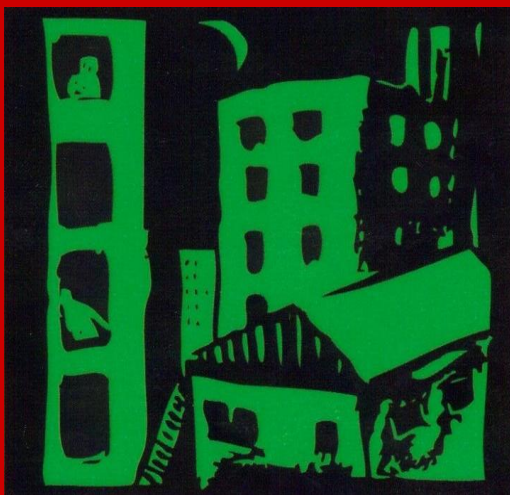
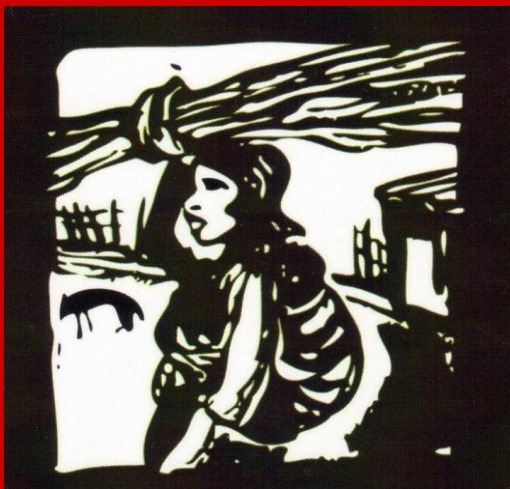


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**An Africa of good
governance,
democracy and the
rule of law?
Revisiting the root
causes of
unconstitutional
changes of
government**

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ABSTRACT

This article provides an up-to-date analysis of the root causes of unconstitutional change of government (UCG) in Africa through military coups, causes which include corruption, economic decline, failure to institute democratic governance, and dissatisfaction with election outcomes. The discussion traces the phenomenon of coups back to the first wave of military takeovers in the 1960s and 1970s when, during the Cold War, African states were asserting their newly attained independence. Here, the focus is on the example in Ghana of Kwame Nkrumah's ouster. The article also highlights the

root causes of the second wave of coups between 1990 and 2001, using Sierra Leone as a case study. It then examines the third wave of coups that began in 2020, and focuses on the ones in Mali, Guinea and Gabon. This provides a basis for interrogating the efficacy of the African Union (AU) and Economic Community of West African States (ECOWAS) sanctions regime

as

a

mechanism to respond to UCG. The contention is that sanctions often have the unintended consequence of causing hardships for ordinary people rather than the targeted military leaders. The article concludes that, given that military coups continue to see a resurgence in spite of the comprehensive AU and ECOWAS response frameworks, what is needed in order to end the scourge of military coups in Africa is a proactive rather than reactive approach – one which is combined with the political will among African leaders to implement policies advancing good governance and democracy.

Keywords: unconstitutional change of government, military coups, Africa, root causes, African Union, ECOWAS

1 INTRODUCTION

Between 2020 and 2023, Africa witnessed nine successful and five attempted instances of unconstitutional change of government (UCG) through military coups.¹ The West African and Sahel regions were the parts of the continent most affected by this phenomenon, which has been described as the third wave of coups.² There were two military coups in Mali (August 2020 and May 2021);³ one in Chad (April 2021);⁴ one in Guinea (September 2021);⁵ one in Sudan (October 2021);⁶ two in Burkina Faso (January and September 2022);⁷ one in Niger (July 2023);⁸ and one in Gabon (August 2023).⁹ The

¹ Yeboua K “Africa can end its rash of military coups” (5 October 2023) *ISS Today* available at <https://issafrica.org/iss-today/africa-can-end-its-rash-of-military-coups> (accessed 19 July 2024).

² Institute for Security Studies (ISS) “The evolution of coups in Africa” (11 October 2023) *PSC Insights* available at <https://issafrica.org/pscreport/psc-insights/the-evolution-of-coups-in-africa> (accessed 19 July 2024).

³ Jezequel J “Mali, a coup within a coup” (27 May 2021) *International Crisis Group* available at <https://www.crisisgroup.org/africa/sahel/mali/mali-un-coup-dans-le-coup> (accessed 19 July 2024).

⁴ Enonchong L “Chad’s ‘covert coup’ and the implications for democratic governance in Africa” (4 May 2021) *The Conversation* available at <https://www.theconversation.com/chads-covert-coup-and-the-implications-for-democratic-governance-in-africa-159725> (accessed 19 July 2024).

⁵ Abebe A “Denounce Guinea’s coup-and incumbent leaders’ abuses of power” (20 September 2021) *Foreign Policy* available at <https://www.foreignpolicy.com/2021/09/20/guinea-coup-au-ecowas-incumbents-constitutional/> (accessed 19 July 2024).

⁶ Kottasova I & Mackintosh E “The military has taken over in Sudan. Here’s what happened” (25 October 2021) *CNN* available at <https://www.edition.cnn.com/2021/10/25/africa/sudan-coup-explained-intl-cmd/index.html> (accessed 19 July 2024).

⁷ “Understanding Burkina Faso’s latest coup” (28 October 2022) *Africa Centre for Strategic Studies* available at <https://africacenter.org/spotlight/understanding-burkina-faso-latest-coup/> (accessed 19 July 2024).

⁸ Mushoriwa L “Another military coup in Niger: What next for the AU and ECOWAS?” (14 August 2023) *African Law Matters Blog* available at <https://www.africanlawmatters.com/blog/another-military-coup-in-niger> (accessed 19 July 2024).

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focus of this article is on West Africa due to the region's high incidence of military coups. Although Gabon is not in West Africa, it too is discussed in order to highlight the emerging root causes of coups as they relate to transparency in elections.

The African Union (AU) acknowledges in its founding document, the Constitutive Act, that the scourge of conflict is a major factor impeding Africa's socio-economic growth.¹⁰ In this vein, and in cognizance of the interconnectedness of UCG and conflict and the need to promote peace and security as a precursor to achieving the continent's developmental agenda,¹¹ the AU included Aspiration 3 ("An Africa of good governance, democracy, respect for human rights, justice and the rule of law") in its "Agenda 2063: The Africa We Want" framework, which was adopted in 2015.¹² Key to the realisation of Aspiration 3 are goals 11 ("democratic values, practices, universal principles of human rights, justice and the rule of law entrenched"); 12 ("capable institutions and transformative leadership in place"); and 13 ("peace, security and stability are preserved").¹³ The Agenda 2063 framework has been discussed in detail elsewhere and this article will not delve into an analysis of it.¹⁴ It suffices to note that ending the scourge of military coups in Africa is crucial to the successful implementation of the framework.

