

## Chapter 5

# THE 2021 COUP PANDEMIC: POST-COUP TRANSITIONS AND INTERNATIONAL RESPONSES

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## INTRODUCTION

2021 saw the highest number of ‘successful’ coups d’état in the last 20 years (Powell, Reynolds and Chacha 2022)<sup>1</sup> in countries as distinct as Chad, Guinea, Mali, Myanmar and Sudan. We exclude from the chapter cases where a non-state armed group took power unconstitutionally, such as in Afghanistan, and focus only on those coups d’état led by state armed forces.

According to the International IDEA Global State of Democracy Indices, these countries spanned from authoritarian regimes (i.e. Chad and Sudan), hybrid regimes (i.e. Mali and Guinea) to weak or low-performing democracies (i.e. Myanmar) in 2020 (International IDEA 2021). In all of these coups, the armed forces, or an important faction within the armed forces, took the lead; however, there are critical differences in the motivations of the coup leaders and the degree of public support, and also in the form of the transitional processes and the response from the international community.

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<sup>1</sup> We understand successful coups d’état as those where a faction or group within a country’s ruling or political elite, including the armed forces, forcefully seizes executive power resulting in an unconstitutional change in the executive leadership (Marshall and Marshall 2022; see also Powell and Thyne 2011: 252).

unfolds (Thyne and Hitch 2020: 1860). This chapter describes the circumstances and events surrounding coups in five countries (Section 5.1). Key trends in post-coup transitions are then analysed, including some considerations for the international community to better prevent and respond to coups d'état (Section 5.2).

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## 5.1. A PANDEMIC OF COUPS

### Myanmar

On 1 February 2021, the Myanmar military detained high-level government officials, including President Win Myint and State Counsellor Aung San Suu Kyi, blocked newly elected parliamentarians from taking their seats and declared military-nominated Vice President Myint Swe as acting president. Myint Swe then, in violation of constitutional criteria and procedures (Noël 2022), declared a national state of emergency transferring legislative, executive and judicial powers to the commander-in-chief, General Min Aung Hlaing. The military also announced that elections would be held at the end of the state of emergency, which could span from one to two years according to the 2008 Constitution of Myanmar (articles 417, 421b).

The pretext for the coup was unproven allegations of electoral fraud in the 8 November 2020 general elections, which saw the governing National League for Democracy (NLD) winning 79.5 per cent of the elected seats in the union parliament. The military and its proxy party—the Union Solidarity and Development Party—claimed to have identified large-scale electoral fraud based on irregularities in the voter lists, but never provided concrete evidence.

The general public quickly mobilized against military rule through a nationwide protest movement known as the 'the Spring Revolution'. A group of MPs who won seats in the 2020 general elections—and with the agreement of 80 per cent of all elected MPs (CRPH 2021)—formed the Committee Representing the Pyidaungsu Hluttaw (CRPH) to represent the legitimate legislature, released a Federal Democracy Charter (FDC 2021) detailing the terms of an inclusive alliance against the military, and established the National Unity Government (NUG)—an interim executive branch composed of a wide range of pro-democracy forces also tasked with defeating the military junta

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(International IDEA 2022b). This coalition of pro-democracy forces came together in the National Unity Consultative Council (NUCC), a platform composed of the CRPH, and some political parties, ethnic armed organizations, civil society groups and state-level bodies. It is responsible, under the revised FDC, for strategic decisions to defeat the military regime and restore democracy. These interim institutions have operated mostly online. In September 2021, the NUG announced a 'People's Defensive War', endorsing the emergence of local self-defence and resistance groups (known as the People's Defence Force) aimed at keeping administrative control and protecting communities from the military regime's violence (National Unity Government 2021). Some ethnic armed organizations also resumed fighting against the military, offered refuge to ousted political leaders and military trainings to civilian resistance fighters, as well as participated in some of the aforementioned interim governing institutions.

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The military regime has attempted to consolidate power by resorting to extreme violence, sentencing civilian leaders through sham trials, establishing new governing bodies and capturing existing institutions, while claiming to act in accordance with the 2008 Constitution. The commander-in-chief established a State Administration Council (SAC) consisting of 16 members—mainly military officials—purportedly tasked with assisting him in exercising legislative powers. The SAC established a 'provisional government' and appointed General Min Aung Hlaing as prime minister, a post that does not exist in the 2008 Constitution. Additionally, the military regime captured existing institutions, including the constitutional tribunal and the election commission, by appointing new members who support its narrative and are accountable to the SAC. General Min Aung Hlaing also extended the unconstitutional state of emergency until August 2023, 31 months after the coup took place (BBC News 2021).

