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A SURVEY OF MEDIATION IN AFRICAN COUPS

LAURIE NATHAN

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LAURIE NATHAN

CENTRE FOR MEDIATION IN AFRICA, UNIVERSITY OF PRETORIA

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1. INTRODUCTION

The African Union (AU) policy on unconstitutional change of government, which includes a prohibition on coups, is a radical departure from the continent's historical adherence to the principles of respect for sovereignty and non-interference in domestic affairs. In 2000, the Organisation of African Unity (OAU), on the eve of its transition to the AU, adopted the Lomé Declaration that replaced the organization's long-standing tolerance of military seizure of power with a categorical rejection of coups.¹ The AU has since reinforced this position through the Constitutive Act of the African Union of 2000; the 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union (hereafter "PSC Protocol"); and the 2007 African Charter on Democracy, Elections and Governance (hereafter "African Charter").

These legal instruments provide that the AU shall suspend any government that comes to power by unconstitutional means and shall institute appropriate sanctions against the perpetrators of an unconstitutional change of government.² The African Charter also includes a ban on coup legitimization, which precludes the perpetrators of unconstitutional actions

from contesting elections held to restore democracy and from holding any position of responsibility in the political institutions of their state.³

There has been much commentary on this seismic reorientation of the continent's normative framework on governance.⁴ By contrast, little scholarly attention has been paid to the strategy of mediation undertaken by African organizations when coups occur. This paper aims to fill that lacuna. It presents a comprehensive survey of African mediation in response to coups, identifying major trends and patterns between 2000, when the prohibition on unconstitutional change of government was adopted, and 2014. As defined by Jonathan Powell and Clayton Thyne, a coup entails the illegal seizure of power by the military or other elites within the state apparatus followed by the holding of power for at least seven days.⁵ Mediation can be defined as "a process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements."⁶

This paper begins by recording the location, dates, and duration of the coups and then compares their resolution with data from the preceding decade. It proceeds to consider the incidence of mediation, sanctions, and other external strategies intended to restore constitutional rule; the identity of the lead mediator; the mediation outcomes; the controversies surrounding many of the mediations; and the relationship between mediation and the AU ban on coup legitimation. The primary concern of the paper is with the effectiveness of the mediation endeavors. A thorough examination of the causes of the coups lies outside the scope of this paper.⁷

The key findings of the survey include the following:

- The incidence of coups is falling but remains a significant political problem. In 2000–14, there were fourteen coups, an average of 0.93 coups per annum. The 1990s, by comparison, experienced an average of 1.5 coups per annum.
- African organizations have developed a largely consistent response to coups, undertaking mediation in 86 percent of the cases since 2000. After the PSC Protocol came into effect in 2003, the AU suspended the country subject to the coup in 91 percent of the cases and imposed sanctions in 73 percent of the cases. The threat and use of force did not form part of this consistent response.

- Subsidiarity has been the operative principle in determining which organization conducts the mediation: In 83 percent of the mediated coups, the lead mediating body was the regional economic community (REC) of which the country subject to the coup was a member. In 92 percent of the cases, the lead mediator was a serving or retired president.
- Mediation combined with pressure in response to coups has had consistent outcomes. In 92 percent of the cases resolved through mediation, constitutional rule was restored through presidential elections, and in 67 percent of these cases, constitutional rule was restored within two years of the coup. These outcomes signify the attainment of the democratic objectives of the AU policy on unconstitutional change of government. However, the coup perpetrators usually achieved one of their main goals; in 75 percent of the coups resolved through mediation—and in 79 percent of all the coups—they succeeded in removing the president from power permanently.
- Between 2000 and 2007, the coup leader was elected president in 50 percent of the cases. After the AU's adoption of the ban on coup legitimization in 2007, this figure fell to 13 percent. While this constitutes progress, the ban is not limited to the coup leader and elections. Rather, as noted above, all the perpetrators of a coup are barred from contesting elections and holding political posts in their state. So construed, the ban was violated in as many as 75 percent of the mediated cases since 2007. These violations did not impede the countries' readmission to the AU.
- The most striking findings are that the lead mediator or mediating body made highly controversial decisions in 67 percent of the mediated cases, often compromising democratic principles, and that the lead mediator ignored or breached the ban on coup legitimization in 75 percent of the mediated cases since the ban was introduced in 2007.

The paper presents these and other findings in tabular, statistical, and narrative forms. Because of space constraints, it does not explain all the exceptions to the identified trends and cannot capture fully all the complexities of mediating in coup situations. I focus in particular on the mediation controversies, including the mediators' transgressions of the ban on coup legitimization. In the conclusion, I propose a general explanation

for these controversies, suggesting that in certain respects mediation is incompatible with both the AU policy on unconstitutional change of government and the dynamics of a coup. These dynamics require mediators to play more of a negotiating role than a mediating one. The conventional distinction between negotiations, which are undertaken by the conflict parties, and mediation, which is undertaken by a third party intermediary, is blurred. In bargaining with coup leaders, the mediator-as-negotiator makes controversial concessions in order to get the junta to agree to relinquish power.

The paper also sets out an agenda for further research by identifying a number of dynamics that have not been studied in a systematic manner: the impact of sanctions imposed on juntas; the composition and role of transitional governments of national unity established after coups; the pros and cons of proximity when the lead mediating body is a REC; the mediation capacity and expertise of the RECs; and the effectiveness of “international contact groups” formed to coordinate external actors’ responses to a coup.

2. OVERVIEW OF COUPS

Table 1 below presents an overview of African coups from 2000 to 2014. With one exception, the identification and classification of these coups was unproblematic since the events in question unambiguously entailed the seizure of power by or with the support of military officers. The exception was the overthrow of President François Bozizé in the Central African Republic (CAR) in March 2013. This took the form of a rebellion, driven by the rebel coalition known as Séléka. At that time, however, Séléka was part of a coalition government that had been formed in January 2013, and the rebel leader, Michel Djotodia, was the minister of defense in this government. Consequently, the ousting of Bozizé has been widely described as a coup.⁸

The most significant trend identified in table 1 is that African coups are not merely a historical phenomenon, confined to the era of the OAU, but have continued to occur on a regular basis since the Lomé Convention was adopted in 2000. Fourteen coups took place in the period under review, an average of 0.93 per annum. The notion that coups are “anachronistic,” as the Lomé Convention puts it, may be true normatively but is not true empirically.⁹

Table 1: Overview of African Coups, 2000–14

Country	Region	Anglophone/ Francophone/ Lusophone	Date of Coup	Presidential Election	Duration of Constitutional Crisis
CAR	Central Africa	Francophone	March 2003	May 2005	27 months
São Tomé & Príncipe	Central Africa	Lusophone	July 2003	July 2003 ^a	1 week
Guinea- Bissau	West Africa	Lusophone	Sept. 2003	July 2005	23 months
Togo	West Africa	Francophone	Feb. 2005	April 2005	3 months
Mauritania	North Africa	Francophone	Aug. 2005	March 2007	20 months
Mauritania	North Africa	Francophone	Aug. 2008	July 2009	12 months
Guinea	West Africa	Francophone	Dec. 2008	Nov. 2010	24 months
Madagascar	East Africa	Francophone	March 2009	Dec. 2013	58 months
Niger	West Africa	Francophone	Feb. 2010	March 2011	14 months
Mali	West Africa	Francophone	March 2012	Aug. 2013	18 months
Guinea- Bissau	West Africa	Lusophone	April 2012	May 2014	26 months
CAR	Central Africa	Francophone	March 2013	Jan. 2016	35 months
Egypt	North Africa	Anglophone	July 2013	May 2014	11 months
Burkina Faso	West Africa	Francophone	Oct. 2014	Nov. 2014	14 months

^a In the case of São Tomé and Príncipe, the coup ended through the reinstatement of the ousted president rather than through presidential elections.