The AU has a comprehensive legal and policy framework for responding to UCG. This comprises, among other things, the Constitutive Act, the AU Peace and Security Council Protocol,¹⁵ the Lomé Declaration,¹⁶ and the African Charter on Democracy, Elections and Governance.¹⁷ The Economic Community of West African States (ECOWAS) relies on its Supplementary Protocol on Democracy and Good Governance to respond to UCG.¹⁸ Yet despite these comprehensive frameworks, the resurgence of military coups continues

⁹ Yeung J "Gabon's military coup has overthrown a powerful political dynasty. Here's what to know" (31 August 2023) *CNN* available at <https://www.cnn.com/2023/08/31/africa/gabon-military-coup-explainer-intl-hnk/index.html> (accessed 19 July 2024).

¹⁰ Preamble paragraph of the Constitutive Act of the African Union (adopted 11 July 2000, entered into force 26 May 2001).

¹¹ Constitutive Act (2000), preamble paragraph.

¹² African Union "Goals and priority areas of Agenda 2063" (n.d.) available at <https://au.int/en/agenda2063/goals> (accessed 19 July 2024).

¹³ See African Union (n.d.).

¹⁴ See, for example, Mushoriwa L & Njieassam E "COVID-19 and the implementation of Aspiration 1 of the African Union's Agenda 2063: The case of South Africa, Zimbabwe and Eswatini" in Onuora-Oguno A (ed) *Promoting efficiency in jurisprudence and constitutional development in Africa* Springer Nature (2023) 53 at 57–61.

¹⁵ Protocol Relating to the Establishment of the Peace and Security Council of the African Union (adopted 9 July 2002, entered into force 26 December 2003).

¹⁶ Declaration on the Framework of an OAU Response to Unconstitutional Change of Government OAU Doc. AHG/Decl.5 (XXXIV) July 2000.

¹⁷ African Charter on Democracy, Elections and Governance (adopted 30 January 2007, entered into force 15 February 2012).

¹⁸ Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security.

unabated.¹⁹ On 28 January 2024, Mali, Niger and Burkina Faso announced that they were leaving the ECOWAS bloc and forging ahead with their new alliance, the Alliance of Sahel States.²⁰ This presents both challenges to ECOWAS as well opportunities – challenges in terms of implementing its UCG framework, and opportunities for the regional bloc to renew itself in the wake of the unprecedented move by the three countries.²¹

Recent developments point to an evolution of military coups in Africa. A prime example is the coup staged in Gabon on 30 August 2023 by military officers calling themselves the Committee of Transition and Restoration of Institutes.²² The officers announced that they had placed the president, Ali Bongo, under house arrest. A particularly notable aspect of this coup is that it happened shortly after the country's electoral commission declared that President Bongo had won the elections of 26 July 2023.²³ Previously, the instigators of military coups have often cited discontentment with their country's security and governance situation,²⁴ but with the Gabon coup, the officers claimed that the electoral results announced were not a true reflection of the election outcome.²⁵ This development highlights that there are emerging root causes of UCG apart from that of insecurity and bad governance – the latter has been relied upon by coup instigators primarily from the Sahel, a region that battles with the problem of insurgency.

Against that background, this article examines the evolution of military coups in Africa and gives an appraisal of how emerging root causes of UCG have played a role in recent military coups, doing so by focusing on the coups in Mali and Guinea in May and September 2021, respectively, and Gabon in August 2023. It argues that the problem of military coups continues to afflict the continent because the AU framework presents a reactive rather than proactive solution. The article concludes that the long-term solution to the problem of UCG through military coups lies in the AU and the Regional Economic Communities (RECs) rethinking their response to military coups by placing

¹⁹ For an overview of the AU's Framework, see, for example, Sithole T "A review of the African Union framework and mechanism on peace and security" (2018) 7(1) *Journal of African Union Studies* 67.

²⁰ Asadu C "Mali, Niger and Burkina Faso withdraw from West Africa regional bloc ECOWAS as tensions deepen" (28 January 2024) *AP News* available at <https://apnews.com/article/mali-niger-burkina-faso-ecowas-west-africa-5a5dc2180e39223c91b1820067db4011> (accessed 19 July 2024).

²¹ ISS "Proposed ECOWAS exits leave West Africa at a crossroads" (8 February 2024) *ISS Today* available at <https://issafrica.org/iss-today/proposed-ecowas-exits-leave-west-africa-at-a-crossroads> (accessed 19 July 2024).

²² United Nations "UN chief 'firmly condemns' Gabon coup, notes reports of election abuses" (30 August 2023) *UN News* at <https://news.un.org/en/story/2023/08/1140227> (accessed 31 July 2024).

²³ See United Nations (2023).

²⁴ For example, the leaders of both 2022 military coups in Burkina Faso said they instigated the coups in reaction to poor governance and the deterioration of the country's security situation. See Yeboah E & Aikins E "Burkina Faso: Progress and problems after two years of transition" (21 February 2024) *ISS Today* available at <https://issafrica.org/iss-today/burkina-faso-progress-and-problems-after-two-years-of-transition> (accessed 31 July 2024).

²⁵ Obangome G "Gabon officers declare military coup, President Ali Bongo detained" (31 August 2023) *Reuters* available at <https://www.reuters.com/world/africa/gabonese-military-officers-announce-they-have-seized-power-2023-08-30/> (accessed 31 July 2024).

greater emphasis on addressing the root causes of UCG rather than focusing solely on responding to military coups as and when they occur.

There is a great proliferation of literature on the resurgence of military coups in Africa.²⁶ The contribution that this article seeks to make to the available knowledge is to provide an up-to-date appraisal of the evolution of the root causes of military coups in Africa and the need for the AU framework, as well as that of ECOWAS, to be more proactive rather than reactive by acknowledging and focusing on the root causes of UCG as the first step to effectively minimising its occurrence. Sections 2 and 3 provide a historical overview of the first and second waves of military coups in Africa, respectively. Section 4 assesses the key drivers of military coups in Africa in the third wave, including the emerging key drivers, and makes the argument that successful implementation of the frameworks to respond to UCG through military coups can be achieved only if these root causes are considered and addressed. Section 5 makes some concluding remarks.

2 MILITARY COUPS IN AFRICA: THE FIRST AND SECOND WAVES

UCG through military takeover in Africa is not a new phenomenon, and has been traced back to the ouster of the Egyptian king, King Farouk, by the Egyptian army in 1952.²⁷ To date, there have been three major waves of military coups in Africa. Across these waves, the root causes and the reasons given by the coup instigators are not uniform but differ in each wave, even in some instances on a case-by-case basis.²⁸ Generally, there seems to be an evolution in the root causes of and motivations for military coups.

2.1 The first wave

The first wave of military coups occurred in the 1960s and 1970s during the Cold War, a period characterised in Africa by the overthrow of post-colonial presidents. In this first wave, there were 67 successful military coups, with 12 African leaders having been killed and the coups typically involving gross human rights violations including extrajudicial killings.²⁹ The leaders who were killed include Sylvanus Olympios in

²⁶ See Okon E “Why military coups are back in Africa” (2022) 7(14) *Brazilian Journal of African Studies* 111; Yeboua (2023); Akinola A & Makombe R “Rethinking the resurgence of military coups in Africa” *Journal of Asian and African Studies* (2024) 60(5); Vines A “Understanding Africa’s coups” (13 April 2024) *Georgetown Journal of International Affairs* available at <https://gjia.georgetown.edu/2024/04/13/understanding-africas-coups/> (accessed 31 July 2024).