The international community has for the most part been hesitant to engage with either the military regime or the NUG, limiting as a result its own leverage. The United Nations largely relied upon the Association of Southeast Asian Nations (ASEAN) to assist in finding a way out of the crisis. On 24 April 2021, ASEAN brokered a 'five-point consensus' with the military regime, which provides a commitment to immediate cessation of violence, allows humanitarian assistance,

and calls for a mediation between all parties concerned (ASEAN 2021). The military regime, however, intensified its crackdown on opponents to the coup and has barred ASEAN from providing humanitarian assistance and from meeting deposed civilian leaders. In response, and after much internal debate, ASEAN has ended up excluding representatives of the military regime from some of its meetings and inviting instead ‘non-political representatives of Myanmar’. Canada, the European Union, the United Kingdom and the United States enacted targeted sanctions against military leaders and business associates (Aljazeera 2022c, Council of the EU 2022) but were slow to engage the NUG.

## Chad

On 20 April 2021, Chadian president Idriss Déby Itno died after sustaining injuries on the battlefield between the national army and a Chadian armed insurgency group, the Front for Change and Unity in Chad (FACT). Déby had just been re-elected for a sixth consecutive term, after 30 years of increasingly repressive rule. The 2018 Constitution provides that in case of vacancy of the presidency, the president of the National Assembly becomes interim president until new presidential elections are held within 90 days (Constitution of the Republic of Chad, article 81). It also prevents the interim president from dissolving the legislature or amending the Constitution (article 82). However, immediately after Déby’s death, a group of army generals led by the late president’s son—General Mahamat Idriss Déby—established a Transitional Military Council (TMC), dissolved the legislature and the government, and announced an 18-month transition. Opposition parties and civil society leaders denounced this coup and called for a civilian-led transition and the holding of an inclusive national dialogue to find a way out of the crisis (*Le Monde* 2021; RFI 2021).

The TMC enacted a transitional charter on 21 April 2021 (Republic of Chad 2021). The charter was developed by the TMC without extensive negotiations with the opposition. It concentrates most powers in the hands of the president of the TMC. The charter establishes three main institutions for the interim period: the TMC, headed by Mahamat Idriss Déby, comprises 14 members (senior military officials and regime allies) tasked with defining general policy orientations during the transition period (articles 36–47); a

transitional government tasked with ‘implementing policy orientations defined by the TMC’ (article 49), headed by a prime minister appointed by and accountable to the president of the TMC (article 51); and a National Council of Transition composed of 93 members from different stakeholder groups appointed by the president of the TMC (article 65) and responsible for ‘reviewing and adopting bills and the future constitution’ (article 67). The charter provides for an 18-month transition period, renewable once (article 97). What is more, in contradiction with African Union (AU) requirements (African Charter on Democracy, Elections and Governance (ACDEG 2007), article 25.5), there is no provision preventing perpetrators of the coup—some of whom are members of transitional authorities—to run in the elections that will end the transition.

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**The government committed to hold an inclusive national dialogue that would lead to a new constitution and elections by October 2022.**

In early May 2021, the president of the TMC appointed a transitional government led by Albert Pahimi Padacké—a candidate of the April 2021 presidential election—and included some but not all opposition parties. The government committed to hold an inclusive national dialogue that would lead to a new constitution and elections by October 2022. After five months of negotiations, with Qatar as mediator, the transitional government and 43 armed groups signed a peace agreement on 8 August 2022 providing for, among others, a ceasefire, a disarmament, demobilization and reintegration programme, and the participation of signatory armed groups to the national dialogue. The FACT—which did not sign the Doha peace accord—and Wakit Tama—a large coalition of opposition parties and civil society groups—announced they would boycott the national dialogue, as they considered it to be biased in favour of the TMC and the military (France 24 2022). The national dialogue, initially scheduled in February 2022, is (at the time of writing) scheduled to start on 20 August 2022.

Main opposition groups are also critical of transitional authorities and are concerned by a potential extension of the transition period and the concentration of power by the military leadership and the TMC (Arab News 2022; RFI 2022a). In May 2022, the leader of Wakit Tama and other opposition figures were arrested following protests against France’s support to the TMC (RFI 2022b).

