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# The African Union and Coups: Why Implementation Matters More than New Norms

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## Summary

Between April 2019 and August 2023, Africa experienced ten unconstitutional seizures of power, along with several failed coup attempts. In total, 14 such incidents have occurred since 2012, reversing the progress made in curbing this phenomenon during the early 2000s. Previously, coups had become rare, and the African Union (AU), together with its Regional Economic Communities (RECs)/Regional Mechanisms for Conflict Prevention, Management and Resolution (RMs), enforced relatively short transitions by leveraging robust frameworks – notably the Lomé Declaration and the African Charter on Democracy, Elections and Governance (ACDEG). Coup leaders often framed their actions as temporary measures.

This trend has now shifted. Coups are more frequent, transitions more protracted, and the rule barring perpetrators of unconstitutional changes from contesting elections meant to restore constitutional order is increasingly disregarded. Poor governance and insecurity often create openings for military takeovers. Coup leaders exploit popular support to resist sanctions, extend their rule, and pursue political ambitions. The credibility of international actors has been weakened by their failure to address underlying governance issues, while inconsistent application of AU and RECs norms has eroded deterrence.

Amid calls to revise existing frameworks, this paper cautions against reopening these instruments. Africa already possesses comprehensive norms; further revisions could weaken existing tools or trigger lengthy processes that divert attention from urgent implementation needs. Overregulation may also limit the AU's flexibility in responding to evolving political realities.

What is needed is not new rules, but consistent, context-sensitive application of existing ones, renewed member state commitment, and proactive governance reform. The AU Commission has a critical role to play in this endeavor, by leveraging African instruments, fostering political will, supporting member states, and preserving the AU's legacy of constitutional governance. Reaffirming AU primacy over RECs/RMs is essential to ensuring coherence at continental level and improving the likelihood of international alignment with Africa's efforts.

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## 1. Introduction

In the recent period, there has been an upsurge in unconstitutional changes of government (UCGs) on the African continent, mostly in the form of military coups d'état.<sup>1</sup> The situation is such that medical (contagion and epidemics), meteorological (season and wave), and spatial (belt and corridor) metaphors have been used to describe it (Adetayo, 2023; Ero and Mutiga, 2023; The Economist, 2024; Walsh, 2023; Wilén 2024a, 2024b). In little over four years (between April 2019 and August 2023), there have been a total of ten unconstitutional seizures of power, affecting different countries across the western, central, and eastern parts of the continent.<sup>2</sup> To these, one should add several attempted coups, which, had they succeeded, would have significantly increased the number of military takeovers during this period.<sup>3</sup> By way of comparison, there were five successful coups in 1966<sup>4</sup> – the highest ever registered in a single-year period. The year 2021 came close with four coups, but it had another distinctive feature as all concerned countries were suspended from participating in the activities of the African Union (AU) – a figure never reached in the history of the organization since the 2000 Lomé Declaration, a framework for a response to UCGs adopted by the AU's predecessor, the Organization of African Unity (OAU) (OAU, 2000b). From 2012 to April 2025, there have been a total of 14 instances of UCGs. Since 1952 (starting with Egypt), Africa has experienced 100 coups, more than any other region of the world. Only 20 (O)AU member states have, so far, escaped this phenomenon (Souaré, 2024).<sup>5</sup>

These developments have generated a host of concerns, among which two stand out. The first one pertains to the strength and direction of the democratization processes launched on the continent from the late 1980s and early 1990s. To recall, early in these processes, some authors had referred to them as instances of “décompression autoritaire” (authoritarian decompression) to underline their superficiality – as they did not, in their view, fundamentally alter the logics underpinning accession to, and devolution of, political power in Africa (Bayart, 1991). While overall valid, this assessment nonetheless needs to be nuanced. Indeed, some of the continent's political systems have experienced transformations that went well beyond a mere facade uplifting, resulting in peaceful alternation of power, paving the way for bolder and more independent judiciaries, and creating greater space for civil

1 UCGs, as defined by the AU (see paragraphs below), encompass a larger range of situations than just military coups d'état. A successful military coup is defined “as an illegal overthrow of the actual or prospective holder of the highest level of executive power, and its seizure by a number of defense and/or security officers in a more or less violent or peaceful covert and short operation in which the perpetrators hold power for at least one week or relinquish it voluntarily” (Souaré, 2024, p. 115). All figures on the number of UCGs in Africa referred to in this paper are based on data compiled by Souaré (which covers the period 1952–2022), as updated to account for developments that took place after the cutoff date of 2022.

2 Sudan (April 2019 and October 2021); Mali (August 2020 and May 2021); Guinea (September 2021); Burkina Faso (January and September 2022); Niger (July 2023); and Gabon (August 2023). In Chad, in April 2021, after the death of President Idriss Déby Itno, a Transitional Military Council (TMC) was put in place, and the constitution and government dissolved. The head of the TMC assumed the functions of head of state, contrary to the constitutionally laid down succession path. The AU PSC did not qualify this military takeover as an instance of UCG and, therefore, did not suspend Chad, as the AU instruments would have required it to do had it made the formal determination that indeed there was a UCG.

3 Nina Wilén (2024a) estimated the number of coups attempts during the period 2020–2023 to be 16. This figure does not include the reported coup attempts in Sierra Leone (November 2023), Guinea-Bissau (December 2023), and, more recently, in Benin (September 2024).

4 Burundi, Uganda, Ghana, and Nigeria, which experienced two coups that year (Souaré, 2024).

5 This is in updated version of the data compiled by Souaré, which, as indicated above, covers the period from 1955 and 2022; it identified 21 countries that were coup-free. Since then, Gabon has joined the list of countries that have experienced a coup. These countries represent diverse political contexts with varying levels of democratic development. The absence of a coup does not necessarily signal the existence of strong democratic institutions. Many other factors, beyond democratic consolidation, could indeed be at play, including effective coup-proofing strategies or unique historical trajectories.

society and free media.<sup>6</sup> Even where incumbent regimes have continuously retained power, there are varying degrees of electoral competition and liberalization of the political space that place some limits on how authority is exercised.

The second concern relates to the level of effectiveness of the AU and the Regional Economic Communities/Regional Mechanisms for Conflict Prevention, Management and Resolution (RECs/RMs) in addressing recent instances of UCGs. A key feature here has been their reactive rather than proactive stances. Most notably, these actors have been criticized for having turned a blind eye to long-standing governance malpractices and other related problems that precipitated the very coups they condemned. They were also chastened for being selective. Critics pointed to two aspects: first, the AU and its RECs/RMs were not outspoken in denouncing what some termed as “civilian coups” – the removals of presidential term limits amid polarized political environments and in ways that did not comply with constitutional provisions; second, situations deemed to fall under the definition of UCGs, as per the AU instruments, were treated differently. These implementation challenges have been, partly, attributed to substantive and procedural gaps in the AU normative and policy framework.

Against this overall backdrop, there have been numerous calls for the concerned African organizations to move away from their current approach, characterized by post-coup condemnations, crisis-driven interventions, and inconsistencies in the implementation of their norms and policies. Observers and analysts have stressed the need for a more effective implementation of existing norms and tools to address the democracy deficit and improve governance, bolster preventative diplomacy, sustain engagement with coup-makers, and enforce sanctions in a context-sensitive manner. They have also urged for adjustments to the continental instruments, including exempting popular uprisings against oppressive governments from being classified as UCGs – thereby, formally recognizing their democratic legitimacy – and explicitly including manipulations of constitutions to retain power as a form of UCG – alternatively, as far as the latter is concerned, clarifying the existing but ambiguous relevant provision contained in the African Charter on Democracy, Elections and Governance (ACDEG) (African Union 2007; Amani Africa, 2022; Djinnit, 2021; Kanté et al., 2024; Okechukwu, 2023). More consequentially, both the AU Peace and Security Council (PSC) and the AU Assembly of Heads of State and Government (hereinafter, the AU Assembly) have also called for steps to address identified gaps and provide specificities in some areas, most notably on constitutional issues.<sup>7</sup> This marks a break with an earlier

6 Among other illustrations, one could list recent peaceful transfers of power in Botswana, Ghana, Mauritius, Senegal and Zambia, as well as landmark court decisions (annulment of the 2017 presidential elections by the Kenyan supreme court, which ordered a rerun; the decision by the Malawian constitutional court overturning the 2019 election results and ordering new polls; and the ruling by the Senegalese constitutional council rejecting the attempt to postpone the 2024 presidential elections). Since 1990, there have been at least 35 incumbents who have left power as a result of electoral defeat (early examples include Aristide Pereira in Cape Verde 1991, Mathieu Kérékou in Benin 1991, Kenneth Kaunda in Zambia in 1991, Denis Sassou-Nguesso in Congo in 1992, Pierre Buyoya in Burundi in 1993, André Kolingba in Central African Republic in 1993, Didier Ratsiraka in Madagascar in 1993, Hastings Kamuzu Banda in Malawi in 1994). Additionally, several other leaders have left office in respect of the term limit provisions in their countries’ constitutions.

7 The Accra Declaration on Unconstitutional Changes of Government in Africa, adopted by the Reflection Forum (Accra, Ghana, 15–17 March 2022), which brought together AU member states, RECs/RMs, civil society organizations (CSOs), and academia, stressed the need to “accelerate the implementation of the call by the PSC and the recommendations of the Eighth High-Level Seminar on Peace and Security in Africa (Oran, Algeria, 2–4 December 2021), to review the African Governance Architecture (AGA) and the 2000 Lomé Declaration on unconstitutional changes of government; and for the AU Commission to undertake in-depth analysis of the Lomé Declaration and the AGA, with a view to ensuring that these frameworks and instruments address the gaps and respond appropriately to the challenges that the Continent is currently facing, and submit (recommendations) to the relevant policy organs of the African Union, including the PSC” (African Union, 2022a, §24). At the same time, it called on the AU “to finalize and adopt guidelines on the amendment of

era where the AU policy organs clearly eschewed any further normative and policy development, emphasizing rather the need to focus on implementation, even if they did not completely rule out more limited steps to refine, enrich, and update existing instruments (African Union, 2010).

This paper aims to contribute to the debate confronting African policy-makers regarding what ought to be prioritized in the current context: (1) enhanced implementation of, and greater adherence to, existing instruments or (2) further policy and normative development through revision of existing instruments. In principle, the two objectives are not contradictory; carefully conducted, they can complement each other, allowing for adaptive change based on challenges identified in the course of implementation.<sup>8</sup> However, our contention is that the AU normative and policy framework, some gaps notwithstanding, is sufficiently comprehensive and detailed for the organization and its relevant bodies to efficiently address all aspects of UCGs in Africa. The real challenge lies in implementation and compliance – a problem that goes beyond the specific issue of UCGs and was identified as such by the report on the institutional reform of the AU (Kagame, 2017).<sup>9</sup>

To substantiate this position, the paper is structured as follows. In the following section, it establishes the context of declining effectiveness in the AU's handling of recent cases of military takeovers, empirically illustrated by protracted transitions and a trend toward the legitimization of coup perpetrators through their candidacy in subsequent elections meant to restore constitutional order. These coups, which constitute the overwhelming majority of the UCGs addressed by the PSC (even though the AU framework encompasses a broader spectrum of democratic disruptions), have given renewed impetus to the calls for the revision of the AU's relevant instruments.

In the third section, the paper proceeds to explain what accounts for this decreasing effectiveness, highlighting a host of factors – some linked to the domestic contexts in which the UCGs occurred, others to gaps between policies and practical responses of African institutions – as well as their interplay. This contextualization is essential as it reveals that the diminishing effectiveness of the AU (and RECs/RMs) stems not from inadequate normative instruments but from political and other related considerations that have hampered their implementation.

In the fourth and fifth section, and to buttress the latter point, the paper makes an extensive presentation of the rich AU normative and policy framework on UCGs, which revolves around, but not only, the Lomé Declaration and the ACDEG, drawing as it does from multiple other sources of authority and guidance. Two additional and complementary arguments are made in this respect. The first argument draws attention to the fact that reopening the AU framework on UCGs could potentially lead to its weakening or, at a minimum, to protracted processes that would divert badly needed resources and time and detract from the more practical and urgent undertaking of realizing the full potential of existing instruments. The second argument underlines the inherent limitations to how far the AU can go

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constitutions in Africa based on the AU's existing laws, policies and practice relating to constitutionalism and rule of law" (ibid., §16). The declaration was endorsed by the 16th Extraordinary Summit of the AU Assembly (Malabo, Equatorial Guinea, 28 May 2022) (African Union, 2022b). This followed an earlier request by the PSC for "the Commission to expedite the development of guidelines for amending national constitutions, which will be universally applicable to all Member States" (AU PSC, 2018).

8 These two approaches correspond, respectively, to the institutional design theory, which places emphasis on the need for international organizations to adapt to changing circumstances and modify their rules as needed to remain relevant, and the implementation theory, which underlines, as priority task, putting into practice existing instruments and resolving challenges to compliance.