²⁷ Atta-Asamoah A “Africa’s three waves of coups” (20 October 2023) *ISS Today* available at <https://issafrica.org/iss-today/africas-three-waves-of-coups> (accessed 31 July 2024).

²⁸ See Atta-Asamoah (2023).

²⁹ Powell J, Reynolds A & Chacha M “A new coup era for Africa?” (12 March 2022) *ACCORD* available at <https://www.accord.org.za/conflict-trends/a-new-coup-era-for-africa/> (accessed 31 July 2024); ISS (2023) “The evolution of coups in Africa”.

January 1963 (first President of Togo);³⁰ Abubakar Tafawa Balewa in January 1966 (Prime Minister of Nigeria);³¹ and Francois Tombalbaye in April 1975 (first President of Chad).³² On 13 January 1963, the first military coup in the first wave was staged by Togolese military officers. The coup was attributed to the officers' disgruntlement with the government due their having been left unemployed after they were demobilised from the French colonial army and declined to join the post-colonial Togolese army.³³ In August 1963 and October 1963, there were military coups in Congo-Brazzaville and Benin Republic, respectively.³⁴ This was followed in 1966 by a quick succession of coups in (among others) the Central African Republic, Nigeria, Ghana and the then Zaire.³⁵ Following these coups, military governments were established to replace the toppled civilian governments.³⁶

2.1.1 External actors as a driver of military coups

It is said that the post-colonial leaders' political visions and ideologies which were in conflict with the interests of former colonial powers played a part in their being deposed in military coups.³⁷ A prime example is Ghana's Kwame Nkrumah: whilst he was in China on his way to Vietnam to mediate in peace talks, Nkrumah was ousted in a coup on 24 May 1966 by high-ranking military officers led by General Joseph Ankra and supported by senior police officials.³⁸ The United States Central Intelligence Agency (CIA), with the assistance of Britain, has been accused of orchestrating Nkrumah's overthrow because he was viewed as a threat.³⁹ One of the reasons he was regarded as such by the United States and Britain was that Ghana's policies insisted that independent African states should be left alone to decide their foreign policy and how

³⁰ Willoughby S "Remembering sub-Saharan Africa's first military coup d'état fifty years on" (19 August 2013) *LSE Blog* available at <https://blogs.lse.ac.uk/africaatlse/2013/08/19/remembering-sub-saharan-africas-first-military-coup-detat-fifty-years-on/> (accessed 31 August 2024).

³¹ "Prime Minister Sir Abubakar Tafawa Balewa is killed in Nigeria's first military coup" (30 September 2019) *South African History Online* available at <https://www.sahistory.org.za/dated-event/prime-minister-sir-abubakar-tafawa-balewa-killed-nigerias-first-military-coup> (accessed 31 August 2024).

³² Olivier M "Chad's first President Ngarta Tombalbaye: Shot dead by his own army" (5 November 2021) *The Africa Report* available at <https://www.theafricareport.com/142682/chads-first-president-ngarta-tombalbaye-shot-dead-by-his-own-army/> (accessed 31 October 2024).

³³ Japhet M "Military coups and military regimes in Africa" (1978) 8(4) *South African Journal of Military Studies* 1 at 1.

³⁴ Japhet (1978) at 1.

³⁵ Japhet (1978) at 1.

³⁶ Japhet (1978) at 1. For detailed statistics on the military coups staged during the first wave, see Japhet (1978) at 2 (Table 1 and Table 2).

³⁷ ISS (2023) "The evolution of coups in Africa".

³⁸ Quaidoo E *The United States and the overthrow of Kwame Nkrumah* (Master's thesis, Fort Hayes State University 2010) at 53.

³⁹ Amoateng N "Military coups in Africa: A continuation of politics by other means?" (19 August 2022) *Conflict Trends 2022/1* available at https://www.accord.org.za/conflict-trends/military-coups-in-africa-a-continuation-of-politics-by-other-means/#_edn16 (accessed 17 August 2024).

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they interacted with other governments in the world.⁴⁰ This was contrary to the United States' policy that newly independent African states should adopt policies that would help to avert Soviet presence in Africa.⁴¹

According to Rooney, although the CIA was well briefed about the coup, it was not involved in its actual execution.⁴² While there is no consensus among commentators as to the extent of Britain and America's involvement in the coup, there is prima facie evidence to suggest that their discontentment with Nkrumah's policies and his public attacks on the United States played a role in his demise.⁴³ According to Mlambo, at the end of the colonial period, African states inherited a political and governance system from their former colonisers which was characterised by autocracy and authoritarianism.⁴⁴ Jackson and Rosenberg, however, have argued that the problems facing African states, including institutional and governance weaknesses, are attributable much less to colonialism than to factors relating to quality of governance, such as the presence of dictatorships and the under-development of resources.⁴⁵

Be that as it may, it is difficult to separate Africa's colonial past from the problems it continues to face today. Contrary to Jackson and Rosenberg's assertion that colonialism cannot be blamed for instability in Africa, the factors that they identify, including under-development, are arguably a direct result of colonialism, when one considers that the sovereignty African states gained at the end of colonialism was political rather than economic.⁴⁶ As shall be argued below, although the history of colonialism cannot be wished away, with political will it is possible for Africa to move on from the legacy of colonialism and its continued impact on peace and security issues on the continent.

2.1.2 *Authoritarianism and poor governance*

Another key driver of military coups during the first wave was a governance deficit that led to the governments of the newly independent states failing to meet the expectations of the people.⁴⁷ This often entailed the emergence of one-party states, which in turn led to dictatorship on the part of post-colonial presidents.⁴⁸ Countries including Tanzania⁴⁹

⁴⁰ Quaidoo (2010) 21.

⁴¹ Quaidoo (2010) 1.

⁴² Rooney D *Kwame Nkrumah: Vision and tragedy* Legon-Accra: Sub-Saharan Publishers (1988) at 13; Quaidoo (2010) at 12.

⁴³ Quaidoo (2010) at 75-77.

⁴⁴ Mlambo V "Silencing the guns in Africa beyond 2020: Challenges from a governance and political perspective" (2021) 7(1) *Cogent Social Sciences* 1 at 6.

⁴⁵ See generally Jackson R & Rosberg C "Why Africa's weak states persist: The empirical and the juridical in statehood" (1982) 35(1) *World Politics* 1.

⁴⁶ Anghie A "The evolution of international law: Colonial and post-colonial realities" (2006) 27(5) *Third World Quarterly* 739 at 748.

⁴⁷ Atta-Asamoah (2023).

⁴⁸ ISS (2023) "The evolution of coups in Africa".