The regional breakdown reflected in table 1 is based on the AU's division of the continent into five geographic regions: north, west, east, central, and southern Africa.¹⁰ The table shows that the coups have not been evenly dispersed throughout the continent. Seven of the fourteen coups occurred in West Africa, compared with three in Central Africa, three in North Africa, one in East Africa, and none in Southern Africa. More noteworthy than this geographic distribution is the distinction between Anglophone, Lusophone, and Francophone countries, based on their colonial histories. The majority of coups took place in Francophone Africa (ten coups, or 71 percent), with only three coups (21 percent) in Lusophone Africa and one in Anglophone Africa.¹¹ An analysis of this breakdown, which is related to the causes of the coups, falls outside the scope of this paper.

The causes of the coups can be divided into structural and proximate factors. The former include weak states, historically unstable civil-military relations, and ethnicized polities and armed forces. The proximate factors that provoked the coups include authoritarianism and bad governance (e.g. CAR 2003 and 2013, Guinea-Bissau 2003, Mauritania 2005, and Madagascar 2009); the extension of presidential term limits (e.g. Niger 2010 and Burkina Faso 2014); and the coup perpetrators' concerns over military issues (e.g. Guinea-Bissau 2012 and Mali 2012). Aside from these brief observations, this paper focuses on the resolution of coups and not on their causes.¹²

While the AU has defined an unconstitutional change of government, it has not specified what constitutes a return to constitutional order. The African Charter simply states that the AU Peace and Security Council (PSC) shall lift sanctions once the situation that led to the suspension is resolved.¹³ In practice, a country suspended after a coup is usually readmitted when presidential elections have taken place (see table 5 below). Table 1 therefore uses the criterion of presidential elections as the benchmark for determining the end of the constitutional crisis posed by a coup.

Of the coups that occurred between 2000 and 2014, 100 percent ended by democratic means, either through a presidential election (93 percent) or, in the singular case of São Tomé and Príncipe, through the reinstatement of the ousted president. Seventy-one percent of the coups ended within two years, and the average duration of the crises was 20.4 months. Table 2 below compares these figures with the incidence and duration of African coups in the 1990s.

Three caveats can be raised regarding the positive trend of ending coups by democratic means. First, in the majority of cases, some members of the unconstitutional regime remained in the government after the presidential election (see section 7). Second, in many instances the mediators violated the AU policy on unconstitutional change of government and compromised democracy (see sections 7 and 8). Third, the mediated agreements, the post-coup elections, and the new governments' policies did not necessarily address the structural causes of the coups. This is most evident in those countries—including Burkina Faso, CAR, Guinea-Bissau, and Madagascar—that have had several elections as well as several coups and attempted coups.

3. COMPARISON OF COUPS IN THE 1990s AND 2000s

Table 2 below compares the incidence and duration of coups in the periods 1990–99 and 2000–14. Improvements are evident in the three designated categories: the incidence of coups per annum, the average duration of the constitutional crisis posed by the coup, and the percentage of coups resolved within two years.

Table 2: Comparison of the Incidence and Duration of African Coups, 1990–99 and 2000–14

	1990–99	2000–14	Improvement
Average number of coups per annum	1.5 (15 coups) ^a	0.93 (14 coups)	Yes
Average duration of constitutional crisis posed by coup ^b	23.7 months	20.4 months (17.5 excluding Madagascar)	Yes
Percentage of coups resolved within two years	67%	71%	Yes

^a These coups occurred in Mali (1991), Lesotho (1991), Nigeria (1993), Sierra Leone (1992, 1996, and 1997), Burundi (1993 and 1996), Gambia (1994), Comoros (1995 and 1999), Niger (1996 and 1999), Guinea-Bissau (1999), and Côte d'Ivoire (1999).

^b With two exceptions, the constitutional crises were resolved through presidential elections. The two exceptions were Sierra Leone (1997) and São Tomé and Príncipe (2003), where the crises were resolved through the reinstatement of the ousted presidents.

Issaka Souaré offers a more positive assessment of progress over the past decade. He calculates that the average duration of coups from January 1990 to July 2000 was 20.4 months, which declined to 11.4 months in the period from July 2000 to December 2012.¹⁴ He ascribes this substantial decline principally to the AU policy on unconstitutional change of government.

Souaré's approach is problematic in that he considers an unconstitutional regime to have ended if a transitional government was formed prior to the advent of elections.¹⁵ This fails to recognize that the interim government might have been unconstitutional or at the mercy of the army. For example, Souaré regards the Mali coup in 2012 as having ended within a month of its occurrence when the junta leader, Captain Sanogo, formally stood down and agreed to the appointment of the speaker of parliament as the interim president.¹⁶ Yet Sanogo thereafter continued to wield considerable power; his troops arrested politicians and anti-coup officers; they allowed protestors to beat up the interim president, and nine months after the coup, they arrested the interim prime minister, leading to his resignation.¹⁷ In a number of cases, moreover, the interim government was a mixture of soldiers and civilians (see section 6). Since the goal of the AU policy on unconstitutional change of government is to "restore democracy,"¹⁸ it seems appropriate to determine the end of the unconstitutional period on the basis of presidential elections rather than the formation of an unelected transitional regime.

The declining incidence of coups might be attributable partly or largely to the AU's policy of zero tolerance of coups, but it is not possible to offer a more definite assessment without analyzing the causes of coups. It seems likely that the improvements in the percentage of coups resolved by democratic means, and in those resolved within two years, are due to a combination of the AU's zero tolerance policy, African strategies in response to coups, and wider international pressure on juntas (see section 4). These factors have made it increasingly untenable for a junta to hold power indefinitely. Beyond such broad assertions, however, an investigation of the effectiveness of African responses to coups reveals a number of shortfalls and challenges. These are identified in the sections that follow.

4. EXTERNAL STRATEGIES IN RESPONSE TO COUPS

Table 3 below provides an overview of the strategies employed by external actors to restore constitutional order after the occurrence of African coups in the period 2000–14. It shows that the AU and the RECs have developed a fairly consistent response, comprising mediation, sanctions, and suspension of the country’s membership of the African organizations.

Mediation by an African body was undertaken in 86 percent of the coups. In only two cases there was no external mediation: Mauritania (2005), where the coup enjoyed popular support and the transition to democracy proceeded smoothly; and Egypt (2013), where the junta appeared impervious to mediation. The intensity, duration, and form of the mediation differed from one case to another. For example, in Niger (2010), there was very little mediation because the junta moved decisively to restore constitutional rule; in Madagascar (2009), the mediation was protracted and entailed many rounds of negotiations; in Mali (2012), the process was not so much one of mediation among the domestic parties as one of negotiation between the mediator and the junta; and in CAR (2013), the mediators imposed a transitional agreement on the domestic stakeholders rather than facilitated negotiations among them (see sections 7 and 8). The mediations were often controversial, complicating matters rather than expediting a resolution of the crisis (see section 8).