The international community did not expressly condemn the coup, nor label it as such. France acknowledged the establishment of the TMC, referring to ‘exceptional circumstances’ (Republic of France 2021a, 2021b) and later called for a civilian national unity government and for elections to be held within 18 months (Republic of France 2021c). Similarly, the AU did not condemn the unconstitutional change of government and did not suspend Chad from its decision-making bodies (Peace and Security Council of the AU 2021a). The AU balanced its rules on unconstitutional change of government with the Organization of African Unity (OAU) Convention for the Elimination of Mercenarism in Africa and the OAU Convention on the Prevention and Combating of Terrorism. The AU implicitly argued that the suspension of Chad’s constitutional framework was justified by the fact that the country was under attack from foreign mercenaries (Peace and Security Council of the AU 2021c; Handy and Djilo 2021). The AU, however, required the TMC to commit to an 18-month transition led by civilian authorities, to amend the transitional charter to limit the role of the TMC to defence-related issues and to forbid its members to run in the elections at the end of the transition (Peace and Security Council of the AU 2021c). To date, such clauses have not been incorporated into the transitional charter. The reluctance of the international community to condemn the coup in Chad can be explained by the country’s important military contribution in regional counterterrorism operations (Gazzini, Moncrieff and Lesueur 2021).

## Mali

Mali experienced two coups d’état in less than a year. The first took place on 18 August 2020, when a group of military officers arrested President Ibrahim Boubacar Keita (IBK) and other high-level government officials. On the same day, President IBK was forced to announce his resignation and the dissolution of parliament (TV5Monde 2020). On 19 August, coup leaders established the National Committee for the Salvation of the People (CNSP), a five-military-member body headed by Colonel Assimi Goïta, to govern the country until interim institutions were established (Lorgerie 2020; Mateso 2020). The public and opposition parties welcomed the coup, which was carried out following weeks of mass protests demanding the resignation of President IBK (Mugabi 2020).

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The president of the CNSP enacted a transitional charter on 1 October 2020 (Republic of Mali 2020) drafted by a committee of experts appointed by the CNSP. Consultations were held with political forces, including the Rally of Patriotic Forces (M5-RFP—a coalition of civil society groups, opposition parties and religious leaders that led the aforementioned mass protests), and with the Economic Community of West African States (ECOWAS). The transitional charter established an 18-month transition and three main institutions: the president of the transition, who shall be the head of state chosen by a college appointed by the CNSP, and a vice-president in charge of defence and security issues (Chapter I); a transitional government headed by a prime minister appointed by the president of the transition responsible for defining and implementing a roadmap for the transition (Chapter II); and a National Council of Transition (NCT) consisting of 121 members representing various stakeholder groups and acting as the transitional legislature (Chapter III). The president, vice-president and members of the transitional government were forbidden to run in the first presidential and parliamentary elections that would mark the end of the transition (articles 9 and 12). The charter also granted immunity from prosecution to all members of the CNSP and every individual involved in the coup (article 23), a clause that appears non-compliant with the African Charter on Democracy, Elections and Governance (ACDEG), which provides that perpetrators of unconstitutional change of government coups shall be brought to justice (ACDEG 2007, article 25). The transitional charter complements the 1992 Constitution and takes precedence in case of contradictions between the two documents (article 25).

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Under the first transitional government, tensions gradually increased between the civilian leadership and the military, who aimed to maintain their influence in interim institutions. These tensions hampered any progress on constitutional and legislative reforms needed before holding scheduled elections in February 2022 to end the transition. The M5-RFP and several unions demanded a more inclusive transitional government, and after weeks of negotiations, President Bah N'Daw and Prime Minister Moctar Ouane announced a cabinet reshuffle whereby colonels Modibo Koné and Sadio Camara, respectively ministers of security and defence and members of the former CNSP, were removed (Akinwotu 2021; Jezequel 2021). On

24 May 2021, soon after the reshuffle, President Bah N'Daw, Prime Minister Moctar Ouane and several officials were arrested on the instructions of Vice President Colonel Goïta. On 26 May, N'Daw and Ouane were forced to resign while being detained. Two days later, the Constitutional Court acknowledged the vacancy of the transitional presidency and declared Colonel Goïta president of the transition (Constitutional Court of Mali 2021).

