. Such instruments are related to the maintenance of peace and promotion of democracy that are contained in the two ECOWAS Protocols: (1) Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping, and Security and (2) 2001 Supplementary Protocol on Democracy and Good Governance.

In Togo, the political crisis around the amendments of the 1992 ori-

ginal constitution has both historical and recent causes. A historical analysis reveals that the 1961, 1963, and 1980 Constitutions, as well as the 1991 transitional text include reforms supported by dialogues and political agreements, which is indicative of a permanent lack of confidence between political actors. Later, the 1991 national conference draft reform, which paved the way for public freedoms, was also referred to as a “vengeance and exclusion reform”. The ineligibility clauses targeted personalities like the Prime Minister and Head of State. However, the Constitution was adopted by referendum in a context of a political crisis and was enacted on 14 October 1992. In 2002 and 2005, the government subsequently amended the

Constitution without involving the opposition. The successive political crises from these two reforms resulted in a series of political dialogue series, which resulted in

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The implementation of the recommendations was faced with a lack of consensus amongst the political community

agreements, including the 2006 Comprehensive Political Agreement (Accord Politique Global, APG). However, the implementation of the recommendations was

faced with a lack of consensus amongst the political community. Before the dialogue initiated in 2017, unsuccessful attempts were launched in 2014, 2015, and 2016.

The reform context is specific to each country: Guinea-Bissau has a rather particular context, with a weak administration, constant conflict between the republican institutions, the impossibility to peacefully conclude mandates of elected bodies, interference of the defense and security forces into the government and a very centralized political system. Guinea-Bissau needs to set up mechanisms to promote a sincere dialogue able to lead to profound reforms.

► **Debate:** The presentations showed that the advent of the multi-party system in West Africa paved the way for multiple political options

The plenary debate stressed that the amendments introduced by the Togolese government in 2002 and 2005 (the amendments removed the presidential term limitation and the two-round ballot amongst other provisions) could be classified as reforms intended to keep a government in power. This subsequently resulted in a crisis deriving from the desire to remain in power of some actors and the desire to obtain power by others.

The presentations showed that the advent of the multi-party system in West Africa paved the way for broadened political choice, which is a notable democratic progress. However, according to some participants, the excessive number of political parties in the current context remains a problem for some countries. On the other hand, the crises resulting over political challenges points to the crucial role that the civil

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The presentations showed that the advent of the multi-party system in West Africa paved the way for multiple political options, which is a notable democratic progress.

society should play in reform processes. However, the participants stressed that civil society organizations are not always as neutral as they should be. While in some countries like Mali, Burkina Faso, and Mauritania, the civil society played a key role in reform processes, in other countries, efforts need to be made to prevent the civil society from siding with political parties.

In Burkina Faso, for example, the 2016 reforms were derived from

a successful transition, and this was seen as laying the foundation of a democratic renewal. However, popular economic, social, and cultural expectations are still unmet. This led the participants to raise the issue of the type of reforms needed to ensure progress. Reforms must therefore not only be seen from an exclusively political but rather a comprehensive perspective, taking into account economic, social, and cultural considerations.

The issue of vote-catching and lack of knowledge in the public administration stirred up discussions in the plenary, concluding that public servants must work to further national causes and not be champions for the specific ideals of a political party. Also, participants agreed that ECOWAS legal instruments are key achievements for the sub-region but need to be further disseminated within the population.

Professor TOPANOU Prudent Victor K. Kouassivi

«The various outcomes of reform processes largely dependent on the type of the proposed reforms»



Presentation of professor Topanou

West Africa has experienced waves of political reforms, notably constitutional ones, in the 1960s, 1970s and 1990s. A new such wave is unfurling since 2015. Could you help us understand what may explain it?

Whereas the 1990 African spring has enabled the establishment, or, in some cases, the re-establishment of democracy, excitement quickly dropped in the beginning of the 2000s and yielded to mainstream intellectual currents which dominate today's political and ideological debate. There are basically three main currents which dominate the debate, that is, the democrats, the neo-democrats and the "neo-developmentalists".

“A democracy based on the Rule of Law fosters good governance”

The democrats are the authentic defenders of democracy in West African countries. They hold that, even though democracy may not be the only path to development, it is the least costly in terms of human lives. A democracy based on the Rule of Law, with respect

for human rights and public freedom, fosters good governance – an essential condition of any sustainable human development. For them, the democratic movement is a historical global movement no country can escape in the long-term, especially when it comes to countries of the region which have almost all experienced dictatorship in the 60s, 70s and 80s without leading to development.