After 2003, when the PSC Protocol came into effect, suspension from the AU occurred in 91 percent of the coups and suspension from a REC occurred in 55 percent. The lower rate of suspension from a REC was partly due to the fact that in three cases—Mauritania (2005 and 2008) and Egypt (2013)—the country concerned was not a member of a REC. After 2003, the AU imposed sanctions in 73 percent of the coups. International actors imposed sanctions or suspended international aid in 91 percent of these cases. In some instances, the international measures may have had a greater impact than the African sanctions.¹⁹ The threat and use of force have not been a consistent part of the reaction to coups. Force was threatened by RECs on two occasions, by the AU once, and by a state once. No force was ever actually used against a junta.

Table 3: External Strategies for Restoring Constitutional Order after African Coups, 2000–14

Coup	Mediation by African Body	Suspension from African Organization	African Sanctions	External Threat of Force	Use of Force	International Sanctions ^a
CAR, 2003	Yes	No ^b	No	No	No	Yes (incl. US & EU)
São Tomé & Príncipe, 2003	Yes	No	No	Yes (Angola)	No	Yes (WB)
Guinea-Bissau, 2003	Yes	No	No	No	No	Yes (incl. US & EU)
Togo, 2005	Yes	Yes (AU & ECOWAS)	Yes (AU & ECOWAS)	Yes (AU)	No	Yes (IOF) ^c
Mauritania, 2005	No	Yes (AU)	No	No	No	Yes (EU)
Mauritania, 2008	Yes	Yes (AU)	Yes (AU)	No	No	Yes (incl. US & EU)
Guinea, 2008	Yes	Yes (AU & ECOWAS)	Dec. 2008	Nov. 2010	24 months	Yes (incl. US & EU)
Madagascar, 2009	Yes	Yes (AU & SADC)	Yes (AU)	Yes (SADC)	No	Yes (incl. US & EU)
Niger, 2010	Yes	Yes (AU & ECOWAS)	Yes (AU & ECOWAS)	No	No	Yes ^d
Mali, 2012	Yes	Yes (AU & ECOWAS)	Yes (AU & ECOWAS)	Yes	No	Yes (incl. US & EU)
Guinea-Bissau, 2012	Yes	Yes (AU & ECOWAS)	Yes (AU & ECOWAS)	No	No	Yes (incl. UN & EU)
CAR, 2013	Yes	Yes (AU) No (ECCAS)	Yes (AU) No (ECCAS)	No	No	Yes (incl. UN)
Egypt, 2013	No	Yes (AU)	No	No	No	Yes (US) ^e
Burkina Faso, 2014	Yes	No	No	No	No	No

^a International sanctions include the suspension of aid.

^b After the coup, the AU PSC recommended suspension of CAR but did not actually suspend it.

^c The European Community suspended development cooperation with Togo prior to the coup as a

result of President Eyadéma's manipulation of the elections.

^d ECOWAS suspended Niger and imposed sanctions prior to the coup in response to President Tandja's unconstitutional bid to serve a third term in office. The AU endorsed the ECOWAS sanctions but only suspended Niger after the coup. International aid was suspended before the coup.

^e Abbreviations: ECCAS (Economic Community of Central African States); ECOWAS (Economic Community of West African States); EU (European Union); IOF (International Organization of the Francophonie); SADC (Southern African Development Community); UN (United Nations); US (United States); and WB (World Bank)

5. IDENTITY OF MEDIATING BODIES AND MEDIATORS

Table 4 below records the identity of the lead mediating organizations and mediators in African coups from 2000 to 2014. It reveals two strong trends. First, in 83 percent of the mediated cases, the lead mediating body was the REC of which the country in crisis was a member. The AU was the lead mediator only in Mauritania (2005 and 2008), which was not a member of a REC. Aside from a short period in the early stages of the Madagascar coup, the UN was not the main mediating body either. As a general rule, subsidiarity has been the operative principle in mediating an end to coups.

A critical question regarding this trend is whether the benefits or liabilities of proximity applied when mediation was undertaken by the RECs. The benefits include deep knowledge of the history and circumstances of the country in crisis; close personal and professional relationships between the country's leaders, the mediator, and the REC officials; and the concerted pressure that can be exerted by a regional body against one of its members. The liabilities are that the mediator might pursue parochial national interests, the REC might be disunited, it might deviate from AU policies, and some of its member states might fuel the crisis (see sections 7 and 8).²⁰ In the extreme cases of the 2003 and 2013 coups in CAR, the unconstitutional actions occurred with the consent, if not active support, of the Economic Community of Central African States' (ECCAS) heads of state, who also played mediating roles after the coups took place.²¹

Another question related to the peacemaking role of the RECs is whether they have the capacity and expertise to mediate effectively in the complex and volatile conditions of a coup. Since 2007, a number of the RECs have set up mediation support units, modeled on the Mediation Support Unit of the UN, but these entities are severely under-resourced in terms of funds, staff, and technical proficiency.²²

Table 4: Identity of Lead Mediating Bodies and Lead Mediators in African Coups, 2000–14

Coup	Lead Mediating Body	Lead Mediator	Status of Lead Mediator
CAR, 2003	Gabon	Ali Bongo of Gabon	President (Bongo)
São Tomé & Príncipe, 2003	ECCAS	Delegation of officials led by Rodolphe Adada of Republic of Congo	Minister (Adada)
Guinea-Bissau, 2003	ECOWAS	Delegation of presidents led by John Kufuor of Ghana	Presidents (Kufour et al.)
Togo, 2005	ECOWAS	Delegation of presidents led by Mamadou Tandja of Niger	Presidents (Tandja et al.)
Mauritania, 2008	AU	Muammar Gaddafi of Libya, replaced by Abdoulaye Wade of Senegal	President (Gaddafi) President (Wade)
Guinea, 2008	ECOWAS	Blaise Compaoré of Burkina Faso	President (Compaoré)
Madagascar, 2009	SADC	Joaquim Chissano of Mozambique, replaced by Marius Fransman of South Africa	Former president (Chissano) Minister (Fransman)
Niger, 2010	ECOWAS	Abdulsalami Abubaker of Nigeria, supported by Abdoulaye Wade of Senegal	Former president (Abubaker) President (Wade)
Mali, 2012	ECOWAS	Blaise Compaoré of Burkina Faso	President (Compaoré)
Guinea-Bissau, 2012	ECOWAS	Goodluck Jonathan of Nigeria	President (Jonathan)
CAR, 2013	ECCAS	Delegation of presidents led by Denis Sassou Nguesso of Republic of Congo	Presidents (Sassou Nguesso et al.)
Burkina Faso, 2014	ECOWAS	Delegation of presidents led by Macky Sall of Senegal	Presidents (Sall et al.)

The second trend evident in table 4 is that the lead mediators were usually serving or retired presidents (92 percent of the mediated coups), and in the remaining cases they were ministers, reflecting the state-centric orientation of the regional organizations that appointed them. None of the lead mediators was drawn from the AU's Panel of the Wise or the similar structures set up by the RECs to support and engage in peacemaking.

