

LESSONS DRAWN FROM NATIONAL DIALOGUE MECHANISMS IN TRANSITIONAL COUNTRIES

The importance of power balances

Dialogue mechanisms have not been uniformly successful in bringing about a transition to democracy. Between 1991 and 1993, Benin, the Central African Republic, Congo (Brazzaville), Madagascar, Mali and Niger organized national conferences as dialogue mechanisms. These conferences were followed by peaceful elections that precipitated changes in political leadership. However, national conferences organized between 1990 and 1991 in Congo (Kinshasa), Gabon, Guinea, Nigeria, and Togo did not lead to the same outcome. In 1993, Gabon, Guinea and Togo held controversial multiparty presidential elections, which were won by the incumbents.¹ Furthermore, Togo and Zaire experienced violence while the national conferences met. Thus, dialogue mechanisms cannot independently engineer a successful transition when the political will is absent.

At the end of the 1980s, the authoritarian governments in Benin, Congo and Niger faced economic collapse, defection of the army and loss of international support. In these cases, authoritarian leaders agreed to convene national conferences in order to build national consensus through dialogue. In these cases, the incumbent leaders accepted the authority and conclusions of the national conferences and eschewed violence.

In **Benin**, President Kerekou accepted the decisions of the national conference including the one which stripped him of most of his powers. Although he initially described the decision as a 'civilian coup d'état,' he accepted it given his weak position which stemmed from the disastrous state of the economy, the strengthening of the opposition, the withdrawal of French support, and the ambiguous position of the army.² In early 1991, in **Congo** (Brazzaville), Col. Sassou-Nguesso was forced to agree with opposition demands that the national conference should not need government approval for its decisions.³ Given his unwillingness to use the army to keep himself in power, Sassou-Nguesso became sidelined as the national conference took the lead in the transition. In **Niger**, the Seibou regime had lost its credibility through its repression of the student demonstrations and through its disastrous economic policies. Seibou lost his power within a month of the national

¹ Christopher Fomunyoh, "Democratization in Fits and Starts," *Journal of Democracy*, vol 12, no 3, July 2001, 40.

² Peter Harris and Ben Reilly, eds, *Democracy and Deep-Rooted Conflict: Options for Negotiators* (Stockholm, Sweden: IDEA, 1998), 'Case Study: National Conferences in Francophone Africa,' 2 (electronic copy); Michael Bratton and Nicolas van de Walle, *Comparative Politics*, vol 24, no 4, July 1992, 424; Kathryn Nwajiaku, "The National Conferences in Benin and Togo Revisited," *The Journal of Modern African Studies*, vol 32, no 3, 1994, 438-440.

³ 'Case Study: National Conferences in Francophone Africa,' 1998, 3.

conference. He decided to step down from the presidential nomination in order to avoid humiliation.⁴

Zaire's Mobutu and Togo's Eyadema controlled the national conferences, which in both cases failed to bring about a democratic transition. Unlike the regimes in Benin, Congo and Niger, the Mobutu and Eyadema regimes had substantial residuals of power in order to resist liberalization and democratization.

In **Togo**, in July 1991, when the national conference stripped president Eyadema of most of his powers and established an interim government and legislature, Eyadema surrounded it with troops. He subsequently allowed the conference to proceed to a ceremonial ending, but used the army to harass his political opponents and maintain his grip on power. The difference between Togo and Benin is that degree of collapse, which had characterized the regime in Benin, was not evident in Togo.⁵ **Zaire** (now Democratic Republic of Congo) had a national conference, which former president Mobutu Sese Keko managed to control and neutralize. The conference was frequently suspended due to regular clashes between the government and opposition forces. The conference did not succeed as an instrument of democratic transition, although it contributed to opening the political space.⁶

Previous experience indicates that dialogue mechanisms succeed in facilitating a transition to democracy when they enjoy the support of all national stakeholders, including the support of the deposed regime.

Inclusiveness and Reconciliation

Attempts at reconciliation facilitated the transition in Benin, Congo and Niger, while threats of retribution by the Togolese national conference may partially account for its failure to lead to a democratic transition. In Mali, where General Traore had been deposed by a military coup before the national conference convened, the national conference prosecuted Traore and his associates without posing a danger to the transition.

In **Benin**, the national conference severely criticized the brutality and corruption of Kerekou's 17-year rule. However, it left Kerekou as interim head of state with curtailed responsibilities. Upon his election, the new president pardoned Kerekou. Similarly, in **Congo**, the national conference accused

⁴ Myriam Gervais, "Niger: Regime Change, Economic Crisis, and Perpetuation of Privilege," in John F. Clark and David E. Gardinier, *Political Reform in Francophone Africa* (Boulder, CO: Westview Press, 1997), 92.