Notably, Chogel Maïga—a central committee member of the M5-RFP—was appointed the new head of the transitional government in June 2021 (Republic of Mali 2021a). In September 2021, the prime minister announced that national consultations on state reforms and on the timeline for the transition would be held in December 2021, thereby implicitly postponing the elections initially scheduled in February 2022. The national consultations—which were boycotted by opposition parties—recommended a six-month to five-year extension of the transition period (Republic of Mali 2021b). The transitional charter was then amended on 26 February 2022. It provides that 'the duration of the transition is defined in accordance with the recommendations from the national consultations' (article 19).

Both coups were condemned by Mali's main international partners (Le Point 2020; Republic of France 2020), and both the AU and ECOWAS immediately suspended Mali from their decision-making bodies (Peace and Security Council of the AU 2020, 2021b; ECOWAS 2020a, 2021a). After the first coup, ECOWAS also closed borders and stopped trade and financial transactions between its member states and Mali. Coup leaders then agreed to follow some of the recommendations put forth by ECOWAS, including: a transition led by a civilian president and a civilian prime minister; the prohibition for the military vice-president to become president of the transition; the prohibition for transitional authorities to run in the elections at the end of the transition; and the dissolution of the CNSP upon the establishment of the civilian-led transitional government (ECOWAS 2020b, 2020c, 2020d). After the second coup, ECOWAS accepted the appointment of Colonel Goïta as president of the transition but requested transitional authorities to appoint a civilian prime minister and to abide by the initial 18-month transition period. After the transitional government announced that the transition period would be extended, ECOWAS sanctioned all members of the transitional

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government (except President of the Transition Colonel Goïta and Minister of Foreign Affairs Abdoulaye Diop) and of the NCT and members of their respective families (ECOWAS 2021c). In early 2022, after the transitional government submitted a new timeline providing for a five-year extension of the transition and elections to be held in December 2026, ECOWAS and the West African Economic and Monetary Union (WAEMU) enacted further sanctions, that is the closure of members' land and air borders with Mali, the suspension of commercial and financial transactions with Mali (except for food, medical products and energy), the freezing of Mali's assets in ECOWAS central and commercial banks, and the suspension of Mali from financial assistance from the ECOWAS Bank for Investment and Development (ECOWAS 2022a).

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**ECOWAS lifted economic and financial sanctions on 3 July 2022, after the transitional government enacted a new electoral law and reduced the extension of the transition to two years.**

On 29 June 2022, the president of the transition appointed 25 members to a constitutional commission tasked with drafting a new constitution that would be submitted to referendum in March 2023 (Baché 2022). Presidential elections that would end the transition period are scheduled for February 2024. ECOWAS lifted economic and financial sanctions on 3 July 2022, after the transitional government enacted a new electoral law and reduced the extension of the transition to two years (ECOWAS 2022c). Previously, and amid growing tensions with its western partners and ECOWAS, Malian transitional authorities strengthened their ties with Russia, also by unofficially using the services of a Russian private military company—Wagner (Bermudez, Doxsee and Thompson 2022; Sagno 2022).

### **Guinea**

On 5 September 2021, officers of an elite special forces army unit, led by Colonel Mamady Doumbouya, overthrew 83-year-old President Alpha Condé in a coup d'état. Condé was the first democratically-elected president of Guinea—a country with a long history of military coups and juntas—who had headed the executive since 2010 (Fioratta 2021). Condé ran for his third term in presidential elections held in October 2020, after replacing the 2010 Constitution with a new constitution in March 2020, which also renewed the two-term limit that the 2010 Constitution would have subjected him to (Boucher 2019).

While Alpha Condé's first two terms were marked by economic growth and poverty reduction, the last years of his rule were increasingly authoritarian, particularly towards both individuals and institutions that opposed his intentions of constitutional reform, with arrests of political opposition leaders, media shutdowns, and the removal and replacement of, for instance, the head of the electoral commission, the head of the Constitutional Court and the minister of justice (Boucher 2020). The opposition Front National pour la Défense de la Constitution (FNDC) presented a case at the ECOWAS Court of Justice against ECOWAS and its member states for not enforcing its own regulations related to democratic alternation and respect for human rights (Diallo 2020), but apparently the case was suspended as Guinea's ECOWAS membership was discontinued after the coup. Additionally, the special forces led by Colonel Doumbouya defended President Condé by helping suppress public demonstrations against his constitutional reform and third term, and thereby increasing their power to the extent that President Condé established a new security unit—the Rapid Intervention Battalion—as a counterweight (Foucher and Depagne 2021). One theory that tries to explain why Colonel Doumbouya changed his allegiances and planned a coup has to do with the establishment of this new security unit creating incentives to use Condé's weakened legitimacy to remove him.