9 Among other findings, the report noted a constant failure to see through AU decisions, which has resulted in a crisis of implementation.

in regulating domestic governance, a matter that is fundamentally political and that, as such, does not lend itself to a purely technical approach.

In the sixth section, the paper argues that the path forward lies in a renewed focus toward the implementation of existing instruments along the following axes: leveraging the AU discursive power; increasing the organization's tactical flexibility as well as its ability to identify critical events and to proactively engage during those moments; fostering coherence among relevant international actors; and ensuring that all these specific actions and interventions are deployed within the broader context of AU strategies of norm and policy consolidation and long-term prevention.<sup>10</sup>

In the conclusion, the paper's key argument is summarized: in order to address the challenge of UCGs, the AU needs a renewed focus on implementing its existing normative and policy instruments rather than expanding them or introducing new ones.

## **2. The AU's Decreasing Effectiveness in Managing UCGs: Protracted Transitions and Trends Toward Self-Legitimization**

### *Protracted Transitions*

There is no doubt that Africa has been less successful at managing UCGs in the past few years than it has been in the preceding period. Nothing illustrates more vividly this decreasing effectiveness than the protracted nature of the ongoing transitions expected to lead, at some point, to political dispensations that meet the threshold of restoration of constitutional order. Under the Lomé Declaration (OAU, 2000b), a return to constitutional order must take place very quickly – normally within a maximum period of six months after the event that ruptured legality, a requirement that nowadays is mostly ignored. The statistics are clear-cut in this respect.

Based on the database developed and the analysis done by Issaka K. Souaré (2024), the 15 regimes that came to power by coup between 1990 and July 2000 remained in place for a total of 306 months before being succeeded by an elected government or a transitional authority of a sort – that is to say, an average of 20.4 months per regime. This figure was divided by half in the subsequent period. Indeed, between July 2000 and December 2018, the 12 regimes that seized power by force lasted a total of 114 months, corresponding to an average of 9.5 months per regime. The decrease in the duration of the transitions can, at least partly, be explained by the pressure exerted by the AU and the relevant RECs/RMs based on their respective policy and normative frameworks (Souaré, 2024).

<sup>10</sup> These ideas build on Michel Foucault's analysis of power, which offers invaluable insights into how to improve the AU response to UCGs. In his analysis, tactics is defined as a localized power maneuver by institutions and other governing bodies within larger strategic contexts (Foucault, 1980). Applied to the AU, this would refer to specific actions and interventions to address crises of UCGs and ensure compliance with continentally agreed democratic norms. Critical events are instances of divergence in power relations, which, in the context of UCGs, will refer to particular moments in a country's democratic trajectory, for example elections, significant constitutional reforms that can hinder the peaceful alternation of power, or coup attempts. Strategies represent the long-term plans that guide the deployment of tactics. Their equivalent in the AU context would be the overarching AU instruments such as the Constitutive Act of the African Union (OAU, 2000a), the Lomé Declaration (OAU, 2000b), and the ACDEG (African Union, 2007). For designing more effective AU responses, Foucault's perspective on tactics can be usefully complemented by Michel de Certeau's definition, which looks at it as a tool for the weak to navigate and resist power (de Certeau, 1984 [1980]). In that sense, it is an opportunistic endeavor, exploiting cracks in the system and operating in spaces not fully controlled by the powerful. For the AU, and given the limited, even if not insignificant, authority of the organization on member states, this implies acting opportunistically and seizing moments of crisis or heightened international attention to exert influence, navigating skillfully to overcome resistance from member states and the absence of political will, and operating in "borrowed" spaces.



However, since 2020, there has been a trend in the opposite direction. Transitions are taking longer, even in countries where *de facto* authorities had made formal commitments to conclude these processes within specific timelines.<sup>11</sup> So far, only Chad and Gabon have completed their transitions. For Chad, the transition took three years to the day—twice the originally envisaged timeframe. In comparison, the transition in Gabon, which concluded with the presidential election held on 12 April 2025, can be considered relatively short (Amani Africa, 2025). Even so, the time the transition authorities remained in power was twice the average duration recorded between July 2000 and 2018 (9.5 months), and only slightly shorter than Madagascar's transition, which lasted 25 months (Souaré, 2024).

In Mali, after the coup in August 2020, an agreement was reached with the Economic Community of West African States (ECOWAS) for the restoration of constitutional rule within an 18-month period, ending in February 2022. As this was not complied with, and following sustained efforts involving the ECOWAS Mediator and the Local Follow-up Committee – composed of ECOWAS, the AU, and the United Nations (UN), through MINUSMA – the return to constitutional rule was pushed to March 2024. While a constitutional referendum took place in June 2023, the authorities subsequently announced the postponement of the elections, without setting a new date, and in May 2024, the inter-Malian dialogue recommended a further extension of the transition by a period of two to five years (UNSG, 2023, UNSG, 2024; Africa24 TV, 2025; Jeune Afrique, 2024). Nearly a year later, in April 2025, the national consultations convened to review the political parties charter recommended installing the Transition President as President of the Republic for a renewable five (5) year term starting in 2025—mirroring the example set by his peers in the Alliance of Sahel States (AES).<sup>12</sup> The consultations also proposed maintaining current transitional bodies and suspending all electoral matters until the pacification of the country is achieved (Traoré 2025).

In Burkina Faso, the transition was to end in July 2024. However, after the *Assises nationales* (National Conference) organized in May 2024, the authorities decided to extend the transition by an additional five years, until July 2029 (UNSG, 2024; Le Monde, 2024). In Niger, following the *Assises nationales pour la Refondation* (National Conference for Refoundation), held in February 2025—19 months after the coup that propelled the military to power—a five-year transition period was proposed and subsequently endorsed by the authorities. It was specified that this period is subject to adjustment depending on the security situation, the roadmap for rebuilding the state, and the agenda of the Confederation of Sahel States (Le Sahel, 2025a, 2025b).

Transition timelines have also slipped in Guinea, even though the country has taken a different trajectory in its relationship with ECOWAS compared to the members of the Confederation of Sahel States. The transition, which was planned to conclude by the end of 2024, as agreed with ECOWAS, has been extended, with the authorities now stating that elections will happen during 2025 (Kane, 2024; Mbardounka, 2025).

11 In most cases, particularly in Burkina Faso, Mali, and Niger, the transitional authorities justify these lengthy transitions by the need to address what they identify as the underlying causes of instability in their countries and the prevailing insecurity. They insist that if these factors are left unaddressed, it will only be a matter of time before a new coup occurs. To take the example of Mali, this approach, which emerged after the second coup, in May 2021, led to the convening of the *Assises nationales de la Refondation* (National Conference for Refoundation) in December 2021 (see UNSG, 2023). This rationale is challenged not only by the concerned African organizations that insist on accelerated processes for the return to constitutional rule but also by several local stakeholders, who stress that deep-seated reforms should be the responsibility of elected governments and that a transition should have a limited time span and focus mostly on restoring legality.

12 The AES was established by Burkina Faso, Mali, and Niger in September 2023. The three countries announced their withdrawal from ECOWAS in January 2024 and later transformed the AES into the Confederation of Sahel States in July 2024.



In Sudan, the transition period initially was to conclude in August 2023, before being postponed to the end of 2024. In April 2023, the country plunged into an all-out civil war between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF), resulting in one of the greatest humanitarian tragedies currently in the world. In that context, priorities have shifted, with the AU, the Intergovernmental Authority on Development (IGAD), and the UN focusing their efforts on ending the violence and facilitating humanitarian relief. However, in February 2025, in Port Sudan, the Sudanese authorities announced a roadmap for the post-war period, which includes the launch of an inclusive national dialogue leading to elections. They also enacted significant amendments to the 2019 Constitutional Document, extending the transitional period by 39 months from February 2025, increasing military representation on the Sovereign Council (Sudan's collective head of state), and expanding the Council's powers. This move was challenged by several Sudanese civilian stakeholders on both legal and political grounds (IDEA, 2025; AllAfrica, 2025).

Taking 2019 as the reference point, the cumulative duration in power of the transition regimes in the seven African countries mentioned above was, as of April 2025, 24 years. This makes an average of about 41 months per regime, significantly higher than the average recorded for the period from 1990 to 2000. These protracted transitions are compounded by another challenge, relating to the AU rule that bans authors of UCGs from participating in elections to restore constitutional order.

#### *Trend Toward Self Legitimization*

The Lomé Declaration did not contain such a prohibition, which was introduced by the ACDEG in January 2007.<sup>13</sup> Pending the entry into force of the ACDEG (February 2012), the AU Assembly, in February 2010, adopted a decision to enhance the AU's response, which, among others, barred perpetrators of UCGs from participating in elections held to restore legality (African Union, 2010). The aim was twofold: to further discourage potential UCGs by making the actions of their perpetrators pointless, as they will not ultimately benefit from them, and to create a level playing field for elections meant to restore legality, as none of those competing would be able to leverage the state's resources to tilt the scale in his/her favor.<sup>14</sup>

In neither Chad nor in Gabon was the established rule complied with. In both countries, the heads of the transition regimes participated in the presidential elections meant to restore constitutional order—and won. In July 2024, in the context of its consideration of the half-year report of the Chairperson of the Commission on elections in Africa, the PSC “congratulate(d)” Chad, along with other member states, for having “successfully organize(d) elections during the first half of 2024 in a peaceful, transparent and credible manner ...” (AU PSC, 2024). The PSC did not have to address the issue of lifting suspension measures, as

<sup>13</sup> Among others, it stipulates that “the perpetrators of unconstitutional change of government shall not be allowed to participate in elections held to restore the democratic order or hold any position of responsibility in political institutions of their States” (African Union, 2007, §25[4]).

<sup>14</sup> That rule had generally been complied with. However, in June 2014, the PSC decided to lift the suspension of the participation of Egypt in the AU's activities following the presidential election held on 26–28 May 2014, even though the winner was involved in what the PSC termed as an UCG. The PSC was careful to underline that this did not constitute a precedent in terms of its previous decisions, which stipulate that perpetrators of UCGs cannot participate in the elections held to restore constitutional order. The lifting was proposed by the AU High Level Panel for Egypt “considering (a) the progress made in the formal restoration of constitutional order, (b) the fact that the suspension of the country for close to a year has sent a strong message to the Egyptian stakeholders regarding AU's attachment to its principles and instruments, and (c) the need for the AU to remain engaged with Egypt and to accompany the efforts of the Egyptian authorities for the full implementation of the Roadmap” (AU PSC 2014b, 3[i]).

Chad had never been formally suspended from the AU. As for Gabon, the PSC, meeting on 30 April 2025, upon welcoming the steps taken towards the implementation of the political transition, including the holding of presidential elections that marked its conclusion, “decide(d) to lift the suspension of the participation of Gabon in AU’s activities ... and invite(d) Gabon to immediately resume its participation in the activities of the AU” (AU PSC, 2025).

Barring a drastic shift in approach, these decisions suggest that the heads of the other transitional regimes are unlikely to face censure from the PSC should they choose to cross the Rubicon and enter electoral politics. In Mali, Guinea, and Burkina Faso, the transition charters guiding governance until the return to legality all explicitly prohibited transition leaders from contesting elections. This was reinforced by repeated assurances from those in power that they had no intention of seeking elected offices.<sup>15</sup> Since then, however, these constraints have been removed in some of these countries, reversing the initial commitments and leaving the issue of candidacy subject to political dynamics rather than legal prohibitions.

In Mali, during the above-mentioned inter-Malian dialogue, participants recommended the candidacy of the transition president (Jeune Afrique, 2024). Those in favor of such an option stress that the new constitution, which was adopted by referendum in June 2023 and which marked the advent of the Fourth Republic, does not prohibit such a candidacy and that it takes precedence over the relevant provisions of the transition charter.

In Burkina Faso, the transition charter was amended in May 2024, allowing the transition president to run as a candidate (Le Monde, 2024). In Guinea, while no formal change has been made to the transition charter and the new draft constitution is yet to be finalized, officials have already called for the candidacy of the transition president (RFI, 2025b).

While, as mentioned above, the issue of the transition timeline in Niger was resolved by the National Conference for Refoundation, held in February, no decision was announced regarding the candidacy of the transition actors in the elections that will be organized at a yet unspecified time to conclude the transition. In Sudan, the agreement among the political actors was that none of them would participate in the elections; however, with the country’s descent into civil war, the focus is elsewhere.

### **3. The Twin Challenges Undercutting the AU’s Effectiveness: External Constraints and Implementation Gaps**

What explains this decreasing effectiveness in the management of UCGs and erosion of hard-won norms and policies? The reasons are multiple. Some are rooted in the domestic contexts in which the recent wave of coups occurred and the ways in which they were received from “below” (by ordinary citizens), with the resulting narrative somehow putting the AU and its RECs/RMs in a bind. Others can be traced to the inconsistencies that marred the management by these organizations of the UCGs they were seized of. To sum up, the AU and the RECs/RMs were victims of both contexts (even if they somehow contributed to their creation, as we would see below) and of their own deficiencies. These two factors combined to reduce the stigma initially attached to coups, setting the stage for a more permissive environment for military intervention in politics.