⁴⁹ Coulson A *Tanzania: A political economy* Oxford: Oxford University Press (2013) at 173.

and Kenya⁵⁰ declared themselves one-party states in the 1960s. This authoritarianism caused despondency among the populace in African countries and created the conditions for military coups. In the case of Ghana, for instance, it has been observed that Nkrumah turned into a dictator and that Ghana descended into a one-party state.⁵¹ Biney, however, contends that whilst the criticism that Nkrumah established a one-party state is valid, it overlooks the fact that he was not the only post-colonial African leader to do so, with other African presidents – among them Tanzania’s Julius Nyerere, Kenya’s Jomo Kenyatta, Mali’s Modibo Keita, and Guinea’s Sekou Toure – charting the same path.⁵²

In 1968, Mali’s first post-colonial president, Modibo Keita, was ousted in a military coup by Lieutenant Moussa Traore.⁵³ Ironically, Traore established a second one-party state and ruled Mali until he himself was ousted by another military coup, one led by Colonel Amadou Toumani Toure in March 1991.⁵⁴ Even those African states which were technically multi-party states, such as Senegal and Côte d’Ivoire, were, according to Biney, de facto one-party states, as it was impossible for any other party to win elections.⁵⁵

Although there is no irrefutable evidence to suggest that the one party-state trend played a significant role in triggering military coups during the first wave, the trend led to dictatorship, which in turn led to disgruntlement, triggering the overthrow of presidents through coups. As highlighted above, Mlambo has argued convincingly that post-colonial states inherited authoritarian systems of government from their former colonisers, given that colonial powers had used authoritarian measures to subjugate their colonial subjects.⁵⁶ However, it would be naïve to assert that the post-colonial African leaders themselves were not at all to blame for the governance problems that befell their countries and sometimes led to their overthrow through military coups.

2.1.3 Declining economic conditions

Another compelling root cause of military coups during the first wave was economic decline, which caused hardship in ordinary peoples’ lives. The military coup in Ghana, for example, has been attributed partly to economic decline. In mid-1961, Nkrumah implemented a wage freeze, tax increase, and a compulsory savings scheme.⁵⁷ This was done in an effort to curb the depletion of foreign exchange reserves without cutting on

⁵⁰ Mueller S “The resilience of the past: Government and opposition in Kenya” (2014) 48(2) *Canadian Journal of African Studies* 333 at 337.

⁵¹ Biney A “The legacy of Kwame Nkrumah in retrospect” (2008) 2(3) *Journal of Pan African Studies* 129 at 139.

⁵² Biney (2008) at 140.

⁵³ Adetuyi A “Military coup and its effect on the democratization process in Mali and in the region” *Institute for Peace and Security Studies Policy Brief* (2021) 15(5) 1 at 4.

⁵⁴ Adetuyi (2021) at 4.

⁵⁵ Biney (2008) at 140.

⁵⁶ Mlambo (2021) at 6.

⁵⁷ Quaidoo (2010) at 47.

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development and other spending.⁵⁸ Economic hardship stemming from these austerity measures led to disgruntlement amongst the citizens, and in September 1961 Ghanaian workers in Accra, Takoradi and Kumasi went on strike for a week to protest against the compulsory savings scheme.⁵⁹ This highlights that well before the military coup in 1966, there was already growing discontentment among Ghanaian citizens; as such, declining economic conditions also played a part in Nkrumah's ousting.

Contrary to promises by the military leadership under the National Leadership Council (NLC) that they would improve the economic situation, including by settling foreign debt, Ghana's economic conditions worsened after the coup. Major corporations were denationalised, leading to a sharp increase in the unemployment rate. The statistics painted a grim picture, with 30,000 out of a total 38,000 employees in the building corporation, a state owned corporation being dismissed, as part of efforts to privatise unprofitable state enterprises.⁶⁰ In addition, it was announced in 1968 that 68 out of 103 state farms would be closed down and that 9,000 out of a total of 20,000 workers would consequently be made redundant.⁶¹

Disgruntlement with declining economic conditions continues to be a major driver of military coups even in contemporary times during the third wave of coups. However, a worrying pattern is that, as with the situation in Ghana, those who take over power and promise to change the country's economic fortunes for the better often maintain the status quo; alternatively, economic conditions deteriorate further under their leadership. In the aftermath of the 1968 coup in Mali, for instance, the military government under the leadership of Lieutenant Mousa Traore was characterised by human rights violations, corruption, poor governance and a decline in economic growth.⁶²

The inference can be drawn that although the reasons for the discontent which led ultimately to the overthrow of post-colonial presidents in the first wave were valid, the military coups were also driven by ulterior motives such as hunger for power on the part of coup instigators.

2.2 The second wave

A second wave of military coups, ones carried out largely by middle-level officers, occurred between 1990 and 2001.⁶³ In this second wave (marking the post-Cold War era), there were 16 successful military coups, which saw two African leaders being killed.⁶⁴ Burundi's first democratically elected president, Melchior Ndadaye, was killed

⁵⁸ Quaidoo (2010) at 47.

⁵⁹ Quaidoo (2010) at 47.

⁶⁰ Quaidoo (2010) at 78.

⁶¹ Quaidoo (2010) at 78.

⁶² Adetuyi (2021) at 4.

⁶³ Powell, Reynolds & Chacha (2022).

⁶⁴ Powell, Reynolds & Chacha (2022).

in a coup on 21 October 1993,⁶⁵ while Ibrahim Bare Mainassara, President of Niger, was killed in a coup on 9 April 1999.⁶⁶ Other successful military coups staged during the second wave include one in Côte d'Ivoire (24 December 1999); one in Lesotho (30 April 1991); one in Mali (26 March 1991); two in Niger (27 January 1996 and 9 April 1999); one in Nigeria (17 November 1993); and three in Sierra Leone (30 April 1992, 16 January 1996, and 25 May 1997).⁶⁷

Although the second wave was characterised by fewer human rights abuses and a reduction in the number of leaders killed, there was a heightened threat to democracy during this period as a result of the overthrow of leaders through military coups. This was because the second wave occurred at a time when the Organization of African Unity (OAU) was considered to have largely attained its mandate of liberating African states from colonialism. The resurgence of military coups could therefore be seen as reversing the gains of independence from colonialism.⁶⁸ Some of the root causes of military coups in the second wave are examined below, with the discussion highlighting the evolution of the root causes of UCG through military coups.

2.2.1 *Decline in economic conditions and failure to fully apply democratic principles*

The second wave has been attributed to African leaders not meeting the promises they made to the people upon assuming power and failing to fully apply democratic principles, such as holding free and fair elections and addressing socio-economic challenges facing their countries.⁶⁹ The problem of declining economic conditions therefore remained an underlying root cause of military coups, as was the case during the first wave.

The deterioration of economies in the post-Cold War era was arguably worsened by the economic recovery policy for the African continent, namely the Structural Adjustment Programs (SAPs) introduced by the World Bank and International Monetary Fund (IMF).⁷⁰ A number of sub-Saharan African countries implemented the SAPs, which were a

⁶⁵ Ba M “Burundi: Who benefited from the killing of President Melchior Ndadaye?” (11 November 2021) *The Africa Report* available at <https://www.theafricareport.com/144924/burundi-who-benefited-from-the-killing-of-president-melchior-ndadaye/> (accessed 31 August 2024).

⁶⁶ “Niger President Ibrahim Bare Mainassara is assassinated” (30 September 2019) *South African History Online* available at <https://www.sahistory.org.za/dated-event/niger-president-ibrahim-bare-mainassara-assassinated> (accessed 31 August 2024).

⁶⁷ “Political instability in Africa” (2014) Annex 2 b “Coups d’Etat in Africa, 1946–2004” *Centre for Systemic Peace* available at <https://www.systemicpeace.org/africaconflict.html> (accessed 31 August 2024).