At the other end are the “neo-developmentalists”, who consider that development is Africa's main problem and democracy is not the only path to development. In fact, they are convinced that the best option for development is political dictatorship and economic liberalism. They use the Chinese, Ethiopian and Rwandan models as examples. In their view, Africa is not ready for democracy; it is a project to be implemented later. Proponents of this current are economists and law professionals.

Finally, between these two currents are the neo-democrats, who, while they agree with the democratization of our States, challenge the principle that the western democratic model is universal. For this group, historical African societies have their own strand of democracy which we should tap into to build a truly authentic democratic model. Proponents of this current are mostly historians and socio-anthropologists.

Reforms engaged since 2000 are mostly inspired by these three currents, which foreshadows the different types of reforms observed.

You often explain that there are three types of reforms. Can you briefly summarize this categorization?

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Reforms engaged since 2000 are mostly inspired by these three currents, which foreshadows the different types of reforms observed

Indeed, the observation of various political reforms in Africa since 1960 leads to a typology of three distinct reform categories, that is, crises reforms, convenience reforms and opportunity reforms also known as “opportunistic” reforms.

In the first category (“Crisis reforms”), reforms are imposed through a crisis resulting from internal factors, be it a regime crisis, a State crisis or a systemic crisis (Côte-d’Ivoire, Burkina Faso, Mali) or by external factors, notably directives from international organizations based on the principle of supra-nationalism (implementation of a Court of Audit in the West African Economic and Monetary Union and reforms of the death penalty or other civil and political rights).

In the second category (“Convenience reforms”), reforms are inspired by the leadership’s willingness to improve governance, create new citizen rights and improve relationships between the various branches of power (Executive, Legislative and Judicial).

In the third category (“Opportu-



Professor TOPANOU Prudent Victor K. Kouassi

nity reforms”), reforms are solely due to the attempt by the ruler and his clan to retain power.

Is there a distinction between mechanisms used by various States?

Mechanisms applied are mostly the same and are implemented in three steps. First, the initiator is mainly the President of the Republic. Then, there is the establishment of a commission responsible for consulting and developing reform proposals or completing the proposals of the President of the Republic. Finally, there is a formal adoption, either through the parliament or by a referendum. The main difference therefore lies in the formal adoption process.

Reform processes have not resulted in the same outcome. How do you explain these various results?

The outcome of processes is largely dependent on the type of the proposed reforms.

Crisis reforms are compelling and, therefore, always succeed. They are the easiest reforms to carry out.

Convenience reforms are the most difficult to implement, precisely because they are not compelling. The eventual failure to implement them would not cause any major crisis. They require time to convince the majority and often do not produce results. Those that are carried out mostly address few issues; some people therefore talk about “surgical reforms”, to simplify the debate.

Opportunistic reforms, which are the largest part, are potentially crisis-bearing as was the case in Burkina Faso. However, often

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The observation of various political reforms in Africa since 1960 leads to a typology of three distinct reform categories, that is, crises reforms, convenience reforms and opportunity reforms also known as “opportunistic” reforms.

the executive power can build on a legislative power which it largely controls, as in Togo and elsewhere.

What are the main characteristics of the contents of reforms?

Here again, characteristics depend on the nature of reforms. In crisis reforms, contents exclusively address the crisis motives. For example, when it became clear to all that the Ivorian crisis would not end unless Mr. Alassane Dra-

mane Ouattara was allowed to present his candidacy, facilitators asked President Laurent Gbagbo to modify article 35 relating to citizenship-based eligibility criteria. We can identify similarities to the Malian crisis and the transition charter in Burkina Faso after the fall of Blaise Compaoré.

As for convenience reforms, reforms may target many issues, from the establishment of new citizen rights to the modification of relations between the Executive, the Legislator and the Judicial Power.

Within opportunistic reforms, the Executive essentially seeks to strengthen its position by modifying its relationship to the Legislator and weakens the latter's power consequently. Subsequently, the judicial power is also substantially weakened.

In light of all of this, can we say that democracy and good governance will be strengthened in the years ahead?

When they are carried out in a consensual manner, convenience

reforms are undoubtedly beneficial to societies. As such, they must be encouraged and supported by partners. The fewer crisis reforms, the better for the societies. However, opportunistic reforms should be banned for good. They are very explosive and can destabilize a country lastingly.

