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The implications of unconstitutional changes of government for democracy and the rule of law in Africa: A human rights perspective

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ABSTRACT

This article explores the implications of unconstitutional changes of government (UCGs) for democracy and the rule of law in Africa from a human rights perspective. It critically examines how UCGs erode democratic institutions, undermine the rule of law, and facilitate human rights violations by weakening accountability mechanisms and suppressing political dissent. Drawing on case studies of Mali, Guinea, Sudan, and Chad, the article highlights the socio-political dynamics and institutional fragilities that enabled military takeovers or extra-constitutional successions, as well as the domestic and regional responses to these crises. The analysis reveals that UCGs often result in transitional regimes that lack legitimacy, perpetuate repression, and deepen civic disenfranchisement. The article argues that safeguarding democracy and the rule of law in Africa requires sustained commitment to constitutional order, proactive regional intervention, and the protection of human rights as foundational pillars of governance. It concludes with recommendations aimed at preventing UCGs and mitigating their impact, including strengthening constitutional safeguards, bolstering regional normative frameworks such as the African Charter on Democracy, Elections and Governance, and enhancing the role of regional bodies such as the African Union in enforcing anti-coup norms.

Keywords: democracy; rule of law; human rights; unconstitutional changes of government; accountability; constitutionalism

1 INTRODUCTION

Unconstitutional changes of government (UCGs) entail the overthrow or replacement of a democratically elected government through illegal, non-democratic means, or a violation of constitutional principles. UCGs are not unique to Africa and take place all over the world.¹ However, data shows that “[o]f 492 attempted or successful coups carried out around the world since 1950, Africa has seen 220, the most of any region, with 109 of them successful”.² Other studies have shown that “[o]ut of 54 countries on the African continent, 45 have had at least one coup attempt since 1950”.³ According to further research, “[b]etween 1952 and 2014 there were 91 successful coups in Africa, and prior to 1990’s, coups had become the main mode of political contestation and leadership change in the majority of African states”.⁴ Thereafter, there was an overall downward trajectory in the number of UCGs until the early 2020s, when they saw a resurgence.

The resurgence has emerged as a pressing concern for the continent’s democratic trajectory and adherence to the rule of law. Between 2019 and 2023, “there were twenty-two coups, thirteen of which were successful and nine of which were attempts”.⁵ Notably, the military coups in Niger (July 2023) and Gabon (August 2023) brought the total number of successful coups in post-colonial Africa to 100.⁶ Currently, countries such as Mali, Guinea, Sudan, Chad, Burkina Faso, and Niger are under military rule, reflecting a broader trend of democratic backsliding across the continent.⁷ This pattern of UCGs poses

¹ See Trithart A & Tadesse B *UN peace operations and unconstitutional changes of government* International Peace Institute (2025).

² Duzor M & Williamson B “By the numbers: Coups in Africa” (3 October 2023) *VOA News* available at <https://projects.voanews.com/african-coups/> (accessed 2 July 2025).

³ Duzor & Williamson (2023).

⁴ Dersso SA “Unconstitutional changes of government and unconstitutional practices in Africa” *African Politics, African Peace – World Peace Foundation Paper No. 2* (2016).

⁵ Human Sciences Research Council “Spatial insights – Political turmoil in Africa: Examining coup d’états from 2019 to 2023” (2 April 2024) available at <https://hsr.ac.za/news/research-outputs/spatial-insights-political-turmoil-in-africa-examining-coup-detats-from-2019-to-2023/> (accessed 2 July 2025).

⁶ Monyae L & Ndzendze B “Africa’s coups crisis: Deepen democracy for peace” (29 March 2024) *The African* available at <https://theafrican.co.za/politics/2024-03-29-africas-coups-crisis-deepen-democracy-for-peace/> (accessed 2 July 2025).

⁷ Monyae L & Ndzendze B “The resurgence of unconstitutional changes of government in Africa: democratic renewal in the year of elections” (28 March 2024) *ACCORD: Conflict and Resilience Monitor* available at <https://www.accord.org.za/analysis/the-resurgence-of-unconstitutional-changes-of-government-in-africa-democratic-renewal-in-the-year-of-elections/> (accessed 2 July 2025). See also

significant challenges to the consolidation of democracy and the enforcement of human rights in Africa. Military regimes often suspend constitutions, dissolve legislative bodies, and curtail civil liberties, leading to environments where human rights violations can proliferate unchecked.⁸ The erosion of judicial independence and the suppression of civil society exacerbate these issues, undermining mechanisms of accountability and the protection of fundamental freedoms.

The recurrence of coups also highlights the fragility of democratic institutions in several African states. Factors such as contested elections, constitutional amendments to extend presidential terms, and widespread corruption have fuelled public disillusionment, creating conditions conducive to military interventions.⁹ In some instances, segments of the population have expressed support for coups, perceiving them as corrective measures against ineffective or autocratic civilian governments.¹⁰ Regional and international responses to this trend have included condemnation, sanctions, and suspensions from organisations such as the African Union (AU) and Economic Community of West African States (ECOWAS).¹¹ However, the effectiveness of these measures in deterring future coups remains questionable, as evidenced by the continued occurrence of UCGs. This underscores the need for a more robust and proactive approach to uphold constitutional governance and protect human rights across the continent.¹²

Ngima I “A surge of military coups in Africa threatens human rights and the rule of law” (12 October 2023) *Perspectives* available at <https://freedomhouse.org/article/surge-military-coups-africa-threatens-human-rights-and-rule-law> (accessed 7 July 2025).