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<sup>15</sup> In a way, these provisions built on and sanctified the image of the *soldat de la démocratie* (*soldier of democracy*) personified by late president Amadou Toumani Touré, who, after the coup d’état of 1991 in Mali, led the transition and handed over power to an elected civilian president.

### *Domestic Support for Military Coups*

A key feature of the coups that took place in the last four years is the significant level of popular support they enjoyed when they were perpetrated, though this varies across countries. While a plurality of factors, including post-coup environment dynamics and censorship, may make it difficult to accurately measure popularity, there is no denying that, generally speaking, these seizures of power have been rather well received, at least initially, as demonstrated by street celebrations and polls. The coups were seen as the unavoidable responses to either (1) continuously/rapidly deteriorating security situations, widespread corruption and governance malpractices by the ruling elites against a backdrop of hardships for the masses, and blatant elections manipulations or (2) attempts to cling onto power by altering constitutional provisions on terms limits (Adetayo, 2023; Kanté et al., 2024). To that extent, the popular acceptance of coups reflects more a dissatisfaction with the performance of the civilian, elected governments than outright support for military takeover and an “existing so-called authoritarian personality and culture” (García-Rivero, 2022). This is confirmed by a recent Afrobarometer report, which, based on survey averages across 39 countries, shows that support for democracy continues to be quite substantial, even though it has significantly declined, accompanied by the plummeting of opposition to military rule and a concomitant willingness to accept a military takeover if elected leaders “abuse power for their own ends” (Afrobarometer, 2024).<sup>16</sup>

Furthermore, as some of the new regimes broke with long-standing international partnerships – framing this as an assertion of sovereignty and opening of new chapters of meaningful independence – they managed to foster narratives that, for a variety of reasons beyond the scope of this paper, have appeal beyond their own borders.<sup>17</sup>

Popular support for coups is not completely new on the continent. In the past, there have also been coups that enjoyed a measure of support or were met with some relief, as they ended political deadlocks that threatened to sink countries altogether or long periods of political stagnation and repression. However, there was a huge difference in that their authors did not intend to stay in power longer than was needed to re-establish constitutional rule. That meant that the expectations of the populations and political stakeholders were somehow limited, and the transition regimes were judged on a very narrow set of promises. Most of the military regimes now in place have set for themselves much higher ambitions, nothing less than the entire remaking of their countries – this is the metric against which they are being evaluated. The deep-seated discontent that facilitated the rise of military regimes and provided them with powerful narratives to rally support is also their Achilles’

<sup>16</sup> The report states that two-thirds (66%) of those surveyed marked a preference for democracy over any other system of government, with large majorities rejecting one-man rule (80%), one-party rule (78%), and military rule (66%). At the same time, across 30 countries surveyed consistently over the past decade, support for democracy has declined by 7 percentage points, with, unsurprisingly, much higher percentages in countries such as Mali (23 percentage points), while opposition to military rule has plummeted by 11 percentage points on average and, unsurprisingly again, much more steeply in Mali and Burkina Faso (by 40 and 37 percentage points, respectively). The report notes that more than half of Africans (53% across 39 countries) are willing to accept a military takeover if elected leaders “abuse power for their own ends,” stressing that “deepening citizen dissatisfaction with how democracy is performing is strongly associated with perceived declines in both socioeconomic and political performance.”

<sup>17</sup> See Olivier de Sardan (2023, pp. 29–30). He speaks of a crisis of Western-centrism, linked to “a collective imagination,” particularly among young people, fueled notably by the fact that “the accounts of colonization have not been completely settled,” the more recent history of relations with Western powers, and “the feeling that African countries have never been ‘really’ independent.” This imagination, which obviously simplifies things, extends beyond the central Sahel region. The shifting global landscape – marked by democratic backsliding, and inconsistent international stance on coups – have created a permissive environment, enabling the military authorities to effectively garner public support through messaging that, among others, pointed out double standards.

heel. Over time, to the extent that the rhetoric for change is not matched by commensurate breaks in governance, socioeconomic betterment, and greater efficacy in addressing the very challenges they invoked as justification for military takeover, including improving security, there will likely be a significant shift in public sentiment.<sup>18</sup>

To some extent, the relative popularity of the coups is a reflection of shortcomings in the structural conflict prevention efforts of the concerned African organizations. Indeed, had the stipulations contained in the relevant AU instruments on governance, democracy, and human rights been adhered to, the likelihood of coups d'état would have been reduced.<sup>19</sup> This, in turn, complicates the response: When African organizations condemn coups and impose sanctions, in line with their relevant instruments, they face a barrage of criticism, being accused of political "hypocrisy" and double standards (Kanté et al., 2024) and of having overlooked egregious violations of democratic norms to only express outrage at the resulting coups.<sup>20</sup> Harsher sanctions that go beyond the suspension of regimes borne out of coups become even more problematic, seen as unfairly punishing the populations and undercutting efforts to address the underlying problems that generated instability in the first place. In most countries, these sanctions backfired, as they triggered a rally-behind-the-national-flag reaction, which bolstered rather than weakened the hold of the military onto power.<sup>21</sup> Their legality was also challenged.

18 There are already signs of discontent and contestation, resulting in increasingly repressive tactics, with the attendant shrinking of political space and encroachments on individual and collective freedoms, in addition to human rights violations in the context of counterterrorism operations, as documented by the UN and human rights organizations. On the evolution of the security situation in the central Sahel, for instance, see Thurston (2024, p.15) who states, "Taken together, the data suggest that the coups have worsened and extended trends that were already mostly going in a bad direction before militaries took power in Mali and Burkina Faso. Fatalities would likely have continued to rise even without the coups, but the sharp uptick in fatalities following the coups suggests that they had some additional – albeit uneven – impact." See also Idrissa (2025) on his progress report on what some refer to as the "Sahelian sovereignism."

19 The AU itself made the link between the two early in its efforts to address the threat of UCGs. For instance, in the Lomé Declaration, the heads of state and government, having agreed on a set common values and principles for democratic governance, stated the following: "We believe that the strict adherence to these principles and the strengthening of democratic institutions will considerably reduce the risks of unconstitutional change on our Continent. Indeed, experience has shown that unconstitutional changes are sometimes the culmination of a political and institutional crisis linked to non-adherence to the above common values and democratic principles. Our Organization should therefore support all efforts aimed at promoting adherence to these principles." The PSC reiterated this point even more strongly by noting "that unconstitutional changes of government and popular uprisings were deeply rooted in governance deficiencies," stressing "that situations of greed, selfishness, mismanagement of diversity, mismanagement of opportunity, marginalization, abuse of human rights, refusal to accept electoral defeat, manipulation of constitutions, as well as unconstitutional review of constitutions to serve narrow interests, and corruption, among other factors, are potent triggers for unconstitutional changes of government and popular uprisings." Accordingly, the PSC urged "AU Member States to deepen the culture of democracy, accountability, inclusiveness, participation, reconciliation and good governance, to foster peace and stability on the continent" (AU PSC 2014a, p. 1f.).

20 As pointed out by Ero and Mutiga (2023, p. 13), "Many Burkinabe, Guinean, Malian, and Nigerien elites have ready retorts to the outrage expressed in Western capitals and at the AU in response to military takeovers: Where were you when we were struggling with jihadists killing our people? Where were you after our incumbent presidents organized sham elections? When African leaders have modified or discarded presidential term limits, the AU, in particular, has not been nearly so quick to condemn this kind of power grab."

21 In their efforts to address UCGs in West Africa, ECOWAS and the AU were also hampered by inadequate strategic communication. For example, ECOWAS was unable to effectively showcase some of its past principled positions on countering UCGs in the region, including its intervention in The Gambia in December 2016/January 2017, to ensure that power was ceded to the democratically elected president Adama Barrow; its suspension of Niger in 2009 following the controversial extension of President Mamadou Tandja's term; and its military operation in Sierra Leone in February 1998 to reinstate President Ahmad Tejan Kabbah, who had been toppled by a coup in May 1997. In all these situations, the regional organization and the AU worked closely together to uphold constitutional governance. Additionally, public communication toward the countries that experienced coups d'état focused predominantly on transition deadlines while displaying limited public empathy regarding the security and other challenges confronting local populations. This emphasis on electoral processes, when citizens were primarily concerned with personal safety and basic service delivery and aspired to sweeping reforms to address the underlying causes of instability, created a perception gap that coup

### *Inconsistencies in Implementation and Differences Between the AU and the RECs/RMs*

A second aspect that affects the effectiveness of the African organizations relates to inconsistencies in the application of their norms on UCGs, both within and between them. In this respect, many analysts and political actors on the ground have pointed out the differentiated treatment by the AU of the situations in central Sahel and in Chad.

As indicated above, after the death of President Idriss Deby, a Transitional Military Council (TMC) led by the head of the presidential guard was established to run the transitional period until the restoration of constitutional order, thereby bypassing the constitutional path of succession – under which, given the absence of the senate (the upper house of parliament), the speaker of the national assembly was to serve as interim president pending the organization of elections.<sup>22</sup> Invoking the complexity of the political and security situation in Chad, the PSC, at its meeting in May 2021, held in the wake of a fact-finding mission in that country, refrained from labeling the situation as an instance of UCG and, consequently, did not suspend Chad. However, it outlined parameters with which the transition had to comply. In addition to the need for a civilian-led transition with a clear distinction of the roles and functions of the TMC from those of the transitional government, these parameters pertained to the duration of the transition and the non-participation of the president and members of the TMC in the elections to restore constitutional rule (Amani Africa, 2024).<sup>23</sup> None of these parameters, which were reiterated in subsequent pronouncements of the PSC, were eventually adhered to, further complicating the AU's efforts in other situations and reducing the deterrent effect of its decisions.

The differences in the reactions between the AU and its RECs/RMs have also come under scrutiny. Two situations are illustrative in this regard, additionally highlighting the dilemma the AU faces. Regarding Mali, while the PSC did endorse the economic and financial sanctions adopted by the ECOWAS Authority of Heads of State and Government on 9 January 2022 in response to the failure by the Malian authorities to abide by their commitment to complete the transition within the initially agreed timeframe, it decided, however, to delay their implementation. It did so pending the outcome of an initiative that was spearheaded by Algeria to help Mali and ECOWAS overcome their differences and ensure the return of Mali to constitutional order within a period of time not exceeding 16 months (AU PSC, 2022). Concerning Niger, the PSC endorsed the punitive measures (financial and economic sanctions) imposed by ECOWAS at its summit on 30 July 2023, even though it called for

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leaders skillfully exploited. A more balanced communication strategy acknowledging the legitimate security concerns of affected populations, while emphasizing that these concerns could be addressed differently and upholding democratic principles, might have resonated more effectively with domestic audiences; diminished the appeal of populist discourses; and, to some extent, facilitated engagement with the military authorities. External factors also complicated the African-led efforts, impacting their legitimacy in the eyes of important segments of the society.

22 As stressed by Souaré (2024, pp. 131–132), two issues were involved here. First, the role of the TMC in the process. Second, the non-adherence to the constitutional process. The Chadian constitution of May 2018 (§82), as amended in December 2020, provided that in case of vacancy, the president of the senate becomes interim president, with elections organized within three months. As the senate was not in place at the time, the role of interim president was to be assumed by the speaker of the national assembly. The reason put forward by the authorities was that the speaker had “voluntarily renounced” his right to become interim president. Souaré argues that “there is nothing that proves that they went to the vice-speaker in the order of hierarchy and that the latter, too, renounced the right. This makes the modality of TMCs coming to power a case of unconstitutional change of government (UCG), as per relevant AU instruments.”

23 Before its meeting of 14 May, on 22 April, the PSC, having recalled the relevant provisions of the Lomé Declaration and the ACDEG, had “expressed grave concern with respect to the establishment of the Transitional Military Council,” urging the defense and security forces and all national stakeholders to respect the constitutional mandate and order (AU PSC, 2021, §5).



their gradual application and for steps to minimize disproportionate effect on ordinary people. As for the threat of military intervention, also decided by the aforementioned ECOWAS summit if its demands were not heeded by the military in Niger, the PSC showed greater caution. It took note of the decision to deploy the regional standby force and requested the AU Commission (AUC) to undertake an assessment of the economic, social, and security implications of deploying this force in Niger (AU PSC, 2023a).