⁶⁸ See ISS (2023) “The evolution of coups in Africa”; Gruzd S “Africa is not short on good ideas, but frequently fails to put them into practice” (2 June 2023) *SAIIA* available at <https://saiia.org.za/research/africa-is-not-short-on-good-ideas-but-frequently-fails-to-put-them-into-practice/> (accessed 4 December 2024).

⁶⁹ ISS (2023) “The evolution of coups in Africa”.

⁷⁰ For a detailed overview of the Structural Adjustment Programme, see Summers L & Pritchett L “The structural-adjustment debate” (1993) 83(2) *American Economic Review* 383.

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condition for continuing to receive aid and loans from the World Bank and IMF.⁷¹ It has been argued that these policies were a failure because they were, inter alia, not tailored to suit the individual needs of different countries and worsened the plight of Africans.⁷²

The ensuing economic hardship became one of the major root causes of UCG through military coups during the second wave. For instance, the April 1992 military coup in Sierra Leone (staged by low-level military officers) was triggered by a deterioration in economic conditions in the country that stemmed largely from the implementation of IMF policies by the then president, Joseph Momoh.⁷³ Momoh was intent on implementing the IMF policies fully, notwithstanding opposition to them, because he was optimistic that they would turn the economy around.⁷⁴ There was, however, a decline in agricultural, mining and industrial production. This in turn led to a decline in the country's gross domestic product (GDP) and a rise in its debt.⁷⁵ Although the government continued to provide subsidies to high-ranking military officers, including subsidised rice and accommodation, and still paid their salaries, other public servants were not paid theirs, which led to increasing disgruntlement with President Momoh's government.⁷⁶ There had also been a growing call since 1990 to abolish the one-party system, a call that Momoh and those who benefited from the system refused to heed. This led to further disgruntlement among the citizens, who felt that a return to the multiparty system would strengthen democracy and in turn help to revive the economy.⁷⁷

As with the trend in the first wave, military coups did not result in a positive change in the lives and livelihoods of the people in the African countries in question. Following the ousting of Momoh, he was replaced by Captain Valentine Strasser. The latter's reign was characterised by gross human rights violations, among them the summary execution in December 1992 of 26 people accused of conspiring against his government and including former politicians, civilians, junior army officers, and policemen.⁷⁸ There was also no improvement in Sierra Leone's economic situation in the aftermath of the coup. This highlights that although the reasons given for staging military coups are in most cases based on valid concerns, military coups do not solve the problems that countries

⁷¹ Bawa J & Ateku A "After the Structural Adjustment Programme for Africa's economic crisis what next? A look at some immediate African alternative development strategies" (30 May 2020) available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3614173 (accessed 7 September 2023) 1 at 2-3.

⁷² See Bawa & Ateku (2020) at 7.

⁷³ Zack-Williams A & Riley S "Sierra Leone: The coup and its consequences" (1993) 56 *Review of African Political Economy* 91 at 92.

⁷⁴ Zack-Williams & Riley (2020) at 92.

⁷⁵ Zack-Williams & Riley (2020) at 92.

⁷⁶ Zack-Williams & Riley (1993) at 92.

⁷⁷ Zack-Williams & Riley (1993) at 92-93.

⁷⁸ Zack-Williams & Riley (1993) at 92.

in Africa face including problems of governance and economic problems. In the case of Sierra Leone, for instance, the plight of its people in fact worsened.⁷⁹

2.2.2 *Failure to ensure peace and security*

In May 1997, there was another military coup in Sierra Leone, one during which rebel fighters from the Revolutionary United Front (RUF) joined forces with a group of low-level military officers from the Republic of Sierra Leone's Military Forces (RSLMF) and overthrew then President Ahmed Kabba.⁸⁰ Kabba had assumed office in March 1996 following four years of military rule. He managed to improve the country's economy and had also entered into a peace agreement with the RUF. The latter was a rural-based rebel group whose rebellion had negatively impacted the economy, which was heavily dependent on mining. In the course of the five years between 1991 and 1996, the RUF killed an estimated 10,000–30,000 people, the majority of whom were peasants.⁸¹

What was striking about the 1997 military coup was that the soldiers who deposed Kabba claimed that he had failed to maintain the peace with the RUF after the signing of the peace agreement. Ironically, the coup leaders announced that Major Joseph Koroma, one of the more than 600 prisoners they freed in a prison break and a man who had been imprisoned following a failed coup attempt, was the leader of what they called the Armed Forces Revolutionary Council (AFRC). The AFRC then joined forces with the RUF to form the People's Army.⁸² The military coup appears to have been staged in a bid to return the country to military rule, not the stated reason given by the coup leaders that the President had failed to consolidate peace with the RUF.

This 1997 Sierra Leone coup unfolded a few days before an OAU summit in Harare in June 1997, triggering action by African leaders under the auspices of the OAU. At the Harare summit, the then Zimbabwean president, Robert Mugabe, declared that the OAU would be adopting a zero-tolerance stance on military coups.⁸³ The Sierra Leone coup has also been identified as the catalyst for the OAU's condemnation of UCG through military coups and the basis for the 2000 Lomé Declaration.⁸⁴ In addition, as part of the IMF and World Bank conditionalities for financial aid under the SAPs, African countries were required to move away from the trend of UCG through military coups and instead foster democracy and good governance so as not to lose financial aid. This partly motivated the OAU's shift from its previous indifference to military coups, a stance

⁷⁹ Zack-Williams & Riley (1993) at 92.

⁸⁰ Gberie L "The May 25 coup d'état in Sierra Leone: A militariat revolt?" (1997) 22(3) *Africa Development* 149 at 149.

⁸¹ Gberie (1997) at 149.

⁸² Gberie (1997) at 150.

⁸³ Meldrum A "Coups no longer acceptable: OAU" (July 1997) *Africa Renewal* available at <https://www.un.org/africarenewal/magazine/july-1997/coups-no-longer-acceptable-oau> (accessed 16 August 2024).

⁸⁴ Square I "The African Union as a norm entrepreneur on military coups d'état in Africa (1952–2012): An empirical assessment" (2014) 52(1) *Journal of Modern African Studies* 69 at 80; Declaration on the Framework of an OAU Response to Unconstitutional Change of Government OAU Doc. AHG/Decl.5 (XXXIV) July 2000 ("Lomé Declaration").

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which had been informed largely by its principle of non-interference and goal of ensuring that all African countries were liberated from colonialism.⁸⁵ (A detailed discussion of the principle of non-interference is beyond the scope of this article, as its purpose is to highlight the root causes of military coups.)

2.3 The third wave

Since August 2020, Africa has witnessed nine successful coups.⁸⁶ These include the April 2021 coup in Chad, which has been described as a dynasty coup. The military in Chad was instrumental in the installation of Mahamat Deby, the son of late President Idriss Deby, as the leader of a Transitional Military Council (TMC) in April 2021 following President Deby's death.⁸⁷ Unlike the first and second waves of military coups, which in some instances resulted in the deaths of the deposed leaders, the third wave has been described as being characterised by "smart" or "bloodless coups."⁸⁸ A growing trend in Africa is for presidential guards to be in charge of protecting presidents; a related trend, then, has been for the orchestrators of coups to shift from middle-level military leaders to elite members of the presidential guard, who have usually received highly advanced military training. Since they work closely with the presidents, it is fairly easy for them to carry out the military coups.⁸⁹ This section will assess the evolving root causes of military coups in Africa using Mali, Guinea and Gabon as case studies.