After the coup, Colonel Doumbouya dissolved the government and suspended the Constitution, and his forces arrested President Condé. He then established the National Rally and Development Committee (CNRD), which would function as the country's temporary executive, and replaced all regional governors with military commanders. On the other hand, imprisoned representatives of the political opposition started to be released (Foucher and Depagne 2021). The coup was initially welcomed by public celebrations, as well as the support of opposition leader Cellou Dalein Diallo (a former member of the FNDC until deciding to run for the 2020 presidential elections) (Fioratta 2021; Boechat 2020).

On 27 September 2021, the military junta unveiled a transitional charter (Republic of Guinea 2021), as the country's supreme law (article 84), allegedly to steer the country back to civilian rule, but probably also to calm donors and foreign investors (mainly Russia

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and China) to reassure them that the junta could be trusted, and that investments in its mining sector—upon which Guinea is heavily reliant, constituting 32 per cent of budget revenues—can continue (Krippahl 2021).

The transitional charter establishes a series of transitional institutions (Title II), including the CNRD, which includes all Guinea's armed forces, as the central institution that defines and provides strategic policy orientation, and guarantees national security and cohesion (article 37); the president of the transition and president of the CNRD, who shall be the head of state, the head of the armed forces, and the head of government, and who shall not only promulgate laws adopted by the National Council of the Transition, but also have regulatory powers, and generally ensure the proper functioning of public institutions (articles 38–47); the transitional government appointed by the president and accountable only to the president (articles 48, 50, 53); and the National Council of the Transition, an 81-member body, appointed by the president, which functions as the transitional legislature (article 56), and is also responsible for drafting and adopting the new constitution, and submitting it to referendum (article 57). No member of the aforementioned transitional institutions can run in the first local and national elections that will mark the end of the transition. Beyond, all attributions of the Constitutional Court are transferred to the Supreme Court, during the transitional period (article 79). And all laws and regulations that do not contradict the transitional charter remain in force.

Doumbouya was sworn in as president of the transition by the chair of the Supreme Court on 1 October 2021. Doumbouya then appointed Mohamed Beavogui—a non-partisan development expert—as the country's new prime minister on 6 October 2021 (Africanews and AFP 2021). The National Council of the Transition (CNT) was established on 22 January 2022, with members chosen and appointed by Doumbouya from lists submitted by political parties and associations. The president of the CNT is a prominent civil society activist and election expert—Dansa Kourouma—mandated to lead this institution to agree to a new constitution and the date for the next elections (Samb 2022; Aljazeera 2022b). On 1 May 2022, Doumbouya announced he would submit a proposal to the CNT for

a three-year transition period (Reuters 2022). A three-year transition period was subsequently approved by the CNT on 11 May 2022. This transition plan elicited condemnation from the FNDC and Cellou Dalein Diallo (who made an alliance with the political party of former foe Condé against the transitional government) (Africa Guinee 2022), and elicited concern from the international community, particularly ECOWAS (ECOWAS 2022b).

After the coup, the AU immediately suspended Guinea from activities organized by the regional bloc and ECOWAS also suspended Guinea from all its governing bodies until the restoration of constitutional order. ECOWAS further required that elections be held within six months of the coup and that no member of the CNRD would be allowed to contest in the presidential election. Beyond this, ECOWAS imposed sanctions on the coup leaders and their families, including travel bans and freezes of their financial assets, and called on the AU, the EU, the UN and other partners to support the implementation of these sanctions (ECOWAS 2021b).

## Sudan

On 25 October 2021, the Sudanese armed forces, led by General Fatah al-Burhan, 'ousted the civilian part of the civilian/military transitional government' in a coup d'état (Murphy 2022). This was the second (successful) recent coup d'état in Sudan, after the military overthrew long-time dictator, Omar al-Bashir, in April 2019, following months of popular protests (Stigant and Murray 2019). It was also the second attempt in 2021 after 'elements in and outside the military establishment' tried to overthrow the transitional government on 21 September 2021 but failed (Ibrahim 2021).