Here, one could clearly discern a division of labor, with ECOWAS displaying greater firmness and the AU leaving space for a face-saving solution and striving to avert showdowns with uncertain outcomes. It is also worth stressing that the PSC is under no obligation to automatically endorse decisions by the RECs/RMs. As per the relevant provisions of the Protocol Relating to the Establishment of the Peace and Security Council (hereinafter, the PSC Protocol) (African Union, 2002a), it holds ultimate authority, with continental norms taking precedence over regional frameworks in case of divergence. Nevertheless, as sound as the AU decisions were both in substance and from a legal standpoint, these differences reflected challenges in reaching a consensus on the best way forward between the regional and the continental levels, as demonstrated by the protracted nature of the discussions that led to the PSC's communiqués (under the section references) and some of the reactions they elicited. As such, the collective leverage of the continent vis-à-vis the regimes in question was reduced, as the latter could very easily read the cracks in the stand of the African organizations and bid for time. Going forward, the response will lie in closer and prior consultations between these two levels on the best way forward and the creation of political space for the AU to play a more active role in the dialogue with regimes facing sanctions, especially when the conversation becomes more fraught, not to say impossible, at the regional level.

There are situations that are more revealing. A case in point is Sudan, whose participation in the activities of the AU has been suspended since June 2019, until the effective re-establishment of a civilian-led transitional authority (AU PSC, 2019b), but had been allowed to continue to participate in the activities of IGAD up until January 2024.<sup>24</sup> Another example is provided by the situation concerning Gabon. The country was initially suspended from both the Economic Community of Central African States (ECCAS) and the AU, but in March 2024, ECCAS lifted its suspension.<sup>25</sup> The PSC lifted the suspension from the AU only at the end of April 2025, after the holding of presidential elections.

More generally, and in an overall context of democratic backsliding, the stigma attached to coups tends to dissipate or, at least, decrease. These are no longer unanimously considered as acts that depart from politically and socially held norms at regional and continental levels and that set their authors apart from the community they belong to. Not only are they seen by large segments of populations, desperate to improve their lot, as the solution to their challenges, notwithstanding the fact that experience has repeatedly shown that while coup perpetrators can easily harness legitimate frustrations to rally support, delivering on their promises is far more difficult. The setback is a serious one, and it will take the continent a while before recovering from it and ensuring that coups, as a means to address legitimate governance challenges and political and institutional deadlocks, do not become normalized.

<sup>24</sup> In fact, it is Sudan that suspended its participation in IGAD in January 2024. It did so in protest of the invitation extended by IGAD to the head of the RSF to attend a summit in Uganda, which it viewed as legitimizing the RSF. Sudan even chaired the regional organization, including meetings attended by the AU.

<sup>25</sup> ECCAS suspended Gabon during an extraordinary summit (Djibloho, Equatorial Guinea, 4 September 2023). The PSC did so few days earlier (AU PSC, 2023b). At the 24th Ordinary Session of the ECCAS Summit, ECCAS reinstated the full membership Gabon in ECCAS (Malabo, Equatorial-Guinea, March 2024). It also rescinded an earlier decision to temporarily move the ECCAS headquarters from Libreville to Malabo.

#### 4. AU Norms and Policies: A Comprehensive Framework to Address UCGs

As stressed above, in the face of the resurgence of UCGs, there have been renewed calls to clarify or strengthen the AU normative and policy framework. These calls raise two sets of issues. First, from a substantive perspective, it is important to ascertain whether there are indeed gaps in the AU framework that warrant rectification. Put differently, the problem needs to be defined: Is it one of substantive deficiencies that must be corrected or one of implementation and follow-up of existing norms and policies, for which the response will be different? In this respect, the following paragraphs will summarize the key elements of the AU framework and analyze if any of the challenges encountered by the AU can be attributed to such gaps. Second, and assuming that there are gaps, is it advisable, considering the particular context that the continent finds itself in and the challenges it confronts, to embark upon further normative development?

##### *Evolution of the AU Policies and Norms and Their Key Features*

The AU norms and policies on UCGs can be traced back to the creation of the OAU.<sup>26</sup> In response to the murder of President Sylvanus Olympio of Togo (on 13 January 1963), a few months before the summit in Addis Ababa in May of that year, the OAU included in its founding charter a clear condemnation of political assassination, meaning that any accession to power through that means would fall outside of continentally agreed norms (Wiebusch et al., 2019). However, decades elapsed before the OAU started addressing the larger issue of UCGs and established the machinery needed to ensure an effective response. In the mid-1990s, the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution – the immediate predecessor of the PSC – set up a subcommittee to look into the matter. Decisions taken in Harare in 1997, in response to the coup against President Ahmed Tejan Kaba of Sierra Leone, and in Algiers in 1999, in response to the coups in Niger and the Comoros, sustained the momentum, leading to the adoption of the Lomé Declaration in July 2000 (OAU 1999a, 1999b; Witt, 2020; Djinnit, 2021; Wiebusch, 2023).<sup>27</sup>

The declaration provided the bedrock for further normative and policy decisions that, in some instances, reiterated its core principles and, in others, enhanced them with additional provisions. It is worth mentioning here the July 2000 Constitutive Act of the African Union (hereinafter, the AU Constitutive Act); the July 2000 Solemn Declaration on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) (AU, 2000b) and its July 2002 Memorandum of Understanding (MoU); the 2002 PSC Protocol (African Union, 2002a); the February 2004 Solemn Declaration on a Common African Defense and Security Policy (African Union, 2004); the January 2005 Non-Aggression and Common Defence Pact (African Union, 2005); the January 2007 ACDEG (African Union, 2007); the February 2010 decision on the prevention of UCGs and strengthening the capacity of the AU to manage such situations (African Union, 2010);<sup>28</sup> and the June 2014 Protocol on Amendments

26 There is often a tendency, both in the policy and academic realms, to draw sharp and very simplistic contrasts between the OAU and the AU, with the latter seen as the entity that ushered in all the normative and policy frameworks developed on governance as well as on peace and security (see Engel 2012). In reality, there are more continuities than discontinuities between these two institutional incarnations of the pan-African project. Most of the AU initiatives can be linked to policies and efforts made under the OAU. Nowhere is this truer than in governance, democracy, and human rights (Djinnit and Wane, 2020).

27 Djinnit (2021) provides an insider's account of the process leading to the Lomé Declaration and to subsequent decisions on UCGs, having served successively as chef de cabinet of the then secretary-general Salim Ahmed Salim (1989–1999) and assistant secretary-general for political affairs (1999–2003). He later became the first AU commissioner for peace and security (2003–2008).

28 This decision was based on the report of the AUC chairperson on the prevention of UCGs and the strengthening of the AU capacity to manage such situations (AUC Chairperson 2010).



to the Protocol on the Statute of the African Court of Justice and Human Rights, known as the Malabo Protocol (African Union, 2014b).

This brief genealogy illustrates the evolving nature of the AU response. The cumulative decisions adopted over time addressed gaps identified during implementation and gradually resulted in an undeniably strong and adequate framework. The evolution has been particularly striking, as the AU moved from an approach that treated UCGs as a political problem requiring diplomatic intervention (Lomé Declaration) to the conversion of the political commitments made in the Lomé Declaration into legally binding obligations (the ACDEG), and finally to framing UCGs as an international crime necessitating a judicial response. The paragraphs that follow outline the key aspects of the AU UCG framework as they relate to: the definition of UCGs, the sanction regime, coordination mechanisms with the RECs/RMs and with partners, and preventive measures to reduce the likelihood of illegal seizures of power.

### *Definition of UCGs*

In the Lomé Declaration, the following actions are deemed to fall under the definition of UCGs: military coups against a democratically elected government; intervention by mercenaries to replace a democratically elected government; replacement of the same by armed dissident groups and rebel groups; and refusal by an incumbent government to relinquish power to the winning party after free, fair, and regular elections. The ACDEG broadened this definition, adding to the list “[a]ny amendment or revision of the Constitution or legal instruments which is an infringement on the principles of democratic change of government.” While this formulation is more vague than the one initially envisaged (“amendment or revision of constitutions and legal instruments, contrary to the provisions of the constitution of the State party concerned to prolong the tenure of office for the incumbent government”), it nonetheless marked an important step and leaves significant room for maneuver to apply the provision to a variety of situations, even though, thus far, the PSC has refrained from doing so.<sup>29</sup> This potential application can be all the more contemplated as the ACDEG, in listing situations that qualify as UCGs, uses the Latin locution *inter alia*, signaling clearly that the enumeration is not exhaustive.

Also of particular significance to this issue are the relevant provisions of the Malabo Protocol, which is yet to enter into force.<sup>30</sup> First, the protocol characterizes UCGs as a crime

<sup>29</sup> That said, the PSC has found subtle ways to express *a posteriori* disapprovals of policies and governance practices that led to coups. This was the case in Niger in February 2010 after the overthrow of President Mamadou Tandja, who, in defiance of the advice and decisions of ECOWAS and the AU, had decided to go ahead and lift the constitutional term limit. In its communiqué of 19 February 2010, the PSC first emphasized the automatic nature of the sanction relating to the suspension from AU activities following UCGs before taking that particular step (AU PSC, 2010). By doing so, the PSC implicitly signaled that it was obligated to act according to the established framework, while recognizing the complexity of the situation and the fact that the president had effectively created the conditions for the coup. As if to further underline its understanding of the developments in Niger, the PSC recalled that persistent and repeated transgressions of democratic norms can lead to UCGs. It endorsed the AU’s and ECOWAS’s support for the process of restoring constitutional order. Niger’s suspension was lifted on 16 March 2011, following the completion of presidential elections that same month, which crowned the transition process initiated in March 2010. Furthermore, while the PSC has notably refrained from invoking Article 23(5) of the ACDEG regarding constitutional amendments that infringe on democratic principles, it has applied the provisions of the charter and the Lomé Declaration classifying refusal to relinquish power after electoral defeat as UCGs. The AU’s stance in Côte d’Ivoire in 2010–2011, when Laurent Gbagbo refused to accept electoral defeat to Alassane Ouattara (AU PSC, 2011c, and AU PSC, 2011d), and its support for ECOWAS’s intervention in The Gambia in 2016–2017, when Yahya Jammeh initially rejected his electoral loss to Adama Barrow (AU PSC, 2017a, and AU PSC, 2017b), demonstrate the organization’s willingness to enforce this specific aspect of its UCG framework.

<sup>30</sup> As indicated by its full and official title (Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights, adopted on 27 June 2014), the Malabo Protocol amended the Protocol on the Statute of the African Court of Justice and Human Rights (AfCJHR Protocol). This latter instrument

over which the African Court of Justice and Human Rights is granted international criminal jurisdiction. This represents a significant normative innovation, as it moves UCGs from a purely political matter to also one of international criminal law; establishes individual criminal liability and not just state responsibility; and places UCGs within the same category of serious violations of international law as genocide, crimes against humanity, and war crimes. Second, the protocol reformulates, as follows, the above-mentioned provision of the ACDEG, offering additional legal pathways to address what is often referred to as “constitutional” or “civilian coups”: “Any amendment or revision of the Constitution or legal instruments which is an infringement on the principles of democratic change of government or is inconsistent with the Constitution” (African Union 2014, §5). This reformulation partly returns to the initial text of the ACDEG but with important and far-reaching differences. The clause “inconsistent with the Constitution” provides a more solid legal ground for the AU, through the African Court of Justice and Human Rights, to intervene in situations of both procedural and substantive violations of constitutions. Third, the protocol introduces an entirely new, distinct category of UCGs, which was not provided for by either the Lomé Declaration or the ACDEG, which reads as follows: “Any substantial modification to the electoral laws in the last six (6) months before the elections without the consent of the majority of the political actors” (African Union, 2014b: §28[e]f). This provision recognizes that electoral manipulation can be tantamount to an outright coup; addresses a not so rare practice by incumbents to tilt the competition in their favor, through last-minute changes to electoral rules; and compels political actors to promote inclusive decision-making on fundamental electoral rules. At the same time, it is important to highlight certain limitations of the protocol. Indeed, while it criminalizes UCGs, it also shields the very officials who could engage in such actions from prosecution, thus complicating the response to UCGs initiated by incumbents.<sup>31</sup>

### *Sanctions*

With respect to sanctions in response to UCGs, the Lomé Declaration only envisaged the suspension of the concerned country from participating in AU activities and, should attempts to restore constitutional order remain unsuccessful after a six-month period, it stipulated that other measures should be instituted, including visa denial for the perpetrators, restrictions of government-to-government contacts, and trade restrictions. The ACDEG added several other sanctions that target perpetrators of UCGs,<sup>32</sup> establishing a judicial mechanism for accountability going beyond political sanctions, as well as member states that have instigated or supported a UCG in another state. It also enhanced inter-African cooperation in dealing with UCGs (prohibition to host or give sanctuary to perpetrators and

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(adopted on 1 July 2008 in Sharm El-Sheikh, Egypt) merged the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights (adopted on 10 June 1998 in Ouagadougou, Burkina Faso, entering into force on 25 January 2004) and the Protocol of the Court of Justice of the African Union (adopted on 11 July 2003 in Maputo, Mozambique, coming into force on 11 February 2009). For the Malabo Protocol to come into force, it should not only garner the 15 required ratifications but, additionally, the instrument it amended should also enter into force. As of March 2025, the Malabo Protocol had been signed by 15 states and ratified by only 1 (Angola), while the AfCJHR Protocol has thus far been signed by 32 states and ratified by 8 of them.