2.3.1 Corruption and insecurity: Mali

Since 1960, Mali has undergone five military coups: in 1968 (led by Lieutenant Moussa Traore); 1991 (led by Colonel Amadou Toumani Toure); 2012 (led by Captain Amadou Sanogo); 2020 (led by Colonel Assimi Goita); and 2021 (led by Colonel Assimi Goita).⁹⁰ Successive leaders have failed to deliver on promises made to the people of Mali, including pledges to eradicate corruption as well as terrorism, insurgency, and instability in the northern parts of the country.⁹¹ The coup led by Colonel Goita on 18 August 2020 was attributed to disgruntlement stemming from former President Ibrahim Boubakar Keita's perceived weak leadership in the face of a security crisis and his alleged corruption and manipulation of parliamentary election results.⁹² The

⁸⁵ Manirakiza P "Insecurity implications of unconstitutional changes of government in Africa: From military to constitutional coups" (2016) 17(2) *Journal of Military and Strategic Studies* 86 at 89.

⁸⁶ See Yeboua (2023).

⁸⁷ "Chad President's death: Rivals condemn 'dynastic coup'" (21 April 2021) *BBC News* available at <https://www.bbc.com/news/world-africa-56830510> (accessed 2 February 2024).

⁸⁸ ISS (2023) "The evolution of coups in Africa".

⁸⁹ ISS (2023) "The evolution of coups in Africa".

⁹⁰ For a detailed overview, see Adetuyi (2021).

⁹¹ Adetuyi (2021) 5.

⁹² See Nwoye C "How Mali's security crisis and corruption allegations brought the military back to power" (19 August 2020) *Quartz* available at <https://qz.com/africa/1894183/mali-president-steps-down-after-military-coup> (accessed 30 January 2024); Berger F "Q&A: The military coup in Mali" (20 August 2020) *IISS* available at <https://www.iiss.org/online-analysis/online-analysis/2020/08/csdp-mali-coup/>

military coup was staged following mass protests against corruption and a deteriorating security situation caused by the continued presence of Islamic militants in the country, with the coup leaders calling themselves “the National Committee for the Salvation of the People”.⁹³

In the aftermath of the coup, the military outsmarted the main civilian opposition group which had opposed President Keita – the 5 June Movement-Rally of Patriotic Forces (M5-RFP) – and occupied key positions in the transitional government. This effectively weakened the civilian component of the transitional government, as interim President Bah Ndaw and Prime Minister Moctar Quane thus lacked any power to undertake the significant reforms necessary for addressing the problems they had promised to resolve in a September 2020 roadmap.⁹⁴ Although the people of Mali celebrated the August 2020 coup,⁹⁵ it did not result in an improvement in the economic situation as promised by the transitional government. Notwithstanding millions of dollars in financial aid and the presence of foreign troops to help combat terrorism and insurgency, there was no real change, and mainly so because the transitional government lacked legitimacy.⁹⁶

Barely nine months after the first coup in 2020, Colonel Goita staged another coup on 24 May 2021.⁹⁷ Goita ordered the arrest of President Ndaw and Prime Minister Quane on the grounds that they had sidelined him in a cabinet reshuffle which saw two soldiers who were instrumental in the 2020 coup removed out of government; the cabinet shuffle, he held, was in violation of the transitional charter.⁹⁸ Immediately after the coup, Mali’s Constitutional Court declared Goita the President of the country.⁹⁹

This second coup, described as a coup within a coup,¹⁰⁰ highlights the continued prevalence of a governance deficit that was evident from the first wave of military coups. It also highlights a growing trend in military coups in the third wave – that of the military staging a coup and not seizing power outrightly but instead covertly leading the country by means of arrangements (including transitional governments) of which they are a part, as illustrated by the Sudanese example below.

(accessed 4 December 2024); Klatt C “Democracy and human rights after the coup d’etat: Hopes and challenges in Mali” (October 2020) *Friedrich Ebert Stiftung* available at <https://library.fes.de/pdf-files/iez/16650.pdf> (accessed 4 December 2024).

⁹³ Nwoye (2020).

⁹⁴ “Saving momentum for change in Mali’s transition” (21 September 2021) *International Crisis Group* available at <https://www.crisisgroup.org/africa/sahel/mali/304-transition-au-mali-preserver-laspiration-au-changement> (accessed 6 September 2024).

⁹⁵ Siegle J & Eizenga D “Mali: Beware the ‘popular’ coup” (30 August 2020) *African Centre for Strategic Studies* available at <https://africacenter.org/spotlight/mali-beware-popular-coup/> (accessed 4 December 2024).

⁹⁶ International Crisis Group (2021).

⁹⁷ International Crisis Group (2021).

⁹⁸ International Crisis Group (2021); “Mali coup leader Goita sworn in as interim president and appoints PM” (7 July 2021) *Reuters* available at <https://www.reuters.com/world/africa/mali-coup-leader-assimi-goita-sworn-transitional-president-2021-06-07/> (accessed 2 February 2024).

⁹⁹ Reuters (2021).

¹⁰⁰ International Crisis Group (2021).

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In August 2019, following the ouster of Sudan's President Omar Al Bashir in a coup led by General Ahmed Auf, a power-sharing Sovereign Council and transitional government were established jointly by military and civilian leaders.¹⁰¹ The Sovereign Council was led by General Abdel Fattah Burhan and was supposed to hand over to a civilian government after elections scheduled for 2022.¹⁰² On 24 October 2021, however, the military, led by General al-Burhan, dissolved the Sovereign Council and transitional government and temporarily arrested Prime Minister Abdullah Hamdok.¹⁰³ The reason given by General al-Burhan for staging the 2021 coup was that the transition to democracy was under threat due to political in-fighting among members of the Sovereign Council.¹⁰⁴ The real reason for the coup, however, appears to have been reluctance to hand over power to civilians, similar to Colonel Goita's apparent disappointment at losing grip of the transitional government.¹⁰⁵

The question this raises is whether the AU (and ECOWAS) framework on UCG, particularly the sanctions regime, can work against the background of military leaders who hold on to power even after promising a return to democratic rule. The article will attempt to answer this question in section 5.

2.3.2 *Corruption and economic decline: Guinea*

On 5 September 2021, the commander of Guinea's elite Special Forces Group, Colonel Mamady Doumbouya, staged a coup against President Alpha Condé, who had been in power since 2010 as the country's first democratically elected president.¹⁰⁶ Doumbouya stormed the presidential palace in the capital, Conakry, and took Condé into custody.¹⁰⁷ He claimed that he wanted to end the President's corrupt rule, which in turn had led to Guinea's economic failures, saying that "[t]he duty of a soldier is to save the country".¹⁰⁸ Doumbouya and the National Rally and Development Committee (CNRD) also detained other top officials and dissolved the government, imposing a night-time curfew.¹⁰⁹

¹⁰¹"Sudan transition: Lt-Gen Burhan sworn in as Sovereign Council chief" (21 August 2019) *BBC News* available at <https://www.bbc.com/news/world-africa-49414216> (accessed 6 September 2024).