The transitional government was formed following the signing of the 2019 Constitutional Declaration by a revolutionary protest movement (Forces for Freedom and Change, or FFC) and the Transitional Military Council (TMC). It initiated a fraught and highly complex power-sharing arrangement between military forces and a fragmented group of opposition parties, civil society and non-state armed groups (Davies n.d.).

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government bodies (article 10), including the Sovereignty Council as the head of state, the Transitional Cabinet as the supreme executive authority, and the Transitional Legislative Council (TLC) as the legislative power. The Sovereignty Council initially consisted of 11 members selected by the FFC and the TMC and was to be chaired by a military representative for the first 21 months, and then by a civilian representative (articles 11.2 and 11.3). The prime minister is chosen by the FFC, and all other ministers are nominated by the FFC and confirmed by the Sovereignty Council, except for the ministers of interior and defence, which are nominated by the TMC (article 15.1). The cabinet was sworn in on 8 September 2019, with Abdallah Hamdok—an economist—as the prime minister (Aljazeera 2019). The TLC was to be composed of representatives of the FFC (two-thirds) and individuals who were not part of the FFC (one-third). The TLC was never formed, and hence the Sovereignty Council and the cabinet continued exercising legislative powers, as provided for in the Constitutional Declaration (article 25.3).

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In October 2020, the transitional government and a number of armed groups signed the ‘Juba Agreement for Peace in Sudan’ (Juba Agreement). Critically, three armed groups’ representatives were added to the Sovereignty Council (Juba Agreement, article 4.1), and the date for the transfer of power was postponed, which remained a controversial issue between military and civilian authorities up until the second coup (Reuters 2021; Abdulbari 2022). Even though the Juba Agreement appeared to reset the three-year transitional period (article 2.1), and thereby renew General al-Burhan’s chairmanship of the Sovereignty Council, observers have indicated that the transfer of power still troubled military leaders, who feared a loss of privileges, either by losing their economic power or by being prosecuted through transitional justice mechanisms (Saeed 2021).

After the coup, General al-Burhan (unconstitutionally) suspended parts of the 2019 Constitutional Declaration, including articles related to the composition and responsibilities of the Sovereignty Council, the Transitional Cabinet and the TLC (Saeed 2021; Aljazeera 2021). Initially, al-Burhan absorbed all functions of the Sovereignty Council himself to then reappoint its former military members and armed group representatives, and eventually also five civilians (some of which were linked to Al-Bashir’s political party)

purportedly representing the five regions of the country. Hamdok was immediately put under house arrest and the military declared a state of emergency (International Crisis Group 2022). Al-Burhan also increased the powers of the newly formed Sovereignty Council and gave state authorities sweeping powers to repress protests by force (Hendawi 2021).

On 21 November 2021, Abdallah Hamdok and General al-Burhan signed a 13-point Political Framework Agreement, aimed at resolving the present crisis and reinstating Hamdok as prime minister (Murphy 2022; Aljazeera 2022a; Debate Ideas 2021). Hamdok resigned on 2 January 2022, unable to rally enough support from the democracy movement and to agree with the military on establishing a 'technocratic' cabinet (International Crisis Group 2022). With Hamdok's resignation, the Political Framework Agreement, which officially reconstituted the Sovereignty Council and the transitional cabinet with unclear participation from civilian representatives, was shelved. Beyond this, the status of the 2019 Constitutional Declaration as a founding document for the transition became increasingly disputed (UNITAMS 2022). The UN Integrated Transition Assistance Mission in Sudan (UNITAMS) launched a political dialogue and consultation process that, in May 2022, was followed by a national dialogue facilitated and coordinated by UNITAMS, the Intergovernmental Authority on Development (IGAD) and the AU (Sudan Tribune 2022).

After this coup, the AU immediately suspended Sudan from participating in any of the activities organized by the regional bloc until the restoration of a civilian-led transitional authority (African Union 2021; Deutsche Welle 2021). IGAD took a softer approach, engaging the government of Sudan through the good offices of the member states' heads of state and government (Sudan Tribune 2021). Despite some external pressure for targeted sanctions on the coup leaders (Coons and Prendergast 2022), neither the AU nor IGAD, nor any other member of the international community, imposed sanctions, and the international community has for the most part continued to support the triumvirate in the political process they are facilitating (US Department of State 2022), although some bilateral donors, such as the United States and the World Bank, have

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suspended funding to Sudan until the restoration of the civilian-led government (Deutsche Welle 2021; Malhas 2022).