It is questionable whether the heads of state were the best choice as mediators. They might have had gravitas and prestige but the credibility of some of them—including Blaise Compaoré, Muammar Gaddafi, Denis Sassou Nguesso, and Mamadou Tandja—was impaired by the fact that they themselves had led or participated in a coup. The further problem is that heads of state involved in peacemaking might seek to advance the interests of their own states in ways that are not beneficial to the country in crisis, a perception that was held of Compaoré.²³ In addition, most of the heads of state who served as mediators made decisions that were highly controversial (see section 8).

There are two further mediation trends that are not captured in table 4, the first of which is the peacemaking efforts of external actors other than the lead mediating body. In many of the coups under consideration, the REC mediators were supported by UN and AU envoys.²⁴ Second, in most cases an “international contact group” was formed to ensure a harmonized approach among external actors. These groups typically included the UN, the AU, and the relevant REC, as well as foreign powers, donors, and multilateral organizations. Their effectiveness differed from one instance to another. For example, Gilles Yabi has observed that the International Contact Group on Guinea distinguished itself from similar groups elsewhere in West Africa by the frequency of its sessions and the force and impact of its positions.²⁵

6. OUTCOMES OF MEDIATION AND EXTERNAL PRESSURE

Table 5 below presents the outcomes of mediation combined with pressure in response to African coups in 2000–14. It indicates four trends. First, mediation led to the formation of an interim government of national unity in 75 percent of the cases. In general, the aims were to replace the junta with a consensus transitional regime, stabilize the crisis, and prepare for a return to constitutional rule via free and fair elections. In practice, the interim governments were diverse in their orientation and composition, with a number of them comprising a mix of civilians and military officers—

e.g., Guinea (2008), Niger (2010), Guinea-Bissau (2012), and Burkina Faso (2014).²⁶ These regimes have not been subject to systematic research.

Second, in 92 percent of the cases resolved through mediation, constitutional rule was established through presidential elections. Only in São Tomé and Príncipe (2003) was constitutionality restored through the reinstatement of the ousted president. In 75 percent of the mediated cases, the coup perpetrators succeeded in removing the president from power permanently.²⁷ In addition to São Tomé and Príncipe, the exceptions were Togo (2005) and Guinea (2008), where the coups were precipitated by the death of serving presidents.

Third, prior to the adoption of the AU ban on coup legitimization in 2007, the coup leader was elected as president in 50 percent of the mediated cases. Subsequent to the adoption of the policy, the percentage fell to 13 percent. It therefore appears that the ban has usually been upheld. This issue has proven to be quite problematic, however, and is discussed in more detail in the next section.

Table 5: Outcomes in Mediated African Coups, 2000–14

Coup	Lead Mediating Body	Interim Outcome of Mediation & Pressure	Final Outcome of Mediation & Pressure	Ousted President Returned to Power	Coup Leader Elected President	AU Readmits Country
CAR, 2003	Gabon	Agreement on eligibility of presidential candidates	Elections	No	Yes	Country not suspended
São Tomé & Príncipe, 2003	ECCAS	-	Ousted president reinstated	Yes	No	Country not suspended
Guinea-Bissau, 2003	ECOWAS	Interim govt.	Elections	No	No	Country not suspended
Togo, 2005	ECOWAS	Roadmap for elections	Elections	No ^a	Yes	Yes (after presidential election)

Table 5 continued

Coup	Lead Mediating Body	Interim Outcome of Mediation & Pressure	Final Outcome of Mediation & Pressure	Ousted President Returned to Power	Coup Leader Elected President	AU Readmits Country
Mauritania, 2008	AU	Interim govt.	Elections	No	Yes	Yes (before presidential election)
Guinea, 2008	ECOWAS	Interim govt.	Elections	No ^a	No	Yes (after presidential election)
Madagascar, 2009	SADC	Interim govt.	Elections	No	No	Yes (after presidential election)
Niger, 2010	ECOWAS	Interim govt.	Elections	No	No	Yes (after presidential election)
Mali, 2012	ECOWAS	Interim govt.	Elections	No	No	Yes (before presidential election)
Guinea-Bissau, 2012	ECOWAS	Interim govt.	Elections	No ^b	No	Yes (after presidential election)
CAR, 2013	ECCAS	Interim govt. (but ongoing civil war)	Elections	No	No	Yes (after presidential election)
Burkina Faso, 2014	ECOWAS	Interim govt.	Elections	No	No	Country not suspended

^a In the cases of Togo and Guinea, the president died in office, precipitating the coup.

^b In the Guinea-Bissau coup the president died in office and the army subsequently ousted the acting president and the prime minister, neither of whom returned to power.

Finally, in 50 percent of the mediated cases, the AU readmitted the country after presidential elections; in 17 percent of these cases the country was readmitted prior to elections; and in 33 percent of the cases the country was not suspended. In none of the mediated cases was a violation of the ban on

coup legitimization an impediment to readmission.

With one notable exception, the outcomes of the two non-mediated cases—Mauritania (2005) and Egypt (2013)—were consistent with the trends identified above: an interim regime was formed, presidential elections were held, the country was thereafter readmitted to the AU, and the ousted president did not resume office. The exception was that the Egyptian coup leader was elected as president, contrary to the ban on coup legitimization. Including the two non-mediated coups, the junta removed the president from power permanently in 79 percent of the cases.

In considering the effectiveness of African mediation and other external strategies, it should be noted that the duration and outcome of a coup depend not only on these strategies but also on the coup-makers' goals and, in particular, on whether they desire to retain power in the long run. For example, the coup leaders in Niger had no such desire: they ousted the president because of his unconstitutional actions, they decreed that members of the junta could not run for election, they arranged an expeditious return to elected civilian rule, and there was consequently little need for external pressure and mediation.²⁸ The Madagascar crisis, on the other hand, dragged on for five years and entailed multiple mediation efforts because the coup leader was loath to relinquish the presidency.²⁹ In the Guinea coup, the mediation stalled when the junta leader reneged on his promise to refrain from running for president. The impasse was broken when he went into exile following an attempt on his life. He was replaced by a general who did not seek to remain in power, and the mediators were then able to facilitate a transition to elections.³⁰

7. MEDIATION AND THE BAN ON COUP LEGITIMATION

Table 6 focuses on mediation in relation to the AU ban on coup legitimization. It records whether the ban was asserted by African organizations, adhered to by the mediator, and complied with by the newly elected government in the country concerned.

Three trends are evident in the table. The first is the consistent assertion of the ban by the AU and RECs since 2007. Some analysts have said that the ban only became operative in 2012 when the African Charter obtained the requisite number of state ratifications to acquire the force of law.³¹ This is incorrect. The PSC's decisions in relation to the 2008 Mauritania coup

and subsequent coups invoked the ban directly, cited the African Charter or referred to the AU Assembly's 2010 decision on unconstitutional change of government, which affirmed the ban.³² Regardless of the status of the African Charter prior to 2012, decisions of the PSC are binding on member states.³³

Second, the ban was violated in 75 percent of the mediated cases between 2007 and 2014, through either the appointment of the coup leader to a senior position in the transitional regime or the appointment of members of the junta to the new government. The details are presented below. As noted in section 6 above, the PSC turned a blind eye to these transgressions and readmitted the countries that had violated the ban.

The third trend is the frequency with which the lead mediator ignored or expressly contravened the ban on coup legitimization. This occurred in 75 percent of the mediated cases between 2007 and 2014. This anomalous finding is striking given the PSC's repeated assertion of the ban and the importance the AU attaches to it. The anomaly is described below for each case.