31 Article 46A bis of the protocol stipulates that “No charges shall be commenced or continued before the Court against any serving AU Head of State or Government, or anybody acting or entitled to act in such capacity, or other senior state officials based on their functions, during their tenure of office.” This provision has come under criticism, along with other concerns relating to the capacity of the court to execute the expanded jurisdiction given to it and the resource limitations facing the AU that will impact this jurisdiction’s functioning. See Amnesty International (2016).

32 They are barred from participating in elections to restore democratic order or holding any position of responsibility in political institutions of their state; may be tried before the competent court of the AU; and could be subjected to other sanctions, including punitive economic measures.

commitment to bring them to justice or ensure their extradition – in this respect, the AC-DEG encourages the conclusion of bilateral extradition agreements and other relevant legal tools – see African Union, 2007: §25). The Malabo Protocol, as indicated above, granted to the African Court of Justice and Human Rights the power to try the perpetrators of UCGs. While not referring specifically to UCGs, there is no doubt that sanctions on member states that fail to comply with the decisions and policies of the AU apply to such situations, given that respect for democracy, the rule of law, and good governance as well as the condemnation and rejection of UCGs feature among the AU principles (African Union, 2007: §23[2]). These sanctions include the denial of transport and communications links with other member states, as well as other measures of a political and economic nature to be determined by the AU Assembly.<sup>33</sup> At a more operational level, the PSC Protocol gave the PSC the power to “institute sanctions whenever an unconstitutional change of Government takes place in a member state, as provided for in the Lomé Declaration” (African Union, 2002a, §7[g]).<sup>34</sup>

### *International Coordination*

Coordination between the AU and the RECs/RMs is a critical element to ensure a consistent, coherent, and effective response to UCGs. Accordingly, the Lomé Declaration urged the secretary-general (now the AUC chairperson), both during the initial engagement phase with the authors of an UCG and in the implementation of sanctions, to enlist the collaboration/cooperation of the regional grouping to which the country in crisis belongs. Having reiterated the primacy of the AU in the promotion of peace and security in Africa, in line with the PSC Protocol,<sup>35</sup> the decision on the prevention of UCGs requested the AU to consult closely with the RECs/RMs and called on the latter to comply with decisions taken at continental level.

The Lomé Declaration was very succinct on the issue of coordination with partners. The decision on the prevention of UCGs is far more explicit on what is expected from partners, whether bilateral or multilateral. In a bid to expand beyond the continent the measure of automatic suspension taken by the AU in response to UCGs, it requested that all non-Afri-

33 Given that the Constitutive Act of the African Union stipulates that the AU Assembly determines sanctions to be taken against a member state that fails to comply with the decisions and policies of the AU, including denial of transport and communications links with other member states and other measures of a political and economic nature, it logically follows that the PSC sanctioning authority excludes those specific measures explicitly reserved for the AU Assembly. In other words, there exists a clear distinction of roles when it comes to enacting sanctions: While the PSC can immediately implement certain measures following UCGs, the more severe economic and infrastructural sanctions remain the exclusive prerogative of the AU Assembly. This establishes checks and balances within the AU's response framework to UCG situations. Furthermore, it should be recalled that the Ezulwini Framework for the Enhancement of the Implementation of Measures of the African Union in Situations of Unconstitutional Changes of Government in Africa, adopted by the PSC at a retreat held in Swaziland (17–19 December 2009), made recommendations to further constrain regimes emanating from UCGs. More specifically, it proposed the shortening of the period for the return to constitutional rule to three months as opposed to the six months provided for in the Lomé Declaration. It also recommended, if no progress is made toward return to constitutional order at the expiration of the stipulated period, that “further steps should be taken, including the possibility of deployment of a peace enforcement mission. In this respect, and once operationalized, the African Standby Force will be able to provide some dissuasion and put pressure on coup perpetrators” (AU PSC 2009a, §7). These recommendations did not find their way into Decision Assembly/AU/Dec.269(XIV) Rev.1, which limited itself to taking note of the conclusions of the PSC retreat.

34 Article 7(g) of the PSC Protocol was reaffirmed by the ACDEG (African Union, 2007, §24). This power was previously exercised by the Central Organ.

35 The PSC Protocol stipulates that, “The Regional Mechanisms are part of the overall security architecture of the AU, which has the primary responsibility for promoting peace, security and stability in Africa” (African Union, 2022, §16[1]). The 2008 MoU on cooperation between the African Union and the RECs/RMs reaffirms that primacy: “Recognition of, and respect for, the primary responsibility of the Union in the maintenance and promotion of peace, security and stability in Africa in accordance with article 16 of the PSC Protocol” (African Union, 2008, §4[iii]).

can international bodies, including the UN and its General Assembly, refrain from granting accreditation to de facto authorities. It also contains a more general request to partners to “strongly support the decisions taken by the AU ... and to refrain from any action which could undermine the efforts of the AU and send conflicting signals to the perpetrators of unconstitutional changes” (African Union, 2010: §6[iii]). Relatedly, the decision on the prevention of UCGs, recognizing the important role of International Contact Groups (ICGs) in mobilizing international support for the AU, encouraged the AUC to establish, as and when necessary, such ICGs under the leadership of the continental organization.

#### *Prevention of UCGs*

Finally, one key feature of the AU instruments on UCGs is also their focus on long-term, structural prevention. Already, the Lomé Declaration articulated common principles for democratic governance,<sup>36</sup> stressing that “strict adherence to these principles and the strengthening of democratic institutions will considerably reduce the risks of unconstitutional changes on the continent” (OAU, 2000: p. 3). This emphasis on democratic governance was reiterated in the AU Constitutive Act and subsequent documents, most notably the CSSDCA Declaration and its MoU, which set specific benchmarks in this respect.<sup>37</sup> The ACDEG marked a high point in this process, “formaliz(ing) a continental commitment to a liberal agenda broadly associated with democracy, the rule of law and human rights” (Wiebusch et al., 2019: p. 16). These tools went beyond “norm settings,” establishing “accountability mechanisms.”<sup>38</sup>

### **5. Risks and Pitfalls of Further Normative and Policy Development**

From the foregoing, it is clear the AU has developed a framework that addresses literally every aspect of the challenge of UCGs. This is not to say that there are no issues that could be made more precise or specific or that new commitments could not be made. In its decision in February 2010 in response to the resurgence of UCGs, the AU Assembly, having noted

36 These principles are as follows: (1) adoption of a democratic constitution: its preparation, content and method of revision should be in conformity with generally acceptable principles of democracy; (2) respect for the constitution and adherence to the provisions of the laws and other legislative enactments adopted by parliament; (3) separation of powers and independence of the judiciary; (4) promotion of political pluralism or any other form of participatory democracy and the role of the African civil society, including enhancing and ensuring gender balance in political processes; (5) democratic change and recognition of a role for the opposition; (6) organization of free and regular elections, in conformity with existing texts; (7) guarantee of freedom of expression and freedom of the press, including guaranteeing access to the media for all political stakeholders; (8) constitutional recognition of fundamental rights and freedoms in conformity with the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples' Rights of 1981; and (9) guarantee and promotion of human rights.

37 The Solemn Declaration was modeled on the Helsinki Process, with commitments made by member states clustered in four calabashes (the Helsinki Declaration referred to baskets), namely security, stability, development, and cooperation. The stability calabash is the most relevant here. The declaration and the associated MoU contain some of the most far-reaching commitments so far made by African states on governance and democracy. Among other key performance indicators, that calabash committed the member states to adopt by 2004 – and, in some cases, recommit to – the fundamental tenets of a democratic society, namely a constitution and a bill of rights provision, where applicable, free and fair elections, an independent judiciary, freedom of expression, subordination of the military to legitimate civilian authority, and rejection of UCGs; elaborate by 2004 principles of good governance and enact by 2003 legislation to ensure the impartiality of the public service, the independence of the judiciary, and the autonomy of institutions such as central banks and offices of auditor generals; adopt by 2005 a commonly derived code of conduct for political office holders that stipulates an inviolate constitutional limitation on the tenure of elected political office holders; adopt an OAU Convention on Combating Corruption and establish by 2004, where they do not exist, independent anti-corruption commissions; etc.

38 The authors state that “Norm setting refers to the scope of the commitments made by member states aimed at improving governance in Africa, while accountability mechanisms refer to the degree to which the AU may enforce these commitments” (Wiebusch et al. 2019, p. 13).

that the AU was endowed with the instruments required to tackle the scourge of UCGs, stressed that the objective should be to promote their effective implementation rather than elaborating new ones. However, in the AU Assembly's understanding, implementation included, where necessary, refining, enriching, and updating the said instruments.

At the same time, it is also important to keep in mind the risks involved in additional normative and policy development as well as in the more limited goal of refining, enriching, and updating. To start with, any such process will at best be protracted because the issues involved are just too complex to lend themselves to quick and easy agreements in an organization with such a wide membership, with countries situated at different levels on the democracy ladder. There is even a bigger risk in reopening the existing instruments, that of their weakening. This is all the more so as the context has changed.

The norms and policies on UCGs and, more generally, on democratic governance as well as on conflict management and prevention were developed in a particular period, ushered in by the 1990 Declaration on Fundamental Changes in the World and their Consequences for Africa (OAU, 1990a), sustained by the transition from the OAU to AU in 2002, and amplified by instruments adopted in the years that followed. Since then, there have been significant adverse developments both within and among member states. These include the recent series of UCGs and other instances of democratic backsliding, all of which would make any attempt to strengthen existing norms and policies exceedingly difficult, not to say impossible, especially when the non-implementation of current instruments fuels skepticism about the value of new ones.

More generally, there are objective limits as to how far the AU can go in exerting "influence (on) and oversight of the way the domestic political and socioeconomic order is organized. In other words, should domestic governance arrangements be further Africanized?" (Wiebusch et al., 2019, p. 13).<sup>39</sup> This "Africanization," which in effect amounts to an attempt to define what is the "good order" or the "legitimate order" (Witt, 2020, pp. 66–71), has been at the heart of (O)AU efforts since the early 1990s (Wiebusch, 2023, pp. 361–398), and, in comparison with many other regions, the continent has made significant strides, achieving a remarkable level of consensus on issues as tricky and politically sensitive as governance and democracy among its vast membership.

All points to the fact that the continent has reached a plateau from which there are only diminishing returns in any attempt to further regulate domestic governance.<sup>40</sup> The AU should now break with the tendency in which "any identified challenge served as a background to formulate new mandates and new responsibilities" (Witt, 2020, p. 69). The priority should be on preserving the achievements made, all the more so since the ACDEG does not prevent the adoption of more progressive provisions at national, regional, and international levels.<sup>41</sup>

Moreover, in matters as fundamentally political and, to some extent, situational as UCGs, there is merit in not having too detailed and rigid provisions and maintaining a distance

39 The authors understand "Africanization as a collective effort to imagine and organize a political project based on a continentally defined identity. Specifically, it is the process through which the AU's political arrangements increasingly structure and become part of domestic policy making. Conflicting perspectives on this issue are part and parcel of the organization's history, nature and purpose" (Wiebusch et al., 2019, p. 13).

40 Witt (2020, p. 70) rightly notes that "More intrusive continental rules may in fact further alienate rather than integrate (member states) into the AU's project."

41 "None of the provisions of the present Charter shall affect more favorable provisions relating to democracy, elections and governance contained in the national legislation of State Parties or in any other regional, continental or international conventions or agreements applicable in these State Parties" (African Union, 2007, §52).

from a purely legalistic approach, as such an approach will unavoidably reduce the ability of the AU to respond to challenges and adapt in pursuit of its stated democratic agenda. A case in point are the popular uprisings in North Africa in 2011, which are not provided for in the AU instruments. A straightforward response by the PSC would have been to characterize these as instances of UCGs. Yet these uprisings embodied deep-seated aspirations for change and offered opportunities to move away from authoritarianism. The PSC found creative interpretations to accommodate the new dispensations. The practice of the AU is littered with many other examples of flexibility and creativity.

## 6. Renewed Focus on Implementation: A Six-Step Approach

The most pragmatic course of action for the AU is to focus on the implementation of its rich normative and policy framework. In so doing, it can build on the experience gained over the past three decades or so. Actions to be taken in this respect should focus on the following.