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## 5.2. KEY FINDINGS

All of the countries covered in this chapter were in some sort of transition towards peace and democracy up until the end of 2020, but progress starkly differed, with some countries (slowly) muddling through, others stuck, and still others going back on past (if brief) progress. It is against this background of increasing fragility that 2021 was witness to the highest number of coups in more than 20 years, and indeed by the end of 2021 all of the aforementioned countries were classified by International IDEA as full autocracies (International IDEA 2022a).

While most coup leaders claim their intentions are to replace corrupt or incompetent governments, and (eventually) give power back to the people (Thyne and Hitch 2020: 1861), past experience indicates that even when coups are directed against autocratic leaders and may sometimes lead to a process of democratization, more often than not they install a new autocratic leader who will increase levels of repression against the population (Derpanopoulos et al. 2016: 2; Zengin 2021: 5).

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At the same time, there are a number of key factors that may contribute to coups d'état actually taking place. First, coups are more likely in countries where they have taken place in the past, and the more recent the last coup, the more likely it is that a new coup will happen in the near future (Powell 2012: 1035; see also Thyne and Hitch 2020: 1867). Beyond this, the perception that leaders in government are losing legitimacy in the eyes of a majority of the population may also contribute to unconstitutional changes of power. This loss of legitimacy may be due to the inability of the government to provide services, including security, to its citizens. Except for Myanmar, in all other countries growing levels of discontent among civil society and political opposition, but also the general public, were finding expression in public demonstrations and protests directed against incumbent (transitional) governments before the respective coup took place (see also Powell 2012: 1034).

Coup leaders are also likely to make strategic calculations as to how the international community will react, and the extent to which the potential or actual support of some members of the international community will allow them to offset any negative consequences of their actions. In this regard, the international community appears to be in a bind as it faces a number of trade-offs and difficult decisions over whether to engage with coup leaders or sanction them (Thyne and Hitch 2020: 1864). Assisting coup leaders and interim institutions during transitions may increase the chances of democratization but may also animate other countries' military leaders to carry out coups. Enacting sanctions, on the other hand, may foster coup leaders to accelerate the return to civilian rule or may increase the likelihood that coup leaders veer towards autocracy and seek support from authoritarian third countries.

The need to maintain the public and the international community's support in the post-coup transition may at least partly determine the way in which the transition is designed—for instance, the types of institutions that will lead the transition and those with the ultimate power to make decisions, the level of inclusion of the institutional framework throughout the transition, and the length of the transition.

After the seizure of power, all coup leaders have sought to legitimize their position in the post-coup transition by enacting legal frameworks of some sort. In Chad, Guinea and Mali (after the 2020 coup), a transitional charter was unveiled; in Sudan, the previously existing post-coup transitional constitution was partly suspended to make room for new arrangements; in Mali (after the 2021 coup), the Constitutional Court declared the coup leader president of the transition before the transitional charter was amended to extend the transition period; in Myanmar, coup leaders declared a state of emergency and purported to cling on to the 2008 Constitution—a constitution drafted under military supervision—but disregarded it whenever necessary.

Coup leaders established post-coup institutional structures that were similar in many respects: (a) establishment of institutions mimicking the three powers of the state, that is executive, legislative and judiciary, while actual control relies on the leader of the coup; and (b) limited executive power-sharing, with civilian authorities always

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**The international community appears to be in a bind as it faces a number of trade-offs and difficult decisions over whether to engage with coup leaders or sanction them.**

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**After the seizure of power, all coup leaders have sought to legitimize their position in the post-coup transition by enacting legal frameworks of some sort.**



appointed and accountable to the coup leader as head of state. In the cases of Mali, Myanmar and Sudan, prior to the 2021 coups there was already a certain degree of executive power-sharing between civilian and military authorities: in Mali, president and prime minister were civilians, but control over policymaking and appointments remained with the military; in Sudan, the Sovereignty Council was initially shared in equal numbers by civilians and military personnel, and civilians appointed the prime minister and his ministers; and in Myanmar, the Constitution ensured that at least one of two vice-presidents and three ministers (as well as at least 25 per cent representation in parliament at the national and regional/state level) were military personnel. Prospective or past changes in this very delicate balance of power between civilian and military authorities arguably tipped all three countries' military leaders to carry out coups.