Table 6: Mediation and the AU Ban on Coup Legitimation, 2007–14

Coup	Mediating Body	African Organizations Assert Ban	Lead Mediator Adheres to Ban	Government Complies with Ban
Mauritania, 2008	AU	AU: Yes	Wade: No	No (coup leader elected president)
Guinea, 2008	ECOWAS	AU: Yes ECOWAS: Yes	Compaoré: No, later yes	No (members of junta appointed to new govt.)
Madagascar, 2009	AU (2009) SADC (2009–13)	AU: Yes SADC: No ^a	Ouedraogo: No Chiassano: No	No (member of interim govt. elected president & other members appointed to new govt.)
Niger, 2010	ECOWAS	AU: Yes	Yes	Yes

Table 6 continued

Coup	Mediating Body	African Organizations Assert Ban	Lead Mediator Adheres to Ban	Government Complies with Ban
Mali, 2012	ECOWAS	AU: Yes ECOWAS: Yes	Compaoré: No	No (members of junta appointed to new govt.)
Guinea-Bissau, 2012	ECOWAS	AU: Yes ECOWAS: Yes	Not relevant ^b	Yes
CAR, 2013	ECCAS	AU: Yes ECCAS: Yes	ECCAS: No	No (coup leader elected interim president)
Burkina Faso, 2014	ECOWAS	AU: Yes ECOWAS: Yes	Sall et al.: No	No (coup leader appointed interim prime minister)

^a In its initial response to the Madagascar coup, SADC demanded the unconditional reinstatement of the ousted president, rendering moot the question of coup legitimization through elections.³⁴

^b In the Guinea-Bissau coup, the army did not seek to retain power. The aim of the coup was to remove the Angolan military mission, known as MISSANG, from the country.³⁵

Mauritania

In its response to the 2008 coup in Mauritania, the AU invoked the African Charter.³⁶ Nevertheless, the ban on coup legitimization was conspicuously absent from the agreement reached by the junta and political parties under the facilitation of the AU mediator, President Abdoulaye Wade of Senegal. This agreement, mapping out the transition to constitutional order, permitted the coup leader, General Mohamed Ould Aziz, to contest the presidential election.³⁷ He won the poll in a victory described by opposition leaders as an “electoral coup d’état.”³⁸

Guinea

The ban on coup legitimization was a major bone of contention in the Guinea crisis. It was asserted not only by the AU and ECOWAS but also by the UN Security Council and the International Contact Group on Guinea.³⁹ The coup leader, Captain Moussa Dadis Camara, initially consented but later reneged on his promise to comply with the ban. Thereafter, the ECOWAS mediator, President Compaoré, circulated a draft plan for the transition, allowing members of the junta to contest elections if they left office four months before

the poll; as a result, the opposition alliance rejected the plan.⁴⁰ The next iteration of Compaoré's plan once again defied the domestic, continental, and international objections to coup legitimization.⁴¹ The breakthrough came when Camara went into exile after an attempted assassination and was replaced by General Sékouba Konaté, who did not seek to remain in power. Compaoré was then able to facilitate an agreement that included the ban. Still, the newly elected president, Alpha Condé, appointed several members of the junta to serve in his government, including three generals who retained their cabinet posts.⁴²

Madagascar

In May 2009 the AU special envoy to Madagascar, Ablassé Ouedraogo, facilitated negotiations among Malagasy leaders, producing a tentative accord that envisaged new presidential elections in which the coup leader, Andry Rajoelina, could run.⁴³ In June SADC appointed Joaquim Chissano as the lead mediator. He struggled to make headway, and in February 2010 the PSC threatened to impose sanctions, citing the AU Assembly decision on unconstitutional change of government.⁴⁴ Ignoring the AU's position, Chissano's roadmap for the transition enabled Rajoelina and other members of the unconstitutional regime, the *Haute Autorité de la Transition* (High Transitional Authority; HAT), to contest elections if they left office sixty days before the vote.⁴⁵ The SADC Summit approved the roadmap, as did the PSC.⁴⁶ Despite the broad support for the roadmap, the HAT adamantly refused to allow the ousted president, Marc Ravalomanana, to return to Madagascar from exile in South Africa. The mediators were unable to break this impasse. Consequently, in 2012 the SADC Summit adopted the *ni-ni* (neither-nor) solution, under which neither Ravalomanana nor Rajoelina would run for president.⁴⁷ The two politicians eventually agreed to this. Contrary to the ban on coup legitimization, however, the HAT finance minister, Hery Rajaonarimampianina, was elected president in 2013, and his new government included seven members of the HAT.⁴⁸

Mali

In their respective resolutions on the Mali coup in 2012, the AU and ECOWAS affirmed the African Charter.⁴⁹ Yet the ECOWAS mediator, President Compaoré, did not include the ban on coup legitimization in the two agreements he negotiated with the coup leader, Captain Amadou Sanogo. Sanogo's personal ambitions lay in the military sphere, and he did

not express interest in standing for election.⁵⁰ But contrary to the ban, two members of the junta were appointed to serve on the cabinet of the new president, Ibrahim Boubacar Keïta.⁵¹

Central African Republic

In late 2012, the Séléka rebels attempted to overthrow President Bozizé. ECCAS persuaded the rebels to enter into talks with the government. In January 2013 ECCAS mediated the Libreville Agreement, which established a transitional government of national unity. When Bozizé failed to fulfill his obligations, Séléka resumed the rebellion and seized the capital, Bangui. The rebel leader, Michel Djotodia, suspended the constitution and set up the *Conseil National de Transition* (National Transitional Council; CNT), which elected him as interim president. The ECCAS stance regarding the ban on coup legitimization was mixed. On the one hand, the organization barred the interim president and other members of the CNT from contesting elections at the end of the transition.⁵² On the other hand, it was willing to recognize Djotodia, albeit as the “head of state of the transition” and not the “president of the republic.”⁵³ Displeased AU officials viewed this recognition as contrary to the AU’s policy on unconstitutional change of government.⁵⁴

Burkina Faso

In an unusual move, the PSC did not suspend Burkina Faso after the 2014 coup. Instead, it demanded that the army step aside and hand power to a civilian authority within two weeks, failing which suspension and sanctions would come into effect.⁵⁵ A team of ECOWAS presidents led by Macky Sall of Senegal conducted a mediation that resulted in the adoption of a charter for a civilian-led transition and the selection of Michel Kafando, a retired diplomat, as interim president. The PSC decided that its demands had been met and that suspension and sanctions would not apply.⁵⁶ Immediately thereafter, Kafando appointed one of the coup leaders, Lieutenant Colonel Yacouba Isaac Zida, as interim prime minister, and he in turn appointed other army officers as cabinet ministers.⁵⁷ Contrary to the PSC’s assessment, the military had not transferred power to a civilian authority; rather, it had made a power-sharing deal with civilians.⁵⁸ According to informed sources, the ECOWAS presidents supported this arrangement in the interests of stabilizing civil-military relations and the broader political arena.⁵⁹

It is apparent from these cases that the AU policy on unconstitutional change

of government was violated in three-quarters of the mediated cases between 2007 and 2014. In the conclusion of this article I suggest that a general explanation for this dynamic lies in the inherent tensions and contradictions between the ban on coup legitimization and the logic of mediation.