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More convenience reforms, greater consensus, increased transparency and less opportunistic reforms

What would you propose to improve the outcome of future reform processes?

More convenience reforms, greater consensus, increased transparency and less opportunistic reforms. This will not only benefit the entire society, but it will substantially increase the chances of success.



► Configuration and methodology of political reform mechanisms

The cases of: Burkina Faso, The Gambia, and Sierra Leone



Civil society has played a key role in Burkina Faso's transition to democracy. Photo: Gainako

The presentations and debates on Day 1 of the colloquium closed with a discussion on reform approaches and mechanisms. Participants noted that in most countries, the political reform initiative started with the establishment of technical and political committees responsible for elaborating reform proposals. In many countries of the sub-region, the reform process followed an inclusive, scientific and methodological approach. However, a few countries were faced with a less inclusive approach. Inclusivity was marked by the organization of national conferences, meetings with political parties, civil society organizations and the organization of fora opened to all citizens, even including the diaspora in some cases. This approach led to broad debates on constitutional and institutional issues.

Presenters noted that in Burkina Faso, the committee in charge of proposing reforms was composed of 92 members of diverse background, including thematic experts. The committee organized wide-ranging consultations in the country and collected proposals that were strongly

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In many countries of the sub-region, the reform process followed an inclusive, scientific and methodological approach”

supported by citizens. Other countries organized national consultations, but due to a lack of sufficient support for the draft, the leaders used other means for the draft to be passed, either by signing a decree or by submitting the draft to the parliament in cases the leader controlled the majority in the national assembly. In Mauritania and Côte d'Ivoire, the political reforms went through popular consultations, but are still disputed by some actors, who be-

lieve that the proposals arising from consultations were not fully considered.

The Gambian representatives explained that the ruling coalition intends to set up a constitutional amendment committee. Wide-ranging consultation and a broad consensus on the proposals are elements that would frame the approach. According to the speakers, the Constitution should not be the exclusive ownership of jurists but belong first of all to the entire population. That is why the reforms will be conducted in compliance with the law, while also stressing the legitimacy of the process. The Gambian delegation noted that political

reform processes should include internal and external mechanisms and highlighted that The Gambia had greatly benefitted from ECO-WAS' assistance.

In Sierra Leone, the amendment of the Constitution was a recommendation of the Lomé Peace Agreement, which ended a ten-year war in 2002. The constitutional amendment process intensified in 2007 and in 2013 President Ernest Bai Koroma officially launched the constitutional amendment process with the setting up of an 80-member committee. The methodology adopted by the committee was consultative. The committee launched an awareness campaign and held public consultations on its mission and constitutional questions, which allowed to collect proposals from people within and outside Sierra Leone. It also organized a workshop for validating the provisional conclusions, with the participation of all stakeholders.

Overall, it can be noted that whether they have succeeded or not, draft reforms have been conducted under constitutional procedures mostly including the following stages: (1) adoption of the preliminary draft constitution, (2) submission of a preliminary draft to the people, (3) amendment of the preliminary draft by the relevant committee based on the relevance of collected proposals, (4) submission of the amended preliminary draft to the President of the Republic, (5) consideration of proposed amendments by the President of the Republic and adoption of the final draft, and finally (6) submission of the draft to a referendum.

► Necessity of inclusion and consensus



Thousands of demonstrators in front of the parliamentary in Ouagadougou, Burkina Faso. Photo: AFP

The presentations and the plenary debate showed a convergence of positions on the need for inclusion and consensus-building as the basic principles in a political reform process. In Burkina Faso, for example, the broad consensus about the bulk of the reform proposals allowed the committee to reject non-consensual proposals made by the President of the Republic. This example shows the importance of the political will displayed by the government, including the Head of State, to pursue an exemplary conduct within the reform process. Participants highlighted in this context the limitation of the number of the presidential terms to two and that of MPs to three, which

was recently adopted in Burkina Faso with immediate effect. Such a provision underscores the sincere political will of the Head of the State to accept reforms, notably since he also agreed to the retroactivity of the proposal.

Participants finally discussed whether it is necessary or not to adopt a standard for the sub-region. The implementation of such a standard could be supported by a monitoring mechanism. However, participants also noted that the struggle for consensus might also be a threat to ongoing political reforms in the region, as sometimes it goes against sovereign decision-making.