### *Leveraging the AU Discursive Power*

The AU and its relevant organs should use every opportunity to reaffirm the continued validity of the continent's normative and policy framework on UCGs. In a context marked by legitimate frustrations about political governance and serious performance deficits, particularly in the delivery of basic services—including, in some situations, ensuring the security and safety of citizens, the temptation to throw the baby (in this case, the democratization agenda) out with the bathwater (reference is made here to serious shortcomings and deficiencies of civilian elected regimes) can understandably be widespread among the citizenry. Yet, coups d'état hardly ever delivers on their promises. They tend, often, to confiscate the aspirations to change, riding on them to gain appeal but remaining unable or unwilling to translate these into tangible gains, including making real breaks in governance and improving the lot of the ordinary citizens. In this respect, it is worth pointing out that, in actual fact, coups d'état often have negative impact on gross domestic product (GDP) (Gründler, 2020).<sup>42</sup>

Such discourse should systematically recall the commitments made by the member states in terms of governance and the need for renewed political will to translate these into reality, acknowledge current implementation gaps as well as the legitimate frustrations and grievances they fuel, while warning against the inappropriateness and inadequacy of extra-constitutional solutions. It should, in this respect, underline the benefit of long-term efforts to build institutions over quick fixes as well as regularly communicate about these efforts, cautioning that these processes cannot be linear and are bound to ebb and flow.<sup>43</sup>

In articulating this discourse, the AU should emphasize two mutually reinforcing elements. The organization should never fail to recall the African nature of the existing policies and norms on UCGs and, more generally, on governance. These were home grown, in that they were developed thanks to the collective action of the African states and through processes they fully owned (Djinnit, 2021).<sup>44</sup> The initial impetus was provided by concerns over politi-

42 A coup is associated with a decrease in per capita GDP of 2–3 percentage points.

43 Going forward, such statements could, among others, build on AU PSC (2014a) on UCGs and popular uprisings in Africa; AU PSC (2018) on "Peace, Security, Prosperity and Embracing the Value of Democracy and Governance: Is the African Charter on Democracy, Elections and Governance Adequate?"; and the Accra Declaration on Unconstitutional Changes of Government (African Union, 2022a).

44 Additionally, it is worth mentioning here the July 1990 Declaration on Fundamental Changes, in which the



cal assassination and takeover of power by mercenaries, leading subsequently to the identification of a broader range of threats to contend with (Wiebusch et al., 2019). Additionally, the AU should continuously highlight the historical continuity between these norms and policies, on the one hand, and the struggle to liberate Africa from colonial and minority rule, on the other. The battle for independence and freedom was not only one of sovereignty vis-à-vis foreign powers and racial equality but also one of self-determination at the domestic level, with people freely determining their future under the new dispensations.<sup>45</sup>

### *Displaying Tactical yet Principled and Transparent Agility*

Instances of UCGs are and will never be simple to manage. While at times the qualification of the facts and the consequences to be drawn in terms of sanctions look straightforward, experience has also shown that there are situations that do not lend themselves to such mechanical approaches. Consequently, the AU had to flexibly and creatively adjust, so as not to frustrate popular aspirations to change, thereby putting at further risk the overall objective of democracy promotion. This was the case during the popular uprisings in North Africa in 2011, highlighted above.<sup>46</sup>

In some situations, where the PSC deemed a seizure of power to be unconstitutional, it nonetheless chose not to immediately suspend the concerned country from the organization, giving time for the establishment of an inclusive civilian-led government. This was the course of action adopted with respect to Burkina Faso in 2014, following the overthrow of President Blaise Compaoré – whose attempt to modify the constitution was strongly opposed by the

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OAU Assembly stated the following: "We are fully aware that in order to facilitate this process of socio-economic transformation and integration, it is necessary to promote popular participation of our peoples in the processes of government and development. A permitting political environment, which guarantees human rights and the observance of the rule of law, would ensure high standards of probity and accountability, particularly on the part of those who hold public office. In addition, popular-based political processes would ensure the involvement of all, including in particular women and youth, in the development efforts. We accordingly recommit ourselves to the further democratization of our societies and to the consolidation of democratic institutions in our countries. We reaffirm the right of our countries to determine, in all sovereignty, their system of democracy based on their socio-cultural values, taking into account the realities of each of our countries and the necessity to ensure development and satisfy the basic needs of our peoples. We therefore assert that democracy and development should go together and should be mutually reinforcing" (OAU, 1990a, §10).

45 In his report on the "Fundamental Changes Taking Place in the World and their Implications for Africa - Proposals for an African Response" (OAU, 1990), the then secretary-general Salim Ahmed Salim stressed the following: "The African peoples who for long periods in history were denied basic freedom and justice should be in the forefront of those ensuring that basic human and peoples' rights are defended, protected and promoted. Accordingly, the principles enshrined in the African Charter on Human and Peoples' Rights should be regarded as sacrosanct and promoted. The protection and promotion of human and peoples' rights and democracy within a broad political framework and the democratization of the process of governance will allow not only for the full participation of the people but would also facilitate the release of the energies of the African people which can be harnessed and applied positively to economic recovery and development" (OAU, 1990b, §§65–66).

46 In February 2011, the PSC, having underlined the aspirations of the Egyptian people to change and democracy were consistent with the relevant AU instruments, recognized the exceptional nature of the situation in Egypt and took note of the decision of President Hosni Mubarak to resign and surrender authority to the Supreme Council of the Armed Forces as well as of the announcement by the authorities of the drafting of a new constitution and the organization within six months of free, fair and transparent elections. It requested the AUC to monitor the transition process, reserving the right, depending on the evolution of the transition process, to take any measure that the situation may warrant (AU PSC, 2011b). Earlier on, at its 15 January meeting on the situation in Tunisia following the departure of President Zine El Abidine Ben Ali, the PSC appealed to the political stakeholders and the Tunisian people to work together, in unity, consensus, and respect for legality, toward a peaceful and democratic transition, which will allow the Tunisian people to freely choose their leaders through free, open, democratic, and transparent elections (PSC, 2011a). Subsequently, on 23 March, the PSC welcomed the encouraging developments in Tunisia, in particular the climate of freedom in the country and the steps taken to promote democracy, good governance, and the rule of law (AU PSC, 2011c).



population, leading to a coup by the military<sup>47</sup> – and Sudan in April 2019, where the downfall of the Bashir regime followed sustained popular demonstrations across the country.<sup>48</sup>

In other situations, the PSC suspended the country experiencing an UCG – but it did so in ways that conveyed understanding of what happened – and agreed on the immediate accompaniment by the AU of the process to restore constitutional rule. Niger in 2010 is an illustration of that approach, as the overthrown president completely ignored the calls from the AU and ECOWAS not to cling to power after having completed his two constitutionally allowed terms.

The PSC has also shown flexibility in its interpretation of what counts as a return to constitutional rule, lifting sanctions before the holding of elections, as was the case in Mauritania in 2009<sup>49</sup> and in Mali in 2012.<sup>50</sup> As indicated above, with respect to Egypt, the PSC made an exception to the rule that prohibits perpetrators of UCGs from participating in elections to restore constitutional order.<sup>51</sup>

47 At its meeting of 3 November 2014, the PSC took note of the resignation of President Compaoré and deplored the decision of the military to suspend the constitution and assume power; underlined the continued validity of the constitution; reaffirmed the imperative of a civilian-led and consensual transition, as a military-led transition would be contrary to the aspirations of the Burkinabe people; and requested the AUC to report no later than 18 November to allow the PSC, if the situation so demands, to take all appropriate measures, including the suspension of Burkina Faso from the AU and the imposition of targeted sanctions against those who would be obstructing the establishment of a civilian-led transition (AU PSC, 2014c). Subsequently, the PSC, noting the significant progress made in Burkina Faso toward the establishment of a civilian-led transition, including the restoration of the 1991 constitution, the signing by the Burkinabe stakeholders of a transitional charter leading to the holding, within a maximum of one year, of free, fair, and transparent elections, and the appointment of a civilian as transitional president, agreed not to take the measures that it envisaged on 3 November (AU PSC, 2014d).

48 In its communiqué of 15 April 2019, the PSC reaffirmed the imperative of a civilian-led and consensual transition in Sudan, stressing that a military-led transition would be contrary to the aspirations of the people of Sudan, as well as to the relevant AU instruments; and demanded that the Sudanese military step aside and hand over power to a transitional civilian-led political authority within a maximum period of 15 days, failing which the Council would suspend the participation of the Sudan in all AU's activities until the restoration of constitutional order (AU PSC, 2019a).

49 Following the coup d'état of 6 August 2008, the PSC took a series of decisions. On 7 August, it stressed the relevant AU instruments that provide for the automatic suspension of the participation of any country in which an UCG has taken place, until the restoration of constitutional order (AU PSC, 2008a). On 22 December, it decided that, if by 5 February 2009, constitutional order is not restored, it will impose measures, including targeted sanctions, in particular visa denials, travel restrictions, and freezing of assets, to all individuals, both civilian and military, whose activities are designed to maintain the unconstitutional status quo in Mauritania (AU PSC, 2008b). On 5 February 2009, the PSC agreed on the entry into force of the sanctions envisaged in its communiqué of 22 December 2008 (AU PSC, 2009b). On 22 March, it reaffirmed its decision to impose sanctions on all individuals whose activities aim to maintain the unconstitutional status quo in Mauritania and requested the AUC to establish the detailed list of the concerned individuals (AU PSC, 2009c).

These measures were lifted by the PSC at its 196th meeting (Sirte, Libya, 29 June 2009), following the signing of the Dakar Framework Agreement on 4 June 2009 and the measures taken to give it effect, namely the formation of a consensual transition government; the transformation of the High Council of State into a defense organ, which, in accordance with Article 34 of the Mauritanian constitution, is placed under the authority of the government; the implementation of a consensual transition in accordance with Article 40 of the Mauritanian constitution; the decision of President Sidi Mohamed Ould Cheikh Abdallahi to hand in his mandate to the Mauritanian people; and the assumption to the presidency of the republic of the president of the senate in an acting capacity, all of which were deemed to be steps marking the return to constitutional order (AU PSC, 2009d). For a comprehensive analysis see also Witt (2020).

50 At its meeting held on 24 October 2012 (AU PSC, 2012c), the PSC noted the significant progress made in resolving the institutional crisis provoked by the coup d'état of 22 March 2012, including the formation of the Government of National Unity on 20 August 2012, and decided to lift the suspension of Mali's participation in the activities of the AU, which was taken on 23 March of that year (see AU PSC, 2012a). On 14 July, the PSC, having urged the Malian stakeholders to immediately commence the required consultations, with a view to forming an expanded national unity government, had emphasized that the formation of this government would mark the completion of institutional normalization and pave the way for the lifting of the suspension measure taken by the AU (AU PSC, 2012b).

51 See footnote 14.

Going forward, the PSC should continue to display such tactical flexibility, which acknowledges that effective engagement requires sensitivity to context. However, in doing so, it should also ensure that the steps it takes foster the continent's broader democratization agenda and remain in line with the basic tenets of the AU instruments on UCGs. This flexible, yet principled, approach will protect the organization against accusations of selectivity in the enforcement of its rules, ensure predictability regarding its response to instances of UCGs, and strengthen its deterrent effect.

Equally important is the need for the PSC, whenever it elects to depart from established norms on UCGs, to explicitly: (1) acknowledge these decisions as exceptions; (2) reaffirm the continued validity of existing instruments; and (3) provide compelling rationales for such deviations. The PSC may indeed have sound strategic or contextual reasons for such decisions—the concern is not necessarily about the substance of these judgments but rather about how they are articulated and justified. Without clear explanations, these actions may create ambiguity regarding the application of established protocols and potentially diminish the PSC's future leverage in similar situations.<sup>52</sup>

While exercising flexibility, and building on the practice that has generally been followed over the past two decades and a half, the baseline for the AU should be the automatic suspension of countries where UCGs, as defined in the relevant AU instruments, have indeed occurred, all the more so since such a decision does not preclude measures by the AU to assist the country concerned in the restoration of constitutional order, neither does it prevent the organization from adjusting other elements of its response to the particularities of the situation it is dealing with.<sup>53</sup> The only exceptions to be contemplated should be those in which the change was the result of a popular uprising, as happened in North Africa in 2011, in Burkina Faso in 2014, or in Sudan in 2019, provided, of course, the army did not take advantage of the situation to seize power and impede a civilian-led transition.<sup>54</sup>

As it accompanies processes to restore constitutional order, the AU should develop more robust monitoring mechanisms that go beyond the usual—and grounded—focus on transition timelines. This is particularly crucial in contexts where specific deadlines have not been established or where transitions have become open-ended. Building on the PSC practice of informal consultations with countries undergoing political transitions, introduced following the 14th Retreat on Working Methods, held in Victoria Falls, Zimbabwe, in November 2022, the PSC should enhance its monitoring function by adopting a comprehensive result-based accountability approach. To this end, the PSC should request the AUC to prepare detailed assessment reports that systematically evaluate progress against the specific governance

52 In both Chad and Gabon, the PSC did not provide an explanation for its decision to sidestep the relevant provisions of ACDEG, marking a departure from its approach in 2014 regarding Egypt, when it explicitly justified its stance and emphasized that the decision did not set a precedent.