⁵ Nwajiaku, 1994, 431; John R. Heilbrunn, "Social Origins of National Conferences in Benin and Togo," *The Journal of Modern African Studies*, vol 31, no 2, 1993, 281.

⁶ Bruce Baker, "The class of 1990: how have the autocratic leaders of sub-Saharan Africa fared under democratization?" *Third World Quarterly*, March 1998, vol 19, no 1, 121; 'Case Study: National Conferences in Francophone Africa,' 1998, 6.

Sassou of corruption, mismanagement, and conspiracy in the assassination of several political figures. The delegates banned any travel outside the country for all government officials and ordered Sassou to pay a fine for having engaged in corrupt practices.⁷ However, Sassou-Nguesso was allowed to retain the presidency for an interim period, although he lost most of his powers. Finally, in **Niger**, in 1990, the conference reviewed in detail the political and economic crimes of the deposed regime and placed under house arrest a number of civil servants accused of corruption. However, president Saibou stayed in office, in a ceremonial capacity, until elections were held. Furthermore, although Saibou himself was not allowed to run for the presidency in 1993, his party was not dissolved.⁸

The divergent political outcomes in **Benin, Congo and Niger**, on one hand, and **Togo**, on the other, can be partly attributed to the fact that in Benin president Kerekou was pardoned, while in Togo the opposition and the conference sought retribution. The Togolese conference planned to ban President Eyadema's party and to prosecute Eyadema, his family and his colleagues.⁹

In **Mali**, a military coup in March 1991 ended the 22-year dictatorship of Moussa Traore and established a Transitional Committee for the Salvation of the People (CTSP). Thus, the Malian national conference was convened after Traore was ousted and the transition was secured. During the transition period hundreds of members of Traore's regime were arrested for corruption and human rights abuses, and Traore himself was prosecuted.¹⁰ However, the transition was not threatened as Traore and his collaborators had lost all power.

The above examples demonstrate that reconciliation efforts during periods of transition increase the chances of success of a national dialogue mechanism.

National Dialogue Mechanisms and Transitional Governance

In **Benin, Congo (Brazzaville) and Niger**, the national conferences independently suspended the existing constitutions, dissolved the parliaments,

⁷ John F. Clark, "Congo: Transition and the Struggle to Consolidate," in John F. Clark and David E. Gardinier, *Political Reform in Francophone Africa* (Boulder, CO: Westview Press, 1997), 68; "Congo acting parliament adopts new constitution and electoral law," *BBC Summary of World Broadcasts*, December 28, 1991.

⁸ Gervais, 1997, 97; "Niger set to appoint new prime minister," *Agence France Presse*, October 20, 1991.

⁹ John R. Heilbrunn, "Togo: The National Conference and Stalled Reform," in John F. Clark and David E. Gardinier, *Political Reform in Francophone Africa* (Boulder, CO: Westview Press, 1997), 230; Heilbrunn, 1992, 290.

¹⁰ John A. Wiseman, *The New Struggle for Democracy in Africa* (Aldershot: Avebury 1996), 89; "Two close aides of ex-ruler held," *Agence France Presse*, June 24, 1991; Chris Timpson, "Victims bestow justice on Mali's fallen dictator," *The Independent*, August 21, 1991.

and appointed the institutions of the transitional period, such as interim constitutions, legislatures and governments. *Their decisions were final and did not require ratification by a separate body.* The interim governments were typically caretaker governments and were responsible for organizing elections and constitutional referenda. The incumbent presidents were allowed to retain their positions until elections were held. Due to the weakness of the incumbent authoritarian regimes, the interim transitional institutions established by the conferences were widely accepted and successfully prepared for competitive elections and transitions to democracy.

In **Afghanistan**, the Loya Jirga has also designed to a large extent the transitional period. It has led to a transitional and electoral timetable, which has been respected. It has led to the establishment of an interim governance arrangement, which includes transitional institutions such as the constitutional commission and the human rights commission.

In **Mali**, a transitional government, the Transitional Committee for the Salvation of the People (CTSP), was in place before the national conference commenced its work. The CTSP remained in power for a little over a year and guided the country through the national conference, a constitutional referendum, and the founding elections of a multiparty political system.¹¹ The Malian national conference discussed the precise details of the transition to democracy such as the new constitution, the charter on political parties, and the electoral law.¹²

National Dialogue Mechanisms and Permanent Constitutions

National dialogue mechanisms may act as constituent assemblies, which debate and draft new constitutions or alternatively may establish interim legislatures, which draft the constitution. In most cases, dialogue mechanisms have shared the responsibility of drafting a constitution with other bodies such as a constitutional commission or an interim legislature.