Statement by Mr. Khalifa SALLAH from The Gambia

► Content, implementation, and impact of political reforms

The representatives of Mauritania, Niger, and Nigeria made presentations on the content, implementation, and impact of political reforms.



March of the opposition against the reforms of the Constitution in Mauritania. Photo: Masralarabia

The speakers highlighted key points of completed or ongoing political reforms, as well as the various viewpoints given during the respective consultations. It was

“The political reforms or reform attempts particularly affected the organization of elections and the judiciary.

noted that the political reforms or reform attempts particularly affected the organization of elections and the judiciary. In the case of Mauritania, it led to the abo-

lishment of the Senate and the High Court of Justice.

The political history in Niger since the independence was presented as a transition from a single-party system to governments issued from multi-party elections, regularly toppled by military coups until 2010. As of 2011, the need to conduct electoral reforms has become more prominent. In 2016, an evaluation of the electoral process by the Independent National Electoral Commission (CENI), in collaboration with its partners, revealed gaps and shortcomings in the electoral laws and proposed amendments. At the end of the process, the National Political Dialogue Council (CNPD) recommended several amendments of the electoral legislation. The pro-

“The process led to the establishment for the first time in Niger of a permanent National Electoral Commission (CENI) on 14 August 2017

cess led to the establishment for the first time in Niger of a permanent National Electoral Commission (CENI) on 14 August 2017.

In Mauritania, the constitutional amendment of March 2012 reinforced national unity through the recognition of cultural diversity, criminalization of slavery and



Statement by Mr. Mohamed Lemine DAHI from Mauritania

women's access to elected posts. However, the 2017 constitutional amendment proposed by the Head of State stirred controversy around the form and content of the reform project. The national dialogue called by the Head of State was held in September and October 2016 without the participation of the majority of the opposition parties, which argued that the government did not consider their proposals related to the organization of a fully inclusive and fruitful debate. Amid this context, a constitutional referendum asked the voters on 5 August 2017 to give their opinions mainly on two proposals: first, on the institutional changes, including

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In Nigeria, with a view to amending the Constitution inherited from preceding military regimes, former President Goodluck Jonathan organized a conference to discuss constitutional reforms

the removal of the Senate and the establishment of “Regions”; and second on changes related

to national symbols, including the flag and the national anthem. The constitutional referendum was adopted with a large majority and both constitutional amendment bills were enacted on 15 August 2017. The National Assembly subsequently assumed all duties of the abolished the Senate. Democratic opposition and other parties however continue to dispute the results of the constitutional referendum.

In Nigeria, with a view to amending the Constitution inherited from preceding military regimes, former President Goodluck Jonathan organized a conference to discuss constitutional reforms. After several months of discussions with various social groups on the proposed bill, the process was ended. In 2017, President Muhamadu Buhari revived the debate on political reforms in Nigeria. Consultations were organized across the country and the report is currently awaiting submission to the Parliament by the President of the Republic. Proposal concerns the Electoral Code; the sequencing of presidential, legislative, and local elections; women's participation in political life; and the internal functioning of political parties.

► Consensus in developing and adopting the contents of political reforms

After the three presentations, the participants addressed the case of Mauritania, where the procedure that led to the referendum did not seem to be having been fully supported by the citizens. Participants pointed out that the reforms also failed to address key challenges, including the hegemonic status of the Head of State, as well as the status of the armed forces.

Participants finally strongly recommended the prioritization

of consensus in developing and adopting political reforms; limit the adoption of political reforms through a parliamentary majority; stop using the public administration for individual objectives; reinforce the institutions responsible for organizing and controlling the fairness of elections; deal with security threats through political reforms; and consider people's votes and interests in the reforms.



Burkina Faso. Photo: DR

► Factors of success and causes of failure of political reform processes

Côte d'Ivoire, Benin, and Liberia made their presentations on success factors and causes of failure of political reforms.



Côte d'Ivoire was presented as a country without a long tradition of political reforms. The reforms are conducted only to address political crises, "which created the seeds of new crises."

"Cote d'Ivoire was presented as a country without a long tradition of political reforms. The reforms are conducted only to address political crises, 'which created the seeds of new crises.'"