8. MEDIATION CONTROVERSIES

Table 7 below records that in as many as 67 percent of the mediated coups between 2000 and 2014, the mediation was wracked by controversy. There were only four cases in which no major controversies occurred: São Tomé and Príncipe (2003), where the coup lasted just a week; and CAR (2003); Guinea-Bissau (2003); and Niger (2010), where little mediation was required because the juntas moved decisively to restore constitutional rule. The controversies in the remaining eight cases are described below.

Table 7: Controversies Regarding Mediation in African Coups, 2000–14

Coup	Mediation Controversy
CAR, 2003	-
São Tomé & Príncipe, 2003	-
Guinea-Bissau, 2003	-
Togo, 2005	- Mediating body endorsed unconstitutional transitional arrangement (ECOWAS) - Mediating body endorsed flawed election (ECOWAS)
Mauritania, 2008	- Mediator opposed AU sanctions (Gaddafi) - Mediator accused of bias in favor of junta (Gaddafi) - Mediator tolerated coup legitimization (Wade)
Guinea, 2008	- Mediator defied ban on coup legitimization (Compaoré)

Table 7 continued

Coup	Mediation Controversy
Madagascar, 2009	<ul style="list-style-type: none"> - Mediator and mediating body perceived as biased (Chissano, SADC) - Mediated agreement legitimized ousting of democratically elected president (Chissano, SADC, AU) - Mediated agreement permitted violation of ban on coup legitimation (Chissano, SADC, AU)
Niger, 2010	-
Mali, 2012	<ul style="list-style-type: none"> - Mediation not inclusive of domestic stakeholders, excluded ousted president (Compaoré) - Mediated agreement legitimized ousting of democratically elected president (Compaoré) - Mediator made too many concessions to junta (Compaoré) - Mediator perceived to be pursuing own interests (Compaoré)
Guinea-Bissau, 2012	<ul style="list-style-type: none"> - Mediating body cancelled free and fair election and prevented leading candidate from contesting new elections (ECOWAS) - Mediating body negotiated transitional agreement prejudicial to ruling party (ECOWAS)
CAR, 2013	<ul style="list-style-type: none"> - Mediators imposed a peace agreement on parties (Sassou Nguesso et al.) - Mediating body recognized coup leader contrary to AU policy and PSC resolution on CAR (ECCAS)
Burkina Faso, 2014	<ul style="list-style-type: none"> - Mediating bodies determined incorrectly that junta had complied with PSC's demands (AU and ECOWAS) - Mediators accepted appointment of coup leader as interim prime minister

Togo

Togo's constitution provides that the speaker of the National Assembly will become the acting president if the incumbent president dies in office. In the wake of the coup following the death of President Gnassingbé Eyadéma, the army prevented the speaker, Fambaré Natchaba, from re-entering the country after a trip abroad.⁶⁰ Instead, the deputy speaker, regarded as more compliant than Natchaba, was appointed as acting president. ECOWAS condoned this unconstitutional arrangement and, unlike the AU, lifted the sanctions on Togo.⁶¹ ECOWAS also ignored the egregious irregularities in the run-up to the presidential election in April 2005 and endorsed the flawed victory of Faure Gnassingbé, who had headed the junta; opposition parties accused the regional body of tacitly supporting Gnassingbé's candidature.⁶² The election results provoked violence, leading to hundreds of fatalities and the exodus of thirty thousand Togolese to neighboring states.⁶³

Mauritania

In February 2009 President Gaddafi of Libya was appointed the chairperson of the AU, and in this capacity he initiated mediation in Mauritania after the coup. He openly opposed the AU sanctions that had been imposed and dismissed the AU's call for the unconditional reinstatement of the ousted president, Sidi Ould Cheikh Abdallahi, insisting that Abdallahi should accept his removal from power as a *fait accompli*.⁶⁴ His stance gave rise to great unhappiness within the AU and caused the opposition parties in Mauritania to reject him as the mediator.⁶⁵ Gaddafi was replaced as the mediator by President Wade, who facilitated the agreement that allowed the coup leader, contrary to AU policy, to contest and win the presidential election.

Guinea

As discussed in the previous section, President Compaoré's plans for the transition to constitutional order after the coup in Guinea explicitly contravened the prohibition on coup legitimation, which had been asserted by the AU, ECOWAS, the UN Security Council, and the International Contact Group on Guinea. The contravention created a "public relations fiasco" for the mediation.⁶⁶ The opposition alliance stated that the "fundamental preoccupations of the Guinean people have not been taken into account."⁶⁷

Madagascar

When SADC initiated mediation in Madagascar, it was seen as biased by the HAT because it had threatened to use force against the coup regime.⁶⁸ Chissano's roadmap for the transition reversed the bias, enabling the coup leader to contest elections and denying this opportunity to the ousted president. Instead, the exiled Ravalomanana would be barred from returning to Madagascar until the newly elected government determined that a favorable political and security climate existed.⁶⁹ This position ran counter to resolutions passed previously by the SADC Summit, which promptly dropped Chissano as the mediator. The perception among local diplomats was that Chissano, having failed to soften the HAT's intransigence, had capitulated to the regime.⁷⁰ As noted above, however, SADC and the AU endorsed Chissano's contravention of the ban on coup legitimization.*Mali*

Compaoré's mediation was controversial and lacked legitimacy in Mali because the process was opaque and excluded political parties and the ousted president.⁷¹ Instead, it entailed a series of negotiations between the mediators and the junta leader, Captain Sanogo. Their agreements on the transition to constitutional order made significant concessions to the junta: the elected president would resign, the junta members would receive amnesty, and Sanogo would enjoy the status of a retired head of state. Moreover, the agreements created an unrepresentative interim government whose composition reflected the preferences of Sanogo and Compaoré rather than a consensus among Mali's political forces. Displeased with Compaoré's approach, ECOWAS revoked Sanogo's status as former president and decided that the Nigerian president, Goodluck Jonathan, would join the mediation initiative in a kind of oversight capacity.⁷²

Guinea-Bissau

In January 2012 President Malam Bacai Sanhá died of natural causes, and Raimundo Pereira was appointed as the interim president. The first round of the ensuing presidential election was won by Prime Minister Carlos Gomes Júnior, representing the ruling *Partido Africano da Independência da Guiné e Cabo Verde* (African Party for the Independence of Guinea and Cape Verde; PAIGC). The international community declared the election free and fair, but the other candidates rejected the result. In the midst of this dispute, the military seized power and arrested Pereira and Gomes Júnior. The ECOWAS roadmap cancelled the election, dismantled the government, and

accepted that Pereira and Gomes Júnior would be replaced.⁷³ The PAIGC was outraged. It insisted that the election should be allowed to continue, denounced ECOWAS as the mediator, and accused it of legitimizing the coup.⁷⁴ The ECOWAS position also diverged radically from that of the UN and the AU, which demanded the resumption of the election.⁷⁵ This provoked intense friction between ECOWAS and the other external actors involved in peacemaking.