53 Often, when there is a clear intention to restore constitutional rule within a relatively short period of time, the PSC limited itself to suspending the country where the UCG took place from participating in the AU activities, refraining from taking individual and other sanctions. Additionally, it requested the AUC to extend support toward the reestablishment of legality and called on member states and other international stakeholders to assist as well.

54 The challenge here is to define what constitutes a popular uprising. Based on various PSC pronouncements, three elements seem to be key for a particular situation to be deemed as meeting this qualification: mass participation across social groups, spontaneous mobilization as opposed to an orchestrated one, and peaceful nature of the protests that are driven by clear demands for democratization. These deserve to be differentiated from military-led coups, even if these at times enjoy significant popular support, especially when they occur in contexts in which all avenues for peaceful and democratic changes have been obstructed. Research conducted in Burkina Faso has shown that local populations indeed recognize and appreciate the AU's flexibility. Especially civil society actors in Burkina Faso welcomed the AU's decision to not suspend the country and interpreted this as an acknowledgment of the legitimacy of the popular protest against President Compaoré and his attempted constitutional coup (Schnabel et al., 2022).

pledges and reform commitments articulated by transition authorities themselves, as well the evolution of human rights and security situations. These reports would significantly improve the quality of the informal consultations, while also requiring the concerned transition authorities to demonstrate concrete achievements measured against their own stated objectives regarding security improvements, governance reforms, and service delivery. They can also help the AU design more tailored support programs, when these are justified.

### *Ensuring Proactiveness in Critical Moments*

UCGs hardly ever happen in a vacuum. As stressed above, they often occur in contexts of political tensions and divisions within the political class and the society at large. In the African context, two moments seem to be pivotal, as they heighten the risks of instability: major constitutional reforms and elections. This state of affairs reflects the continued fragility and reversibility of the ongoing democratization processes as well as deeper societal and governance challenges. As such, it calls for close attention and stepped-up prevention efforts, for which the AU is well equipped to find entry points.

The AU Constitutive Act (AU, 2000) clearly articulates the commitment of the organization and of its member states to democracy and good governance in Articles 3(g) and (h) and 4(m) and (p). Additionally, the PSC Protocol grants specific powers to the PSC, the AUC chairperson, and the Panel of the Wise, and commits the member states to extend the required cooperation to these organs in the discharge of their respective mandates.<sup>55</sup> However, legal authority alone is not sufficient to enable operational prevention, given the sensitivities involved and the likelihood that member states may invoke sovereignty to shield themselves from external scrutiny. Another consideration to be factored in relates to the fact that an untimely effort at prevention could end up doing more harm than good. That said, even in the most complex circumstances, there is always room to act, and those spaces for action should be harnessed deftly, particularly by the Panel of the Wise, which, among all the organs mentioned above, is undeniably the one with the greatest margin of action, by virtue of its mandate and composition.<sup>56</sup>

Over the past few years, the PSC and the AUC have also developed specific tools (especially in the context of the Continental Early Warning System) to facilitate operational prevention, two of which are of particular relevance in the context of UCGs. The first relates to horizon scanning to assess the state of peace and security on the continent at least once every six months. As no country is singled out in advance, this tool, in principle, should make it easier to bring to the PSC's attention situations of concern, including those where there is a risk

<sup>55</sup> See notably §§7.1(a) on the powers of the PSC; 7.4 on the commitment of member states to extend full cooperation to the PSC and facilitate its efforts to prevent, manage and resolve conflicts; and 8.7 on the agenda of the PSC, which states that no member state can oppose the inclusion of any item in the provisional agenda of the PSC. Additionally, it is important to note that the powers of the PSC, as listed in §7.1, are exercised in conjunction with the chairperson of the AUC, who is also granted other powers by §10 of the PSC Protocol. Also of relevance is §11 on the Panel of the Wise.

<sup>56</sup> The Panel of the Wise, as it is not constituted of member states, lacks certainly the power that accrues from the collective decision of an intergovernmental body such as the PSC. However, this is also an advantage, as it gives it greater room for action. The real power of the panel lies in its moral authority, which it can use to effectively support the PSC and the chairperson of the AUC. Importantly, the panel acts not only at the request of the chairperson and the PSC but also at its own initiative. This includes taking any initiative it deems appropriate, notably pronouncing itself on issues relating to the promotion and maintenance of peace, security, and stability in Africa (African Union 2002a, §§11[2, 3, 4]). Significantly, in its February 2010 decision referred to above, the AU Assembly encouraged the chairperson of the AUC to make full use of the powers conferred on him by the provisions of Article 10 (2b) of the PSC Protocol, as necessary, with the Panel of the Wise and other eminent African personalities to defuse tensions and resolve crises that could lead to UCGs. The AU Assembly underscored the obligation on the part of member states to provide all the assistance and cooperation required to that end.

or a possibility of an UCG. The PSC has held some meetings explicitly devoted to horizon scanning (Engel, 2022). Every effort should be made to strengthen this tool in terms of both the information shared with the PSC members and the linkage with early action. The second tool relates to briefings on elections in member states, which provide updates ahead of polls and can be used to point out potential challenges and to encourage remedial action. Here again, steps should be taken to fully leverage these briefings.

### *Fostering International Coordination*

Experience has shown that the effectiveness of the AU in addressing UCGs closely correlates with the extent to which it coordinates with the RECs/RMs and mobilizes external partners in support of its decisions, to ensure consistency in the messaging to authorities that have seized power unconstitutionally. This is why in 2010, the summit, as indicated above, recognizing the important role of ICGs in mobilizing international support for the AU, encouraged the AUC to establish, as and when necessary, such groups under the leadership of the AU. The AU had extensively made use of such groups under different names before 2010 and did so again in the period that followed immediately. Usually, these groups bring together key African and international stakeholders, including neighboring countries; the relevant RECs/RMs; the rotating presidency of the PSC; the permanent members of the UN Security Council; other relevant AU multilateral partners, notably the European Union, and, depending on the country, the League of Arab States, the Organization of Islamic Cooperation, and the Organisation Internationale de la Francophonie. The goal is to ensure that all stakeholders act in support of the AU efforts and within the framework of its instruments and join efforts to exert a concerted pressure toward the early restoration of constitutional order. In some situations, the groups operated under the sole presidency of the AU; in others, the AU and the concerned REC/RM chaired jointly.

In the current context of a fragmented and polarized international system, the need for coordination is made even more imperative. The creation of an international contact group cannot and will never be a silver bullet, but it has many tangible benefits: It enables the AU to position itself as the locus of international efforts to address situations of UCGs in Africa; provides a useful forum for information exchange, potentially fostering greater coordination; and could be deftly used to prevent behaviors that may complicate African-led efforts.<sup>57</sup> Consequently, the establishment of these fora should be among the first measures that the AU should take in situations it characterizes as meeting the definition of UCGs and, as such, be the other element of the baseline response referred to above, in addition to automatic suspension from the organization.

To a significant extent, the efficacy of ICGs depends on African stakeholders presenting a unified front, with coordination between the AU and the RECs/RMs serving as the cornerstone of this alignment. When continental and regional organizations speak with one voice, they clearly enhance their ability to mobilize cohesive international support, reducing the likelihood of fragmented external responses that undermine effective intervention in UCG situations. This must begin in the crucial first hours following an UCG, with the immediate activation of coordination channels between the AUC and the relevant REC/RM, including direct engagement with both the REC/RM's executive leadership and the member state

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<sup>57</sup> International partners should exercise strategic restraint in their public communications and carefully calibrate their engagement on matters related to UCGs, so that their actions complement rather than overshadow African-led initiatives. A more measured approach that fosters continental and regional organizations' leadership would enhance the legitimacy of collective responses while avoiding perceptions that could undermine the effectiveness of African diplomatic efforts.

chairing the regional body. These initial consultations should focus on harmonizing public messaging and drafting aligned, mutually reinforcing communiqués of condemnation, thereby ensuring consistent signaling to UCG perpetrators.

These preliminary engagements should be followed by the elaboration of coordinated recommendations for subsequent decision-making meetings (PSC for the AU and relevant organs of the RECs/RMs), if necessary, through the establishment of joint technical working groups. Furthermore, and in addition to the participation of the AU in closed-session discussions during emergency summits typically convened by RECs/RMs when a coup occurs in their respective regions – which has become standard practice – AU representatives must be integrated into the actual drafting of outcome documents. This would ensure that the jointly developed recommendations are accurately reflected in official decisions and that continental perspectives are incorporated at the formulation stage, rather than attempting to modify already-developed positions. Both elements – substantive contribution to deliberations and direct involvement in drafting outcomes – are essential for effective coordination and would reinforce the leadership of the continent. Such close coordination is already provided for under the legal framework established by both the MoU between the AU and the RECs/RMs and Article 16 of the PSC Protocol, which explicitly mandate harmonization of activities between these governance levels.

### *Strategically Consolidating the Existing Normative Framework*

Without creating new instruments – an undertaking that is both unnecessary and risky for all the reasons outlined above – there are several practical and complementary steps that relevant AU organs can take to strategically consolidate the existing normative and policy framework and consequently reinforce the effectiveness of the continent’s response to UCGs.

First, the AUC needs to intensify its efforts to activate already-developed norms that currently remain legally dormant, including expediting the signing and ratification of existing instruments. This applies obviously to those instruments that are yet to enter into force, particularly the Malabo Protocol, with its expanded UCG definition and criminal jurisdiction provisions. The fact that Angola, under President João Lourenço, became in 2024 the first and, so far, the only member state to ratify the protocol (15 have signed), a full decade after its adoption, offers a unique opportunity to relaunch those efforts, making this one of the priorities of his presidency of the AU. Similar momentum should also be injected into expanding the number of countries that are party to instruments already in force, notably the ACDEG. As of April 2025, the ACDEG had been signed by 46 member states and ratified by 39 of them. Much more needs to be done toward the universal acceptance of this key governance instrument on the African continent.

Second, and pending the entry into force of the Malabo Protocol,<sup>58</sup> the AU Assembly could adopt a decision that would selectively incorporate critical provisions from the protocol – those relating to UCG substantive definitions and prohibitions – into the current AU normative framework, building on an earlier precedent.<sup>59</sup> Indeed, in February 2010, pending the

58 In relation to the very slow signing and ratification process of the Malabo Protocol, it is pertinent to keep in mind debates among scholars and stakeholders regarding the protocol’s merits. While some of them actively advocate for its ratification, others express reservations, including the risk that the protocol could undermine the existing African Court on Human and Peoples’ Rights, by diverting resources and attention, legal inconsistencies between overlapping protocols, and the challenges that will arise from establishing a new court with reduced human rights expertise. See De Silva and Amadi (2024).

59 This approach is in line with my central argument, which is that the AU already possesses comprehensive and sophisticated tools to address UCGs, the real challenge being to devise practical ways toward their effective



entry into force of the ACDEG, the AU Assembly adopted the decision on the prevention of UCGs and strengthening the capacity of the AU to manage such situations, giving immediate effect to the following provisions of the ACDEG: non-participation of UGC perpetrators in elections held to restore constitutional order and implementation of sanctions against any member state that is proved to have instigated or supported an UCG in another state.<sup>60</sup> For sure, this option presents serious limitations, in that those involved in UCGs could not be criminally tried before a court because the Malabo Protocol would still not be in force, and the current African Court on Human and Peoples' Rights lacks criminal jurisdiction. Yet, the broadening of the scope of what constitutes an UCG, as explained above, would significantly enhance the ability of the PSC to deal with these situations.<sup>61</sup>

Third, the norm consolidation strategy should also include the development of guidelines on constitutional revisions, as requested by the PSC (AU PSC, 2018) and the AU Assembly (African Union, 2022b) and in follow-up to the call for member states to "ensure that constitutional amendments are done in accordance with the provisions of the ACDEG, as a baseline, and the active participation of their citizens." This does not involve the creation of new norms, since the proposed guidelines would merely synthesize existing principles already embedded in AU instruments, particularly the ACDEG, into a more accessible and implementable format.<sup>62</sup>

Fourth, the AU should consider developing a consolidated implementation handbook on UCGs. Such a document would synthesize all relevant norms currently scattered across multiple instruments: Lomé Declaration, CSSDCA-related decisions, ACDEG, Protocol on the African Court on Human and Peoples' Rights, Malabo Protocol, and so on. These provisions would systematically be organized under unified thematic sections: principles underpinning democratic governance, definitional aspects of UCGs, applicable sanction regimes, mechanisms for accompanying restoration of constitutional order, and measures toward improved governance, among others. The document would also capture best practices and lessons learned from previous experiences with UCG responses. By bringing together these dispersed but complementary norms into a single authoritative resource and incorporating practical insights, the handbook would help ensure clarity for both member states and the AUC, facilitate consistent application, and improve coherence in implementation without requiring the development of any new normative content.