The 2016 constitutional reform was conducted with a view to ending an ongoing political crisis. It had the advantage of proposing the constitutionalizing of the two main issues of contention:

the conditions for eligibility to the Office of the President of the Republic, and questions related to land tenure, both related to identity challenges. The political context of the reform was marked by weak, divided opposition parties, and civil society affiliated with various political parties. The technical committee set up to launch the process elaborated a draft constitution. Popular consultations with civil society organizations were held, but the reform proposals from these consultations did not seem to be considered by the government. Also, the proposal seemed to include many constitutional amendments that were not supported by the political opposition. This led some experts to question whether the constitutional reform in Côte d'Ivoire did not bear the seeds of a new crisis despite the fact that it was eventually adopted.

In Liberia, after more than a decade of civil war, comprehensive reforms had been initiated. They notably relate to the opening of the

"in Benin, while the entire political community calls for reforms, the approaches of the initiators of those reforms caused concern"

political area to all actors, including women and youths; the enhanced integrity of public institutions, including the establishment of an anti-corruption committee; the reinforcement of the judiciary; the decentralization of governance, as well as reforms related to the security sector and land tenure. All these reforms seem to have put Liberia on the path to stability, which allowed it to elect for the first time in Africa, a female Head of State in 2005 and 2011.

However, in Benin, while the entire political community calls for reforms, the approaches of the initiators of those reforms have caused concern. The last

two attempts at constitutional amendment seem to have failed because of the large number of amendments proposed by the Heads of State. The fact that the constitutional amendments are not restricted to a specific question often creates a crisis of confidence between the government, political parties, and civil society organizations. According to participants in the colloquium, the proposed reforms were considered as opportunistic. They concluded that constitutional amendment processes need to be as precise and concise as possible, and its adoption should follow an approach looking for broad consensus.



Colloquium on Challenges and prospects of political reforms in West Africa in 2015-2017 in Abidjan, Côte d'Ivoire. 26-27 March 2018.

Holistic nature

From the three presentations, it appeared that the failure of reform processes was often due to the high and wide-ranging number of proposed amendments, a lack of confidence among the political actors themselves, and sometimes between the political parties and the civil society, and the lack of

an inclusive approach. It was also noted that the completion of the process does not mean that the reform process was a success. For this to happen, the reforms must build on the achievements and not bear the seeds for subsequent crises. Participants finally also discussed the reform model,

which is often not appropriate for the countries' context. They recommended the establishment within the sub-region of a political reform model based on broad consultations with political and social actors.



Supporters of Côte d'Ivoire's opposition hold a placard as they protest during a political rally ahead of the referendum for a new constitution in Abidjan on October 22, 2016. Photo: HRW

► Relevance, impact, and prospects of political reforms

OSIWA, ECOWAS, and IDEA presented their views on reforms in the sub-region and made recommendations for qualitative improvement of political reform processes and their impact.



Maliens in protest against constitution review plans of government. Photo: Africanews

The OSIWA representative explained that both the form and the content of political reforms in West Africa raised challenges. Regarding the form, there were “unilateral” reform projects stemming from the advantage of a parliamentary majority; reforms with a vague purpose; reforms with a non-inclusive methodology; an excessive number of proposed amendments and finally reforms not drawing lessons from comparable experiences. According to OSIWA, substantial problems in the reforms include: a poor or non-existent diagnostic; a poor explanation of how the reforms will bring upon the desired transformations; constitutional amendment committees presenting only consensual proposals; reforms which seem to only partly solve governance problems as well as purposefully excessive reforms, which mix positive provisions with opportunistic amendments.

Based on these observations, OSIWA recommended the establishment of a platform on political

reforms in West Africa, the definition of clear objectives for the reforms to be initiated as well as the adoption of a participatory

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Based on these observations, OSIWA recommended the establishment of a platform on political reforms in West Africa, the definition of clear objectives for the reforms to be initiated as well as the adoption of a participatory and inclusive method

and inclusive method. OSIWA also recommended to: avoid amending too many constitutional provisions; provide and build upon country-specific experiences and regional experiences as pertains

to reform processes; conduct a rigorous diagnostic of problems to be addressed; provide resources to monitor the implementation of the reforms in order to make corrections; think about reducing the complexity and/or cost of reforms without weakening the constitutions.

In its presentation, ECOWAS requested participants to answer the following questions: Who benefits from the proposed reforms? Which problem will be solved through the reform? Is there a real need to conduct reforms? The presentation subsequently showed that West African states have Constitutions overloaded with provisions that have a limited impact on the people. ECOWAS therefore invited regional and international organizations and institutions to make every effort to support political reform processes.