In **Benin**, the national conference adopted a national charter, which served as a basis for the drafting of a new constitution, and set up an independent constitutional commission at the end of February 1990. The constitutional commission submitted to the national conference the draft constitution a month and a half later. The constitution was approved by referendum in December 1990.¹³ In **Congo**, the national conference appointed the interim legislature, which drafted and approved a new constitution. At a referendum in March 1992, the constitution was approved by 96% of the Congolese people.¹⁴ In **Niger**, the national conference appointed the 15-member transitional High

¹¹ Zeric Kay Smith, "Mali's decade of democracy," *Journal of Democracy*, vol 12, no 3, July 2001, 74.

¹² 'Case Study: National Conferences in Francophone Africa,' 1998, 4-5.

¹³ "Benin national conference adopts declaration on new constitution," *BBC Summary of World Broadcasts*, February 27, 1990; 'Case Study: National Conferences in Francophone Africa,' 1998, 2.

¹⁴ Clark, 1997, 69.

Council of the Republic, which began work on a draft constitution in December 1991. The referendum on the constitution was held in December 1992.

In **Mali**, the interim government, the Transitional Committee for the Salvation of the People (CTSP) submitted to the national conference a draft constitution. The national conference adopted the draft after debating it for a week.¹⁵ The constitution was approved by referendum in January 1992. In **Zaire**, the national conference produced a draft constitution, which was not adopted because president Mobutu remained in control. However, some Congolese politicians continue to refer to the work of the national conference and its constitutional vision of a federal democracy with a high degree of devolution.

Appointment and Composition of National Dialogue Mechanisms

In all of the cases examined in this paper, the appointment and composition of the national dialogue mechanisms resulted from lengthy and detailed negotiations between the incumbent governments and the opposition. Typically, a diverse and widely representative preparatory committee was set up with the responsibility to decide the mandate and composition of the national conference. The dialogue mechanisms examined in this paper included all registered political parties as well as registered civic associations.

In **Benin**, president Kerekou appointed a diverse preparatory committee to decide the conference's agenda and composition. The committee identified the groups, which would be allowed to participate in the conference, and specified how many representatives they would each be allotted. Subsequently, each group chose their own delegates. The 500-member conference included both representatives of the government and the military as well as Kerekou's enemies in political exile.¹⁶ It also included representatives of all trade unions, religious leaders, voluntary associations, women's groups, several former heads of state, and a variety of public figures.¹⁷ In **Congo**, there was strong and lengthy disagreement between Sassou and the opposition regarding the composition of the national conference. Eventually, the opposition gained an absolute majority of both conference delegates and seats on the conference governing body.¹⁸ The national conference comprised 30 political parties and 141 associations.

In **Niger**, in 1991, a 68-member preparatory commission was established in order to decide the mandate and composition of the national conference. The composition of both the preparatory commission and the national conference were debated extensively. The 1,204 delegates to the national conference

¹⁵ "Mali national conference agrees on draft constitution," *BBC Summary of World Broadcasts*, August 3, 1991; "Malian conference approves draft constitution," *Agence France Presse*, August 10, 1991.

¹⁶ Heilbrunn, 1992, 286; Decalo, 1997, 54.

¹⁷ Nwajiaku, 1994, 429; Wiseman, 1996, 86.

¹⁸ Clark, 1997, 68; 'Case Study: National Conferences in Francophone Africa,' 1998, 3.

represented political parties, trade unions, professional groups and civic associations. Both the conference and its elected presidium included many members of the trade unions and the student movement.¹⁹ In **Mali**, the conference was appointed by the transitional government and was attended by 1,800 delegates including representatives of the newly created political parties, religious groups, trade unions, women's groups, students and peasant representatives.²⁰

Previous experience indicates that the appointment of the dialogue mechanism is often fraught with disagreement resulting in tensions and sometimes delays in the transitional process. Extensive consultations among the key stakeholders on the composition and appointment of a conference or roundtable are essential.

¹⁹ "Niger national conference postponed," *BBC Summary of World Broadcasts*, May 27, 1991; "Niger further details on national conference," *BBC Summary of World Broadcasts*, July 23, 1991; Gervais, 1997, 93-4.

²⁰ Wiseman, 1996, 88.