Fifth, the AUC and the PSC should harness and leverage the gains arising from judicial interpretations of the African Charter on Human and Peoples' Rights and other relevant

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implementation. The proposed decision would not create new norms but rather activate provisions already agreed upon in the Malabo Protocol. This approach will make it possible to bring forward the operational effect of already-agreed norms without waiting for the formal process to bring them to life.

60 See footnote 28.

61 One avenue that could be explored would be for the AU Assembly to adopt a temporary special measure conferring limited criminal jurisdiction specifically for UCG cases to the existing African Court on Human and Peoples' Rights, through an amendment to its current mandate, for it to serve as an interim mechanism until the full Malabo Protocol enters into force.

62 See Wiebusch and Murray (2019). These two authors have identified the following principles to govern democratic constitutional change: adherence to formal rules and procedures, a peaceful environment, respect for democratic rights, and national consensus, "draw(ing) on the AU's existing law, policy and practice on constitutionalism and rule of law with particular reference to the ACDEG." They propose that: "Eventually, the AU might consider establishing an African Commission for Democracy Through Law, inspired by the Venice Commission, established under the Council of Europe ... Operating with respect for and understanding of the African context, such an advisory expert body could be responsible for the promotion of shared constitutional values, the interpretation of constitutional principles, advising on (draft) constitutions, constitutional amendments or during constitutional crises, and might provide constitutional assistance to national institutions, submit amicus curiae briefs to the ACtHPR, and develop guidelines and compilations of best practices and converging standards relevant to constitutional processes in Africa," (pp. 157–160).

human rights instruments<sup>63</sup> by the African Court on Human and Peoples' Rights, which offer a more pragmatic way to address governance challenges through established legal channels compared to the more politically challenging treaty development processes. This Court has already demonstrated its capacity to constructively develop richer textures of continental norms through landmark cases on constitutional amendments (XYZ vs Benin; Ajavon vs Benin – AfCHPR, 2020a and AfCHPR, 2020b) and electoral governance (Mtikila vs Tanzania, 2013; APDH vs Côte d'Ivoire; Gohore vs Côte d'Ivoire – AfCHPR, 2016 and AfCHPR, 2020c). Moreover, the principles articulated in these cases enjoy the added legitimacy inherent to judicial processes, which are characterized by legally reasoned arguments in open court, respect for equality of arms, and transparent deliberation.

Under Article 34(6) of the Protocol on the African Court on Human and Peoples' Rights, individuals and non-governmental organizations (NGOs) with observer status can directly access the Court when states have made the appropriate declaration, creating a pathway for citizens to advance democratic governance jurisprudence. Furthermore, the African Commission on Human and Peoples' Rights (also referred to as the Banjul Commission) can continue to bring cases even when states withdraw their Article 34(6) declarations, allowing the Court to maintain its role in developing continental standards. This mechanism is particularly valuable as the Banjul Commission, with its mandate to protect and promote human rights across the continent, can strategically identify and advance cases that address systemic governance issues, thereby helping to build a coherent body of jurisprudence that would strengthen efforts to sustainably address UCGs. Article 4 of the Protocol offers member states, the AU and any of its organs, or any African organization recognized by the AU the right to seek advisory opinions on any legal matters relating to the ACDEG or any other relevant human rights instruments.

### *Advancing Structural Prevention*

As stated above, a sustainable response to UCGs in Africa will require continued and enhanced efforts to improve all aspects of governance on the continent, from the exercise of power to transparency in the management of resources to the delivery of basic services. It is a point that relevant AU policy-making organs have repeatedly made, particularly in recent times as the organization grappled with the resurgence of UCGs on the continent. Their focus has been on the early signing and ratification of the instruments adopted over the past decades (as mentioned above), a more effective implementation by member states of the commitments they have entered into, and better functioning of existing monitoring mechanisms, all encompassed within the framework of the African Governance Architecture.

There are a number of specific steps the AU could take to further advance long-term prevention and help lay the foundation for lasting stability. One such immediate step could be to enhance the capacity of the PSC to deliver on the mandate given to it to follow up, within the framework of its conflict prevention responsibilities, progress on the promotion of democratic practices, the rule of law, good governance, human rights and fundamental freedoms, and respect for the sanctity of human life and international humanitarian law. In its February 2010 decision on the resurgence of UCGs, the AU Assembly requested the PSC to regularly examine progress made in the democratization processes (African Union,

<sup>63</sup> It is worth noting here that, in a judgement delivered by the African Court on Human and Peoples' Rights in November 2016 (Actions pour la Protection des Droits de l'Homme [APDH] vs Côte d'Ivoire on the composition of the Ivorian Independent Electoral Commission), the court affirmed the justiciability of the ACDEG and the fact that it is a human rights instrument, implying that the rights enshrined therein can be litigated before it (Kioko, 2019).



2010). It called for the appointment of an Independent Rapporteur whose reports would serve as a basis for the review to be undertaken by the PSC. It would be worth revisiting this decision, with the view to considering how it could be implemented in the current context and in ways that complement other ongoing processes, including those undertaken within the framework of the African Peer Review Mechanism (APRM).

Equally critical is to leverage the ACDEG's reporting mechanism to foster preventive engagement on democratic governance. Since the entry into force of the ACDEG in 2012, only 2 states out of the 39 state parties have submitted their mandatory reports (African Union, 2024). Regular state reporting would create structured opportunities for the AU to engage with member states on their governance challenges at their earliest stages and provide targeted technical support, thereby reducing the risks of these challenges evolving into the systemic failures that create fertile ground for UCGs. The AUC should therefore continue to prioritize fully operationalizing this mechanism.

In addition, the AUC could significantly strengthen electoral integrity by establishing a more robust connection between previous AU Electoral Observation Mission (AUEOM) recommendations and future engagement. Specifically, the AU could adopt a policy requiring a mandatory pre-election assessment that evaluates the implementation rate of previous AUEOM recommendations before committing to observe subsequent elections. This assessment would establish clear thresholds – a significant percentage of substantive recommendations must be implemented to warrant full AU observation presence. This approach would generate stronger incentives for member states to engage seriously with AUEOM findings.

Similarly, the AU and its RECs/RMs should make renewed efforts toward strengthening relevant national institutions – whether constitutional courts, electoral commissions, or parliamentary oversight bodies – alongside regional frameworks, given the key role they can play in preventing and countering unconstitutional manipulations of democratic processes. When these national mechanisms function effectively, they foster a resilient governance ecosystem and can serve as critical first lines of defense against democratic backsliding, significantly reducing the burden on regional organizations.<sup>64</sup>

To complement these targeted interventions, renewed efforts should be made toward the full operationalization of the AU Continental Structural Conflict Prevention Framework (CSCPF), developed with the PSC endorsement, with the view to identifying at an early stage a country's vulnerability to conflict, thereby facilitating the adoption and implementation of appropriate measures. Good governance, the rule of law, democracy, and human rights feature among the key areas of focus. The AUC has elaborated two complementary tools to operationalize the CSCPF: a Country Structural Vulnerability and Resilience Assessment (CSVRA) and a Country Structural Vulnerability Mitigation Strategy (CSVMS). So far, only a very limited number of countries have volunteered to go through these exercises, which have huge potential. Continued efforts are needed to popularize these tools and encourage more member states to make use of them (Engel, 2022; see also Schaaf et al., 2025).

Lastly, as part of their partnership, the AU and the UN should consider steps to more closely work together on issues of governance, building on progress already made in this respect. The goal here would be to more effectively combine the AU's rich normative and policy framework on governance, democracy, and human rights, on the one hand, and the UN's significant technical and resource capacity, on the other hand. There is no doubt that

<sup>64</sup> A case in point is the decision by the Senegalese Constitutional Council in March 2024, which invalidated the attempt to postpone the presidential election that was scheduled that year, thus effectively preventing a potential constitutional crisis without requiring external intervention from ECOWAS or the AU.

the efforts being undertaken by the AU would hugely benefit from the UN expertise and resources. Conversely, the different entities of the UN system engaged in various governance endeavors in Africa would be far more effective if their efforts were systematically and explicitly linked to the relevant AU instruments. Such an enhanced partnership would focus on three areas. The first is support for individual African countries to implement the commitments made on the basis of the African instruments and within African frameworks, including the elaboration of national action plans. The second is support for relevant African institutions mandated to follow up on various aspects of the continent's governance agenda, with the UN being well placed to extend complementary support that fosters African leadership while helping translate normative and policy commitments into practical steps to advance good governance. The third is dissemination of the AU instruments to political, civil society, and other actors to increase their level of awareness of the commitments entered into by their countries and foster greater accountability. There is no doubt that advocacy anchored in African-developed instruments carries far greater legitimacy and effectiveness than when such an endeavor is perceived as being externally driven.

## 7. Conclusion

After several decades of steady, if incremental, progress in addressing UCGs, the African continent is now experiencing a serious reversal of fortune, with a quick succession of coups d'état over a short period of time. While coups did not completely disappear in the preceding period, their occurrence had significantly decreased, and they appeared to be a thing of the past. Whenever they happened, the AU and its RECs/RMs were generally able to take consistent and predictable action to ensure a quick return to constitutional rule, leveraging the robust normative and policy framework developed starting from the late 1990s. The stigma attached to coups was such that the perpetrators themselves were the first to acknowledge their actions were not the ideal response to the problems they sought to resolve, often pledging not to stay in charge longer than was needed to transfer power to an elected authority.

This landscape has now changed. The frequency of UCGs, notably military coups, has reached an all-time high, and responses to the challenge at hand have failed to produce the expected results. The length of the ongoing transitions and the weakening of the rule that bars perpetrators of UCGs from standing in the elections meant to restore constitutional order are the clearest manifestations of this altered landscape. In most cases, deteriorating governance, compounded at times by pervasive insecurity, created space for military interventions. Coup leaders, in turn, deftly leveraged the significant popular support their actions often enjoyed, resisting external pressure and capitalizing on it to mobilize local populations, extend their tenure, and eventually pursue political ambitions, especially in situations where heavy handed sanctions were imposed. Two additional factors further constrained the ability of the relevant international actors to manage these situations effectively: firstly, a credibility deficit, arising from the fact that, often, they failed to proactively address the underlying governance challenges that paved the way to military interventions, making post-coup condemnations ring hollow in the ears of local actors, and, secondly, deterrence erosion because of the inconsistencies that characterized the application of existing rules, both within and among African international stakeholders.

In the face of this situation, the temptation to further strengthen the existing normative and policy framework, continuing a process that has been one of the hallmarks of the AU anti-coup stance, is understandably high. Yet that approach would be premised on a wrong diagnosis. Indeed, as demonstrated above, Africa is well endowed to address the

challenge of UCGs. The instruments developed by the AU and several of its RECs/RMs are both comprehensive and sophisticated. Moreover, to its credit, the PSC has, for the most part, displayed considerable skill in applying these instruments, combining flexibility and commitment to principles. Rather than new rules, what is needed is more effective yet context-sensitive implementation of existing ones, including through rebuilding a strong consensus around them, restoring consistency in their application, and (most importantly) proactively addressing the governance deficits that make military interventions seem attractive to frustrated populations and alienated political stakeholders alike. In sum, the continent is now in need of a renewed strategic focus.

Looking ahead, one cannot but emphasize the imperative for member states to rekindle their commitment to the very UCG principles they have adopted and reiterated on several occasions. They should channel any diplomatic initiative or action through the continental body and relevant RECs/RMs and take a cue from these institutions, even more so as their long-term interest and that of the continent as a whole, including its socioeconomic development, lie in lasting stability and predictability. The UCG instruments are only as strong as member states' commitment to applying them consistently and coherently.

At the same time, the role of the AUC becomes even more critical in this much-needed endeavor for renewed strategic focus. While the AUC has always been central in shaping and coordinating continental responses, its importance is magnified in the current environment. It should skillfully leverage the full range of African instruments, identify and seize moments of opportunity, to exert influence, generate political will, help member states to better navigate the challenges at hand, and preserve the AU's legacy of promoting constitutional governance. This should go hand-in-hand with the reaffirmation, in line with the PSC Protocol, of the AU's primacy vis-à-vis the RECs/RMs. Hierarchical clarity is essential for maintaining coherence in Africa's response to UCGs and enhancing its effectiveness. Such clarity and the resulting greater coherence at continental level will, in turn, strengthen Africa's leadership and considerably increase the prospects of alignment of the broader international community with AU decisions.

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El-Ghassim Wane is the former Special Representative of the United Nations Secretary-General in Mali and Head of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). He previously served as Chief of Staff and Chief Adviser to the Chairperson of the African Union Commission (2017–2019), and as United Nations Assistant Secretary-General for Peacekeeping Operations (2016–2017). As former Director of Peace and Security and Head of the Conflict Management Division at the African Union Commission, he contributed to the development of key AU strategies and policies on conflict prevention and resolution, peacekeeping, and peacebuilding, as well as to peace efforts across the continent. In 2024, El-Ghassim Wane was an ANCIP Fellow at the University of Leipzig.

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