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**Coup leaders have often defined highly ambitious reform agendas that went beyond enacting reforms needed to hold elections and transfer power to an elected government.**

Beyond fragile power-sharing arrangements, coup leaders have often defined highly ambitious reform agendas that went beyond enacting reforms needed to hold elections and transfer power to an elected government. In all cases, except for Myanmar, constitutional reforms were planned to take place in advance of elections and following relatively inclusive stakeholder consultation processes (at least on paper). These reform commitments have on the one hand heavily burdened many of the transitions described above, and on the other hand helped justify extensions of initial roadmaps, arguably to allow more time for a new political settlement to be agreed upon (except for Guinea, which did not immediately announce a transition timeline). In Chad, the initial 18-month transition is now likely to be extended to 36 months due to delays in the pre-dialogue phase; Mali's initial 18-month transition was extended after a second coup to 24 months to allow for key reforms to be implemented; and Sudan's initial 36-month transition, reset after the signing of the Juba Agreement, is in limbo after the second coup. Extending transition timelines, and thereby the executive powers of military coup leaders and other unelected authorities, will not contribute to increasing their legitimacy, even if they manage to implement some reforms. Additionally, reaching agreements and implementing structural reforms may be more dependent on the leadership's legitimacy than on timing issues.

As mentioned above, even in those cases where large parts of the population demonstrated against the pre-coup government, such as Chad, Guinea and Mali, the discontent often quickly turned against the coup leaders, particularly once their determination to stay in power as long as possible became clear. In Chad, Guinea and Mali, an increasingly organized opposition either condemned the transition's roadmap or threatened to boycott the transition process altogether. In Myanmar and Sudan (after the October 2021 coup), the fact that the coup leaders were there to stay was immediately apparent, and the population promptly and vociferously demonstrated against the coup. In both cases, the authorities violently cracked down against mostly peaceful demonstrators, injuring and killing large numbers of them and thereby adding to their already long list of crimes and violations.

Regional and subregional organizations worldwide have developed guidelines and normative frameworks on how to deal with unconstitutional changes of government, and these differ in level of detail (Wiebusch 2016). Building on previous frameworks, the AU recently released a Declaration on Unconstitutional Changes of Government in Africa, which was adopted by the participants of an AU-convened Reflection Forum (15–17 March 2022) (African Union 2022). In this declaration, the AU reaffirmed its strong condemnation of all forms of unconstitutional changes of government in Africa and its appeal, among others, to use available legal mechanisms to find solutions to political concerns (article 1), 'to finalise and adopt the AU guidelines on the amendment of constitutions in Africa' (article 16), and 'to develop a comprehensive framework establishing different categories of sanctions that may be gradually applied ... in accordance with the gravity of the violation or threat to the constitutional order without compromising the well-being of ordinary ... citizens' (article 19).

Despite these guidelines, different regional and subregional organizations and their member states have tended to decide on whether or not to condemn unconstitutional changes of government on a case-by-case basis. This is despite the fact that comparative experience tells us that anti-coup norms can only be strengthened if states and organizations actually follow them. An inconsistent approach that distinguishes between different types of unconstitutional changes of government or between different

countries increases the likelihood of new coups and of coup leaders remaining in power (see Powell, Reynolds and Chacha 2022). In this sense, creating new policy guidelines that help member states address unconstitutional changes of government, including criteria for the recognition of post-coup transitional governments (e.g. establishing a civilian-led interim government inclusive of the main political forces, a limited role for coup leaders in decision-making and their inability to run in the first elections after the transition), or for establishing targeted sanctions, as well as assist the country in question to develop a realistic roadmap for a return to constitutional rule, is certainly important. But what the international community should think about more carefully is how to incentivize countries and organizations to actually implement those guidelines in a more coherent fashion.

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**The United Nations could take the lead in engaging regional and subregional organizations, and their member states, in developing a global framework to support the enforcement of post-coup transition roadmaps.**

While coherence is key and may mean the imposition of (targeted) sanctions and the temporary suspension of a country's membership in a given regional or subregional organization, diplomatic engagement may need to be maintained with *both* leaders heading the unconstitutional change of government *and* representatives of opposition parties, deposed governments, civil society, religious leaders and other groups with a stake in the country's future governance. These stakeholders need to identify and implement key priority reforms—to be distinguished from other structural reforms—that will allow a swift return to constitutional government. Beyond this, the United Nations could take the lead in engaging regional and subregional organizations, and their member states, in developing a global framework to support the enforcement of post-coup transition roadmaps.

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