Proposal for a sub-regional platform for political reforms and good governance

The regional colloquium on “Challenges and prospects of political reforms in West Africa in 2015-2017” ended with the reading of the final Communiqué of the colloquium and the closing remarks of the Special Representative of the Secretary-General and Head of the UN Office for West Africa and the Sahel.



The participants agreed to set up a regional platform on political reforms and good governance. The platform will constitute of a network of national, as well as regional and international experts to exchanges on national experiences and processes based on the principles of inclusion, participatory dialogue, rule of law, and constitutionalism. The objectives of the platform include: (i) to provide support through analysis, documentation, and dissemination of experiences and best national practices in political reforms in the sub-region; (ii) to analyze experiences and exchange on issues associated with political reform processes, democracy and good governance challenges in West Africa; (iii) to build a database on best practices as well as a dynamic community of practitioners to promote inclusive political reforms as a reliable way to build stable, fair, peaceful, and prosperous democracies in the sub-region. The Platform will meet periodically to discuss the

issues mentioned in its objectives. For the implementation of this Platform, ECOWAS and IDEA promised to provide required funds.

SRSR Ibn Chambas welcomed the fruitful debates and the commitment showed by participants. He also commended the participants for making pragmatic and practical recommendations aimed at preventing conflict and maintaining peace through relevant and inclusive political reforms. He stressed that the deliberations allowed

the United Nations to better understand why and how political reforms are triggered in various West African countries and to better support the processes in the future. He said he was encouraged that the participants agreed on the creation of a sub-regional platform on political reforms and good governance in West Africa. The Special Representative underscored that UNOWAS would further support this platform in collaboration with ECOWAS.





Niger: National Assembly. Photo: DR

Recommendations

The colloquium issued a series of recommendations, the most important of which are the following:

Set up a platform on political reforms and good governance in West Africa. The objectives of this platform would be to support initiatives for documenting, analyzing, and disseminating experiences and good practices in political reforms in the sub-region;

To build knowledge and exchange thoughts on sensitive and challenging issues associated with political reforms and challenges for the consolidation of democracy and good governance in West Africa and the Sahel

To build a database on good practices in order to support political reforms necessary for the construction of prosperous, stable, and peaceful democracies in West Africa;

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To build knowledge and exchange thoughts on sensitive and challenging issues associated with political reforms and challenges for the consolidation of democracy and good governance in West Africa and the Sahel

Adopt a political reform approach, which is as participatory and inclusive as possible;

Avoid as much as possible reforms targeting a high number of constitutional provisions;

Build on country-specific experiences and regional experiences in reform processes;

Set up mechanisms for monitoring the implementation of the reforms in the sub-region;

Define political reform standards for the West African community;

Establish an inclusive approach as primary principle, as well as the search for support from all stakeholders in any constitutional or political reform process;

Give ECOWAS Commission, in collaboration with international partners such as UNOWAS, the role of assis-

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Reconstruct the political system by redefining the relations between the government, political parties, and civil society, in order to fully open the field of participation...

tance and monitoring of political reforms in member states;

Establish an independent committee in charge of consulting the citizens, finding a consensus around reforms, and making them adopted by referendum without the engagement of the public authorities;

Move beyond ethnic-linguistic considerations in ruling countries;

Ensure the continuity of clearly defined visions for countries and for development programs, regardless of the winner of the election;

Improve the separation of executive, legislative, judiciary powers in the states;

Increase women's participation in political life and decision-making spheres;

Establish a committee composed of human rights

champions or lawyers to prepare political reform proposals;

Provide transparency in the financing of political parties' activities;

Reconstruct the political system by redefining the relations between the government, political parties, and civil society, in order to fully open the field of participation, and improve the debate between the government and the citizens to let the latter make real political choices;

Depoliticize the public administration and ensure its neutrality in the political game and the electoral process by passing respective laws and regulations;

Improve the status of the democratic opposition that should be recognized as such, in accordance with the law, and fairly represented within the republic bodies according to its real weight;

Assist the countries getting out of crises in rebuilding national unity and confidence among people including a sound and fair justice;

Build capacities of institutions responsible for regulating and monitoring elections by improving their roles and mandates.



Family photo



COLLOQUE SUR LES ENJEUX ET PERSPECTIVES DES RÉFORMES POLITIQUES EN AFRIQUE DE L'OUEST COLLOQUIUM ON THE CHALLENGES AND PROSPECTS OF POLITICAL REFORMS IN WEST AFRICA

ABIDJAN, CÔTE D'IVOIRE | 26 – 27 MARS/MARCH 2018



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