¹⁰²BBC News (21 August 2024).

¹⁰³ Atta-Asamoah A "Sudan's coup plotters have miscalculated their options" (29 October 2021) *ISS Today* available at <https://issafrica.org/iss-today/sudans-coup-plotters-have-miscalculated-their-options> (accessed 6 September 2024).

¹⁰⁴ Atta-Asamoah (25 October 2021).

¹⁰⁵ Eltayeb A "Back to barracks: Building democracy after the military coup in Sudan" (3 November 2022) *European Council on Foreign Relations* available at <https://ecfr.eu/publication/back-to-barracks-building-democracy-after-the-military-coup-in-sudan/> (accessed 4 December 2024).

¹⁰⁶ Devermont J "Guinea: The causes and consequences of West Africa's latest coup" (8 September 2021) *Centre for Strategic and International Studies* available at <https://www.csis.org/analysis/guinea-causes-and-consequences-west-africas-latest-coup> (accessed 6 September 2024).

¹⁰⁷ Devermont (2021).

¹⁰⁸ Diallo B & Larsen K "Soldiers detain Guinea's President, dissolve government" (6 September 2021) *AP News* available at <https://apnews.com/article/africa-guinea-army-government-dissolved-214f607402a533c581bbd7ef91d5bb0f> (accessed 6 September 2024).

¹⁰⁹ Diallo & Larsen (2021).

Like other coups, the military takeover in Guinea did not have the effect of alleviating the economic failures that characterized President Condé's rule.¹¹⁰ In the aftermath of the coup, bauxite prices reportedly rose to a decade high.¹¹¹ This was notwithstanding the fact that Doumbouya had asked mining companies to continue their mining activities and that mining areas were exempt from the curfew imposed after the coup.¹¹²

The Transitional Charter, adopted on 27 September 2021, provided for the appointment of a civilian prime minister, and prohibited members of transitional institutions from taking part in local or national elections at the end of the transitional period.¹¹³ Doumbouya was sworn in as interim President on 1 October 2021.¹¹⁴ After negotiating a 10-point transition roadmap with ECOWAS, the military leaders promised to hold presidential and legislative elections by December 2024.¹¹⁵ The Prime Minister, however, announced in May 2024 that there would be no elections in 2024 and that the country would instead hold an administrative census and a referendum to establish a new constitution for the country by the end of the year.¹¹⁶ This shows a continuing trend in the third wave of coups – military leaders promising a swift return to democratic rule, only to renege on those promises (as was the case in Mali and Sudan, discussed above).

2.3.3 *Unconstitutional amendments or revision of legal instruments: Guinea*

Amending the constitution to prolong a leader's stay in power has also emerged as one of the evolving causes of military coups. Article 23(5) of the African Charter on Democracy, Elections and Good Governance ("African Charter") describes "[a]ny amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government" as a form of UCG. The same provision is found in article 28(E)(1)(e) of the Protocol on Amendments to the Protocol on the African Court of Justice and Human Rights ("Malabo Protocol"). The latter gives the proposed criminal chamber of the African Court of Justice and Human Rights jurisdiction over the crime of UCG, and provides that the following is a form of UCG, "Any amendment or revision of the Constitution or legal instruments, which is an

¹¹⁰ Devermont (2021).

¹¹¹ See Devermont (2021); Reid H "Guinea bauxite prices rise after coup, mines report no immediate impact" (6 September 2021) *Reuters* available at <https://www.reuters.com/business/guinea-bauxite-prices-rise-political-turmoil-2021-09-06/> (accessed 2 February 2024).

¹¹² Diallo & Larsen (2021); Devermont (2021).

¹¹³ "Guinea military gov't presents 'charter' for civilian transition" (28 September 2021) *Al Jazeera* available at <https://www.aljazeera.com/news/2021/9/28/guinea-military-government-presents-charter-for-civilian-transit> (accessed 2 February 2024).

¹¹⁴ "Mamady Doumbouya: Guinea coup leader sworn in as president" (1 October 2021) *BBC News* available at <https://www.bbc.com/news/world-africa-58761621> (accessed 2 February 2024).

¹¹⁵ "2024 Elections Guinea: December" (17 January 2024) *Africa Centre for Strategic Studies* available at <https://africacenter.org/spotlight/2024-elections/guinea/> (accessed 6 September 2024).

¹¹⁶ "Guinean Prime Minister announces no elections in 2024" (13 May 2024) *West Africa Democracy Radio* available at <https://wadr.org/guinean-prime-minister-announces-no-elections-in-2024/> (accessed 6 September 2024).

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infringement on the principles of democratic change of government or is inconsistent with the Constitution.”¹¹⁷

The inclusion of article 23(5) in the African Charter was an attempt to address a growing trend on the continent in which leaders amend constitutions or other legal instruments in a bid to stay in power beyond what these allow.¹¹⁸ For instance, in 1999, the then Namibian president, Sam Nujoma, amended the Constitution to pave the way for himself to run for a third term.¹¹⁹ Similarly, in 2003 the then President of Gabon, Omar Bongo, amended the Constitution to extend his 40-year rule by extending the presidential term-length from five to seven years.¹²⁰ The African Charter addresses this problem by providing in article 10(3) that an amendment of the constitution or legal instruments must be supported by the general population.¹²¹

Notwithstanding this clear guideline, Sithole notes that even after the African Charter entered into force, there have been several instances of constitutional amendments that were to a large extent not transparent. These include constitutional amendments in Uganda, Rwanda, the Democratic Republic of Congo, and Burundi between 2014 and 2015, and the constitutional referendums in Burundi in 2015 and 2018 that paved the way for amending the constitution to extend presidential terms.¹²²

In the case of Guinea, President Condé’s controversial amendment of the 2010 Constitution (which had limited presidential terms to a maximum of two) allowed him to stand for re-election for a third term, and this was a factor which played a large role in triggering the country’s latest coup.¹²³ Ironically, the Special Forces, led by Doumbouya and created by President Condé in 2018, had helped to thwart criticism of the 2010 constitutional amendment.¹²⁴ Condé’s allies claimed at the time of the amendment that it would enable him to complete his projects.¹²⁵ In the aftermath of the

¹¹⁷ Protocol on Amendments to the Protocol on the African Court of Justice and Human Rights (adopted 27 June 2014), article 28(e)(1)(e).

¹¹⁸ Sithole (2018) at 74.

¹¹⁹ Elvy S “Towards a new democratic Africa: The African Charter on Democracy, Elections and Governance” (2013) 27 *Emory International Law Review* 41 at 85.

¹²⁰ Elvy (2013) at 85.

¹²¹ African Charter (2007), article 10 (3); Sithole (2018) at 74.

¹²² Sithole (2018) at 75.

¹²³ Siegle J & Eizenga D “Guinea’s coup has left West Africa’s regional body with limited options: But there are some” (17 September 2021) *The Conversation* available at <https://theconversation.com/guinea-coup-has-left-west-africas-regional-body-with-limited-options-but-there-are-some-168092> (accessed 13 September 2024).

