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 and a consistent policy for dealing with *coups d'état*, which have affected many African countries since their independence. However, the implementation of this policy has not been without difficulties, since there is a need to further improve the efficacy and consistency of the AU's decisions and hone its normative tools for the handling of more complex cases.

The framework for tackling unconstitutional changes of government

Since their independence, most African countries have suffered coups d'état. The African continent 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 (UCG), 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 UCG, among other things. Ratified by 49 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 23 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 the perpetrators, by banning them from participating in the democratic elections held to restore the 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 Decision on the Prevention of UCG, adopted by the AU Assembly in 2010, institutes a similar, albeit more limited set of sanctions, which should apply to all AU states. This has engendered a so-called 'zero tolerance' policy towards UCG.

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Fighting UCG on the ground – achievements and limitations

Since its creation, the AU has reacted systematically to *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). Sometimes, the threat of sanctions has been enough to deter coups (as in Lesotho in 2014), or to restore constitutional order. A recent example concerns Burkina Faso, when in November 2014 the PSC set a two-week deadline for the military to hand over power to civilians.

The AU's role has not been limited to sanctions. It has also resorted to diplomatic consultations and arrangements in order to solve crises. In certain cases it has brokered power-sharing agreements. However, because some acts which occur frequently – such as postponing elections indefinitely, rigging elections or undermining the constitution, for example by scrapping presidential term-limits – are not included in the definition of UCG, they are not subject to AU sanctions.

Distinguishing between 'bad' and 'good 'coups

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. Experience in Africa in recent years, more particularly in its northern region, has shown that 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. A similar stance was adopted towards Burkina Faso in 2014, but the military take-over was regarded as an act of UCG. 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 uprisings; 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 AU's leverage.

Finding a power-sharing agreement

The AU-advocated solution for restoring constitutional order is the holding of free and fair elections. However, in many cases, it has tried to end conflicts by brokering power-sharing agreements. Although justified in practice, as its aim is to end conflicts, this approach also 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 this policy became clear in the crises in Libya (2011) and Côte d'Ivoire (2010-11). In these cases the AU focused on mediating an agreement between the parties and finally proved indecisive in resolving the conflicts, which were ended through the military involvement of other actors (the UN and France in Côte d'Ivoire, and NATO in Libya).

The European Parliament has strongly condemned coups in African countries in recent years in its resolutions on Guinea-Bissau, Mali, Madagascar, and Mauritania. 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.

See our notes for more information on political and economic aspects of the AU.