Central African Republic

The Libreville Agreement for CAR, concluded in January 2013 between President Bozizé, Séléka, and other opposition groups, was mediated by four ECCAS heads of state, including Idriss Déby of Chad and Denis Sassou Nguesso of the Republic of Congo. The process took just three days, with the mediators drafting an accord for the signature of the parties rather than facilitating negotiations between them.⁷⁶ In the absence of interparty dialogue, confidence-building, and a serious effort to address the root causes of the perennial crisis in CAR, the “peace talks without talks” were bound to fail.⁷⁷ The failure was manifest in the coup in March 2013. In recognizing the coup leader, Michel Djotodia, ECCAS transgressed the AU ban on coup legitimation and the PSC’s call for the “complete isolation” of the perpetrators of the unconstitutional change of government in CAR.⁷⁸ In defiance of this call and the AU travel ban, Djotodia was welcomed in the capitals of ECCAS member states after he had been elected as the interim president.⁷⁹

Burkina Faso

Instead of suspending Burkina Faso and imposing sanctions after the coup, the PSC gave the junta an ultimatum to transfer power to a civilian authority. The PSC then decided prematurely, and incorrectly, that its ultimatum had been met. It turned out that the military had retained considerable power, not least through the coup leader being appointed the interim prime minister. As the Institute for Security Studies concluded, “Clearly the army used the transfer of authority to a civilian president as a cover to avoid sanctions from the AU and ECOWAS. In entrenching itself in the transitional authority subsequently, it evaded the norm on unconstitutional changes of government and outsmarted both ECOWAS and AU.”⁸⁰

The high incidence of mediation controversies in addressing African coups

suggests that, in addition to the specific reasons for each controversy, there might be an overarching explanation. I deal with this in the conclusion below.

9. CONCLUSION

The most interesting finding of this paper is that mediation efforts to end the constitutional crises posed by coups have been characterized by a high level of controversy, often related to mediating bodies and mediators contravening democratic principles and the AU ban on coup legitimation. Each of the controversies has specific causes linked to the particular dynamics of the coup, the disposition of the junta, the interests and orientation of the mediating body, and the decisions made by the mediator. There may also be two general reasons for the prevalence of the controversies: in many respects, mediation is incompatible with the AU policy on unconstitutional change of government; and the dynamics of a coup require the mediator to play the role of a negotiator.

There are different types and styles of international mediation and different theoretical conceptions of this activity. In general, international mediation can be understood as a non-violent process of managing or resolving a conflict, in terms of which a third party helps the disputants, with their consent, to negotiate agreements to their collective satisfaction.⁸¹ The purpose is not to enable one of the disputants to win but rather to forge a settlement endorsed by all sides; to this end, mediation must be made acceptable to the adversaries, who must in turn cooperate with the mediator.⁸²

I have argued elsewhere that the AU policy on unconstitutional change of government is inimical to mediation so defined, generating a range of tensions and contradictions.⁸³ This argument can be summarized as follows: Whereas mediation aims to broker an accord that satisfies all the protagonists, the AU policy envisages a win-lose outcome with the culpable party giving up power permanently. Whereas mediation is a consensual venture, the AU policy seeks compliance under duress. Whereas mediation entails a third party's efforts to assist the disputants, the AU policy calls on third parties, including the mediating organization, to take coercive action against one of the disputants. Whereas mediators must build cooperative relations with the conflict parties, the AU policy induces an adversarial relationship between the peacemaker and the targeted party. And whereas mediators must be flexible and responsive to different situations and actors, the AU policy is peremptory and not meant to be adapted from case to case.

These tensions and contradictions have no simple or generic solutions, and it is therefore perhaps inevitable that African mediators addressing coups will often make controversial decisions.

In the context of a coup, moreover, there is a sharp difference of emphasis between the primary goal of the policy on unconstitutional change of government, which is to restore constitutional rule and democracy, and the immediate imperatives of mediation, which are to stabilize the situation and win the cooperation of the junta as prerequisites for the eventual restoration of constitutional and democratic rule. To meet these imperatives, mediators have struck deals with juntas that entail compromising democracy.

A coup has a distinctive dynamic that sets it apart from other kinds of conflict, such as civil wars and major electoral disputes. In these conflicts, there are typically two or more disputant parties of comparable political or military strength. Even if there is asymmetry, none of the disputants is able to inflict an outright defeat on the others. In these circumstances, a third party peacemaker can play the classic mediation role of facilitating negotiations among the protagonists. In a coup, by contrast, there is usually no domestic party that has the capacity to challenge the army. The countervailing powers are principally the UN, the AU, and the REC, which insist that the junta must step down. As representatives of the AU or REC that appointed them, mediators seek to convince the coup leaders to do this, but they lack the power to order the juntas to do their bidding and so they end up bargaining with them. The mediator in a coup is thus a hybrid of a mediator and a negotiator, offering concessions to the junta in order to get it to transfer power to a civilian authority.

The Guinea-Bissau coup of 2012 is a good example of this process. The major cause of the coup was the army's antagonism toward the security sector reform program of Prime Minister Gomes Júnior and the presence in the country of MISSANG (Angolan Technical Military and Security Mission in Guinea-Bissau), an Angolan military mission that had served as a stabilizing and protection force following a mutiny by Guinea-Bissau soldiers in 2010. When the coup occurred, the junta demanded the withdrawal of MISSANG. ECOWAS was willing to accommodate this demand because some of its member states resented Angola's military influence in their region.⁸⁴ It therefore struck a deal with the junta, the essence of which was that ECOWAS would replace the Angolan troops and that Gomes Júnior would not return to power.

Finally, it is clear from the survey conducted here that neither mediation nor the AU policy on unconstitutional change of government is a panacea for coups. Whatever the merits of the policy and of mediation, their fundamental limitation is that they do not address the structural issues that caused the coups in the first place. Where these causes persist, African countries will remain vulnerable to military seizure of power.

NOTES

1. Organisation of African Unity, "Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government," Lomé, 2000.
2. African Union, "Constitutive Act of the African Union," 2000, art. 30; African Union, "Protocol Relating to the Establishment of the Peace and Security Council of the African Union," 2002, art. 7(1)(g); and African Union, "African Charter on Democracy, Elections and Governance," 2007, arts. 23 and 25(7).
3. African Union, "African Charter," art. 25(4).
4. For example, Paul Williams, "From Non-Intervention to Non-Indifference: The Origins and Development of the African Union's Security Culture," *African Affairs* 106, no. 423 (2007): 253–79; and Eki Omorogbe, "A Club of Incumbents? The African Union and Coups d'État," *Vanderbilt Journal of Transnational Law* 44, no. 1 (2011): 123–54.
5. Jonathan Powell and Clayton Thyne, "Global Instances of Coups from 1950 to 2010: A New Dataset," *Journal of Peace Research* 48, no. 2 (2011): 252.
6. United Nations, "United Nations Guidance for Effective Mediation," 2012, 4, <http://www.un.org/wcm/webdav/site/undpa/shared/undpa/pdf/UN%20Guidance%20for%20Effective%20Mediation.pdf>.
7. For a historical overview of African coups, see Patrick McGowan, "African Military Coups d'État, 1956–2001: Frequency, Trends and Distribution," *Journal of Modern African Studies* 41, no. 3 (2003): 339–70.
8. For example, International Crisis Group, "Central African Republic: Priorities of the Transition," *Africa Report* 203, June 11, 2013; Martin Welz, "Briefing: Crisis in the Central African Republic and the International Response," *African Affairs* 113, no. 453 (2014): 604; and Ange Aboa, "Central African Republic Army Chiefs Pledge Allegiance to Coup Leader," *Reuters*, March 28, 2013, <http://www.reuters.com/article/2013/03/28/us-centralafrica-rebels-idUSBRE92R0F420130328>.
9. OAU, "Declaration on the Framework for an OAU Response," 1.
10. This regional breakdown does not always coincide with a country's membership of a regional organization (e.g., Madagascar is a member of SADC but is designated by the AU as an East African state).
11. This is different from the historical pattern. Anglophone Africa has not been exempt from coups, with four in Uganda, five in Ghana and six in Nigeria since the early 1950s.

