

Actions of the African Union against *coups d'état*

Created with the objective of promoting democracy and good governance, the African Union has succeeded in creating a robust normative framework for dealing with *coups d'état*, which have affected many African countries since their independence. However, there is a need to further improve the efficacy and consistency of the AU's decisions and hone its normative tools.

The framework for tackling unconstitutional changes of government

Since independence, most African countries have suffered coups d'état. Africa has witnessed more than [200](#) military coups, successful or aborted, since 1960. Until the 1990s, such coups were the most common form of government change, blocking democratic development. This prompted African leaders to take action at continental level, in order to end a tradition whereby all those who managed to seize power through brute force were recognised as legitimate rulers of a country. In 2000, the AU's predecessor, the Organisation of African Unity (OAU), adopted the [Lomé Declaration on the framework for an OAU response to unconstitutional changes of government](#), which defined four cases of unconstitutional change of (a democratically elected) government, namely, i) a military *coup d'état*; ii) an intervention by mercenaries; iii) a seizure of power by armed dissident groups and rebel movements; and iv) a refusal by an incumbent government to relinquish power after free, fair and regular elections. The new sanction consisted of the suspension of the country concerned from the OAU. This approach was reaffirmed in the [Constitutive Act of the African Union](#), which includes among its governing principles the 'condemnation and rejection of unconstitutional changes of governments'. Its Article 30 stipulates that 'Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union.'

In 2003, the Peace and Security Council (PSC) was created within the AU framework, to deal with cases of unconstitutional changes of government (UCG), among other things. Ratified by [51](#) countries, the [Protocol relating to the establishment](#) of the PSC specifies that it shall 'institute sanctions [in conjunction with the AU Chairperson] whenever an unconstitutional change of government takes place in a member state, as provided for in the Lomé Declaration', but does not define the sanctions more clearly. In 2010, the AU Assembly adopted a [Decision](#) foreseeing punitive measures against the perpetrators of UCG. These were not novel, as sanctions were set out in the [African Charter on Democracy, Elections and Governance](#), which had not yet entered into force. Since its entry into force in 2012, the Charter has been ratified by [30](#) of the AU's 54 member states. Identifying UCG as one of the main causes of insecurity, instability and conflict, the Charter prohibits, condemns and rejects it. It reiterates the definition of UCG in the Lomé Declaration, and extends it to include 'Any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government'. The Charter goes a step further, introducing sanctions for perpetrators, by banning them from participating in the democratic elections held to restore constitutional order, and from holding key government posts. Moreover, they may be tried before a competent AU court and subjected to economic sanctions. The AU Assembly can also impose sanctions on a state that supports or encourages UCG in another state. However, the Charter is only applicable to those states that have ratified it. The sanctions instituted through the 2010 Decision on the Prevention of UCG mentioned above institutes a similar, albeit more limited set of sanctions, which have general applicability to all AU states. This has engendered a so-called 'zero tolerance' policy towards UCG.

Fighting UCG on the ground – achievements and limitations

Since its creation, the AU has systematically condemned *coups*. The following states have been suspended and/or have seen sanctions imposed on the perpetrators of *coups* (2003: Central African Republic, Guinea-Bissau; 2005: Mauritania, Togo; 2008: Mauritania, Madagascar, Guinea; 2010: Côte d'Ivoire; 2012: Mali,



Guinea-Bissau; 2013: Central African Republic, Egypt, Guinea-Bissau; 2015: Burkina Faso). In the most recent case, in Burkina Faso in 2015, the swift condemnation by the PSC [ensured](#) that the coup was short lived, proving the AU's commitment to its own principles. The AU's role has not been limited to sanctions. As a return to the situation preceding the coup is sometimes impossible, the AU insists on the organisation of free and fair elections within a clearly defined deadline as a prerequisite for the return to constitutional order.