¹²⁴ ISS “Guinea transition falls foul of Africa’s governance architecture” (5 November 2021) *PSC Insights* available at <https://issafrica.org/pscreport/psc-insights/guinea-transition-falls-foul-of-africas-governance-architecture> (accessed 3 September 2024).

¹²⁵ Niang I “A new Guinean Constitution at all costs? Africa’s latest third-term quagmire” (26 August 2019) *Constitutionnet* available at <https://constitutionnet.org/news/new-guinean-constitution-all-costs-africas-latest-third-term-quagmire> (accessed 3 September 2024).

October 2020 elections, which Condé won by 59 per cent, his opponents, for their part, had labelled the amendment and the crackdown on protesters “a creeping coup”.¹²⁶

ECOWAS, the AU and the international community at large did not openly condemn the constitutional amendments, opting instead to call for respect of the amended 2020 Constitution.¹²⁷ Abebe has argued that this can be viewed as an endorsement of UCG through constitutional amendment.¹²⁸ Elvy has aptly observed that although it would be desirable for countries to implement the two-term presidential limit, there is no international consensus on what can be deemed an acceptable term of office.¹²⁹ In the absence of such a consensus, it would be difficult for the AU to address this root cause.

2.3.4 *Dissatisfaction with election results: Gabon*

Another emergent root cause of military coups in the third wave is dissatisfaction with electoral results. On 30 August 2023, hours after the announcement of election results declaring the incumbent President Ali Bongo as the winner, a group of military officers appeared on television and announced the cancellation of the presidential election results.¹³⁰ The officers said they belonged to the Committee of Transition and the Restoration of Institutions, and the main reason they gave for the coup was that the just-ended elections had neither been transparent nor credible.¹³¹ They also said: “Today the country is undergoing a severe institutional, political, economic, and social crisis ... In the name of the Gabonese people ... we have decided to defend the peace by putting an end to the current regime.”¹³² During the independence day celebrations in August 2023, President Bongo had acknowledged the economic hardships facing the country.¹³³

This was the first time in which the military had staged a coup on the premise of a disputed election, which highlights the need for African leaders to show the political will to implement good governance policies, including by ensuring that free and fair elections are held. The Gabonese election was marred by irregularities – for example, polls opened late; some opposition ballots were reportedly missing; and the final results were announced at night without any prior warning.¹³⁴ The military government

¹²⁶ Siegle & Ezienga (2021).

¹²⁷ Siegle & Eizenga (2021)

¹²⁸ Abebe (2021).

¹²⁹ Elvy (2013) at 89.

¹³⁰ Beaumont P “Gabon military officers declare coup after Ali Bongo wins disputed election” (30 August 2023) *The Guardian* available at <https://www.theguardian.com/world/2023/aug/30/gabon-coup-military-takeover-gabonese-election-disputed> (accessed 6 September 2024).

¹³¹ Beaumont (20 August 2023).

¹³² Beaumont (20 August 2023).

¹³³ Beaumont (20 August 2023).

¹³⁴ Ofoulhast-Othamot G “Gabon coup: Bongo’s rule ended by failed promises and shifting alliances” (1 September 2023) *The Conversation* available at <https://theconversation.com/gabon-coup-bongos-rule-ended-by-failed-promises-and-shifting-alliances-212672> (accessed 6 September 2024).

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announced in November 2023 that elections would possibly be held in August 2025.¹³⁵ Both the AU and Economic Community of Central African States (ECCAS) responded to the military coup by suspending Gabon's membership.¹³⁶ The Gabonese military coup highlights that the root causes of military coups in Africa are evolving.

3 CONCLUDING REMARKS

This article has examined the root causes of UCG through military coups in Africa from the first wave to the third wave. It highlighted that the main causes of military coups include corruption, bad governance, and a deterioration in the security situation and economic conditions. More recently, unconstitutional amendments of legislative instruments and dissatisfaction with election results have emerged as root causes of UCG. The fact that military coups are prevalent despite the comprehensive framework by the AU and ECOWAS on responding to UCG can arguably be attributed to the reactive approach taken by the AU and its Regional Economic Communities (RECs), including ECOWAS. The problem of UCG through military coups can be addressed effectively only if the AU and its RECs change their approach from being reactive to being proactive.¹³⁷

In recent years, the AU has become increasingly aware of the need to address the root causes of military coups in order to prevent their resurgence on the continent. In March 2022, the AU convened an extraordinary summit in Accra, Ghana, to discuss the problem. This followed the occurrence of four military coups, in Mali, Guinea and Burkina Faso, respectively.¹³⁸ Participants at the summit acknowledged that the AU Framework on UCG was becoming ineffective and noted the need to update the relevant instruments. The summit also acknowledged that military coups are caused primarily by poor governance and the failure by states to provide adequate socio-economic services.¹³⁹ The summit resulted in the adoption of the Declaration on Unconstitutional Changes of Government in Africa, in which the AU made a commitment to

[c]omprehensively address factors which lead to unconstitutional changes of government, including manipulation of democratic processes to tamper with constitutions and effecting amendments to electoral laws within a short span before the elections and without the consent

¹³⁵ "Gabon: Military authorities announce elections for August 2025" (13 November 2023) *Africa News* available at <https://www.africanews.com/2023/11/13/gabon-military-authorities-announce-elections-for-august-2025/> (accessed 6 September 2024).

¹³⁶ ISS "Sanctions and suspensions not necessarily the solutions" (20 November 2023) *PSC Insights* available at <https://issafrica.org/pscreport/psc-insights/sanctions-and-suspensions-not-necessarily-the-solutions> (accessed 16 September 2024).

¹³⁷ Mushoriwa (2023).

¹³⁸ ISS "Exorcising the demons of coups d'état" (30 March 2022) *PSC Insights* available at <https://issafrica.org/pscreport/psc-insights/exorcising-the-demons-of-coups-detat> (accessed 1 February 2024).

¹³⁹ ISS (2022) "Exorcising the demons of coups d'état".

of the majority of political actors and in violation of the stipulated national democratic principles, rules and procedures for constitutional amendment ...¹⁴⁰

This was the first time in which the AU acknowledged the need to tackle the root causes of UCG, an acknowledgment which can be attributed to the AU's wariness about the resurgence of military coups, particularly during the third wave. So far, however, the AU has not followed up on its commitment, with the continent having witnessed three more military coups since the extraordinary summit in Accra. Addressing the root causes of military coups in Africa requires political will, something which is seemingly lacking on the continent. In the absence of a firm commitment to address these root causes, the AU's vision of an Africa of good governance, democracy and the rule of law will continue to be an elusive dream.

It is hoped that the AU will follow through on its commitment to address the key drivers of UCG, as pledged in the 2022 Declaration on Unconstitutional Changes of Government in Africa. This requires political will and could be a more effective solution than updating the instruments on responses to UCG. One way in which the AU could address the root causes of UCG is by means of practical guidelines and solutions. For example, there are no clear criteria and mechanisms for determining that UCG has occurred through unconstitutional amendment of the constitution or revision of the relevant instruments. To address this grey area, the AU should finalise and adopt the guidelines on constitutional amendments in Africa based on the existing frameworks.¹⁴¹

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¹⁴⁰ AU Declaration on unconstitutional changes of government in Africa (Accra, Ghana 15–17 March 2022) at para 4.

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