See the list of coups in Issaka Souaré, "The African Union as a Norm Entrepreneur on Military Coups d'État in Africa (1952–2012): An Empirical Assessment," *Journal of Modern African Studies* 52, no. 1 (2014): 75.

12. It should be noted in this regard that an examination of the causes of coups would have to cover failed attempts as well as successful ones.
13. AU, "African Charter on Democracy," art. 26.
14. Souaré, "The African Union as a Norm Entrepreneur," 86.
15. *Ibid.*, 84.
16. *Ibid.*, 86.
17. International Crisis Group, "Mali: Avoiding Escalation," *Africa Report* 189, July 18, 2012; and International Crisis Group, "Mali: Security, Dialogue and Meaningful Reform," *Africa Report* 201, April 11, 2013.
18. AU, "African Charter on Democracy," art. 25(3).
19. Souaré, "The African Union as a Norm Entrepreneur," 89–90.
20. See Laurie Nathan, "Will the Lowest Be First? Subsidiarity in Peace-making in Africa," in Pamela Aall and Chester Crocker (eds.), *Minding the Gap: African Conflict Management in a Time of Change* (Waterloo: Centre for International Governance Innovation, 2016), 157–70.
21. International Crisis Group, "Central African Republic: Anatomy of a Phantom State," *Africa Report* 136, December 11, 2007, 13–17; and International Crisis Group, "Central African Republic: Priorities of the Transition," *Africa Report* 203, June 11, 2013, 8–12.
22. The author has been involved in designing MSUs for the AU, the East African Community (EAC), ECOWAS, the Inter-Governmental Authority on Development (IGAD), and SADC.
23. International Crisis Group, "Burkina Faso: With or Without Compaoré, Times of Uncertainty," *Africa Report* 205, 2013, 21; and International Crisis Group, "Mali: Avoiding Escalation," 24.
24. For an account of the role of UN envoys in the Mauritania, Guinea and Madagascar coups, see Charles Call, "UN Mediation and the Politics of Transition after Constitutional Crises," International Peace Institute, New York, 2012.
25. Gilles Yabi, "The Role of ECOWAS in Managing Political Crisis and Conflict: The Cases

- of Guinea and Guinea-Bissau,” *Peace and Security Series*, Friedrich Ebert Stiftung, Abuja, 2010, 50.
26. On Niger, see “Junta Announces Transition Cabinet,” *Radio France Internationale*, March 2, 2010, <http://www.english.rfi.fr/africa/20100302-junta-announces-transition-cabinet>. On Guinea, see Alexis Arieff, “Guinea’s New Transitional Government: Emerging Issues for US Policy,” *CRS Report for Congress*, US Congressional Research Service, April 23, 2010. On Burkina Faso, see “Burkina Military Retains Powerful Posts in New Cabinet,” *Mail Online*, November 24, 2014, <http://www.dailymail.co.uk/wires/afp/article-2845884/Burkina-government-set-named-delay.html>.
 27. This statistic includes the case of Guinea-Bissau (2012), where the president died of natural causes prior to the coup and the military ousted the acting president and the prime minister.
 28. “Junta Bans Members from Standing in Elections,” *Radio France Internationale*, March 12, 2010, <http://www.english.rfi.fr/africa/20100312-junta-bans-members-standing-elections>; AU, “Press Statement,” 232nd Meeting of the Peace and Security Council, June 17, 2010, <http://www.peaceau.org/uploads/final-press-statement-guinea-eng.pdf>; and AU, “Press Statement,” 248th Meeting of the Peace and Security Council, November 13, 2010, <http://www.peaceau.org/uploads/final-press-statement-248-psc-eng.pdf>.
 29. Laurie Nathan, “A Clash of Norms and Strategies in Madagascar: Mediation and the AU Policy on Unconstitutional Change of Government,” *Mediation Arguments 4*, Centre for Mediation in Africa, 2013, <http://www.up.ac.za/media/shared/Legacy/sitefiles/file/46/1322/17295/cmamediationargumentsno4.pdf>.
 30. See Yabi, “The Role of ECOWAS in Managing Political Crisis,” 48.
 31. For example, Issaka Souaré, “Mauritania: Auto-Legitimising Another Coup-Maker in Africa?” *ISS Today*, August 14, 2009, <http://www.issafrica.org/iss-today/mauritania-auto-legitimising-another-coup-maker-in-africa>.
 32. African Union, “Decision on the Prevention of Unconstitutional Changes of Government and Strengthening the Capacity of the African Union to Manage Such Situations,” Assembly/AU/Dec.269(XIV) Rev. 1, adopted by the 14th Ordinary Session of the AU Assembly of Heads of State and Government, Addis Ababa, January 31–February 2, 2010, para 6(i)(b)(a).
 33. AU, “Protocol Relating to the Establishment of the Peace and Security Council,” art. 7(3).

34. SADC, "Communiqué," Extraordinary Summit of SADC Heads of State and Government, March 30, 2009, http://www.actsa.org/Pictures/UplImages/Mar%2030.09_SADC_Communique.pdf.
35. International Crisis Group, "Beyond Turf Wars: Managing the Post-Coup Transition in Guinea-Bissau," *Africa Report* 190, August 17, 2012.
36. AU, "Communiqué," 151st Meeting of the Peace and Security Council, September 22, 2008, <http://www.peaceau.org/uploads/mauritaniacomeng.pdf>.
37. Souaré, "Mauritania: Auto-Legitimising."
38. "All Is Rather Easily Forgiven: A Coup-Maker Becomes a Civilian President," *The Economist*, July 23, 2009, <http://www.economist.com/node/14105592>.
39. For example, ECOWAS, "Final Communiqué," 36th Ordinary Session of the Authority of Heads of State and Government, June 22, 2009, para 33, http://www.stopepa.de/img/FINAL_COMMUNIQUE_Ecowas.pdf; AU, "Report of the Chairperson of the Commission on the Situation in the Republic of Guinea," 197th Meeting of the Peace and Security Council, July 10, 2009, <http://www.peaceau.org/uploads/guineaeng.pdf>; AU, 2009, "Communiqué," 204th Meeting of the Peace and Security Council, September 17, 2009, <http://www.peaceau.org/en/article/communique-of-the-204th-meeting-of-the-peace-and-security-council>; and UN Security Council, "Statement by the President of the Security Council," UN document S/PRST/2009/27, October 28, 2009, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Guinea%20S%20PRST%202009%2027.pdf>.
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ABOUT THE AUTHOR

Dr. Laurie Nathan is Professor and Director of the “Centre for Mediation in Africa” at the University of Pretoria in South Africa. He previously headed the Centre for Conflict Resolution at the University of Cape Town. He is a member of the UN Academic Advisory Council on Mediation and has been a mediation advisor to the UN, the African Union and several sub-regional bodies in Africa. He is the author of four books, including Community of Insecurity: SADC’s Struggle for Peace and Security in Southern Africa (Ashgate, 2012; University of Cape Town, 2013). In 2013, Dr. Nathan was a recipient of an African Peacebuilding Network research grant.