Distinguishing between 'bad' and 'good' unconstitutional changes of government

The AU's most difficult dilemma in implementing its policy has been to distinguish between legitimate popular uprisings against authoritarian rulers and unconstitutional changes of government, since, by definition, the latter are directed against democratically elected governments. Some political leaders refuse to give up power by political means, leaving no other alternative to the people than to revolt against them. In the cases of [Egypt](#) and [Libya](#) in 2011, the PSC's position was unequivocal: it did not condemn the political upheavals as acts of UCG and [asserted](#) the right of the people to ask for democratic change. At the same time, the AU position against military coups that ride on waves of popular protests has been uncompromising. In [Burkina Faso](#) in 2014, the military take-over was regarded as an act of UCG, while the popular revolt was not deemed unconstitutional. In light of these developments, the need to define legitimate popular uprisings remains urgent. Some progress was made in this regard in April 2014, when the PSC [recommended](#) the formulation of such a definition. Another step was taken in June 2014, when a [report](#) published by the AU High Panel on Egypt defined several conditions that make UCG legitimate: the existence of an authoritarian government; total ineffectiveness of the constitutional means; popularity of the uprising; non-involvement of the military and peacefulness of the process. The African Union is yet to come up with an official, definitive and clear answer on this issue.

Imposing sanctions against the perpetrators of coups

Sanctions have been the main innovation from the PSC, but although they give the policy bite, their application in practice has not always been uncontroversial. The 2013 power shift in Egypt and the ensuing political developments represented a controversial case. Initially, the AU condemned the political change as a *coup* and suspended the country's membership. However, after regular elections were held and a new constitution was adopted, the AU decided to end Egypt's suspension. The [controversy](#) arose in connection with the application of the rule prohibiting participants in a coup from taking part in the next elections, due to the fact that the newly elected president, Abdel Fattah al-Sisi, had been involved in the ousting of the previous president, Mohammed Morsi. Given the AU's lenient attitude towards Egypt, critical voices spoke of [double standards](#) and preferential treatment for the big member states, jeopardising the AU's [leverage](#).

Reacting to leaders clinging to power

While the AU's policy against coups is well defined and quite effective, the same cannot be said about the AU's reaction to leaders who want to extend their stay in power through means that border on unconstitutionality, such as postponing elections indefinitely, rigging elections or scrapping or circumventing presidential term-limits. Since these are not included in the definition of UCG, they are not subject to AU sanctions, with the exception of undemocratic revisions of constitutions – and that only in countries signatories to the Charter. Such undemocratic constitutional amendments are particularly difficult to prove in practice because they always have a semblance of legality. Where attempts by incumbents to cling to power have led to conflict, the AU has usually tried to mediate a consensual solution (e.g. most recently in Burundi); this approach faces [criticism](#), since it involves condoning autocratic rulers and goes against the AU's own principle of acceding to power only through democratic means. The limits of AU power as an international actor became clear in the crises in Libya (2011) and Côte d'Ivoire (2010-2011). In these cases the AU focused on [mediating an agreement](#) between the parties, but the conflicts were ultimately ended through the military involvement of other actors (the UN and France in Côte d'Ivoire, and NATO in Libya). More recently, following the [2016 presidential elections](#) in the Gambia, the AU PSC took an [unequivocal position](#), recognising the opposition candidate as the winner and withdrawing recognition of the incumbent president who was trying to cling to power. He was ousted through military [intervention](#) by ECOWAS, the regional organisation in West Africa.

The European Union has consistently condemned coups in Africa and has reacted to them with [sanctions](#) imposed under the democracy and human rights clause of the Cotonou Agreement. In 2013, the EU-ACP Joint Parliamentary Assembly adopted a [resolution on the threats posed again by military coups to democracy and political stability in ACP countries](#), in which it asked for the effective adoption and application of the AU's UCG doctrine.

This updates a note from [April 2016](#); see also our notes on [political](#) and [economic](#) aspects of the AU.