⁸ McGowan P “African military coups d’état, 1956–2001: Frequency, trends and distribution” (2003) 41(3) *Journal of Modern African Studies* 399.

⁹ Opalo K “The truth about Africa’s coups” (2024) 35(2) *Journal of Democracy* 93.

¹⁰ See Ugorji B “Wave of coups in West Africa (2020–2025): Democratic decline, geopolitical shifts, and the return of military rule” *International Center for Ethno-Religious Mediation* available at <https://icermediation.org/?p=104818> (accessed 4 February 2026).

¹¹ Soumahoro M “Why aren’t sanctions preventing coups in Africa?” *ISS Today* (20 November 2023) available at <https://issafrica.org/iss-today/why-arent-sanctions-preventing-coups-in-africa> (accessed 4 February 2026).

¹² See Ahmed F & Okeke JM “From fighting Jihadists to fighting Juntas: Explaining the recent resurgence of military coups in Africa, and how to prevent recurrence” (31 August 2023) *ACCORD: Conflict and Resilience Monitor* available at <https://www.accord.org.za/analysis/from-fighting-jihadists-to-fighting-juntas-explaining-the-recent-resurgence-of-military-coups-in-africa-and-how-to-prevent-recurrence/> (accessed 2 July 2025).

This article explores the implications of UCGs for democracy and the rule of law in Africa from a human rights perspective. It adopts a qualitative doctrinal and comparative methodological approach. It undertakes a doctrinal analysis of constitutional texts, regional legal instruments and relevant jurisprudence and policy documents to assess the implications of UCGs for democracy, the rule of law, and human rights. This is complemented by a comparative case study of Mali, Guinea, Sudan, and Chad, drawing on secondary literature and authoritative reports to identify common patterns, divergences, and normative lessons within the African context.

2 CONCEPTUAL CONTEXT

UCGs refer to the overthrow, replacement, or retention of a government through means that violate a country's constitutional processes.¹³ This typically entails military coups, civil uprisings, the refusal of incumbents to relinquish power after losing elections, or constitutional amendments designed to entrench power undemocratically.¹⁴ The AU, in its 2000 Lomé Declaration, defined UCGs as including the following:

- i) military coup d'état against a democratically elected Government;
- ii) intervention by mercenaries to replace a democratically elected Government;
- iii) replacement of democratically elected Governments by armed dissident groups and rebel movements; [and]
- iv) the refusal by an incumbent government to relinquish power to the winning party after free, fair and regular elections.¹⁵

This framework was entrenched in article 23(5) of the 2007 African Charter on Democracy, Elections and Governance, which calls for sanctions against perpetrators of UCGs. Democracy has long been the subject of varied, often contested, interpretation. This contestation stems from both philosophical divergence and political expediency, as historically governments and scholars have tailored the meaning of "democracy" to suit

¹³ Odinkalu CA "A ruler's shield? Re-evaluating the norm against unconstitutional change of government in Africa" (2025) 25(1) *African Human Rights Law Journal* 1.

¹⁴ Odinkalu (2025).

¹⁵ Lomé Declaration on Unconstitutional Changes of Government (2000) AHG/Decl.5 (XXXVI).

particular socio-political contexts.¹⁶ Despite this definitional multiplicity, one unifying thread persists: the centrality of “the people”. Hence, democracy is often defined in simple terms as “government of the people, by the people, and for the people”, a formulation first expressed by the US president, Abraham Lincoln, in 1863 and later embraced by scholars and political leaders worldwide.¹⁷ Yet while this formulation captures the essence of democratic governance, more nuanced definitions have emerged to reflect the complexity of modern democratic systems.

At its core, democracy involves inclusive and collective decision-making processes that transform citizens’ preferences into policy outcomes while safeguarding individual rights and liberties.¹⁸ In this broader view, democracy is not confined to periodic elections but includes continuous civic participation, government accountability, the rule of law, equality before the law, and protection of human rights.¹⁹ Three important notions cut across various definitions. The first is that:

democracy is a form of government in which all adult citizens have some share through their elected representatives; secondly, that in a democratic society all citizens treat each other as equals without any discrimination; and thirdly and most importantly, that democracy means a form of government which encourages, allows, promotes and protects the rights of its citizens.²⁰

These principles translate into institutional hallmarks such as the separation of powers, judicial independence, a free press, and freedom of expression. Crucially, peaceful transitions of power and respect for pluralism are seen as indicators of a mature democracy.

¹⁶ See Mubangizi JC “Democracy and development in the age of globalisation: Tensions and contradictions in the context of specific African challenges” (2010) 14(1) *Law, Democracy & Development* 1 at 4.

¹⁷ Ambrose BP *Democratisation and the protection of human rights in Africa* (1995) London: Praeger at 16.

¹⁸ Müller-Rommel F & Geißel B “Introduction: Perspectives on democracy” (2020) 61(2) *Polit Vierteljahresschr* 225.

¹⁹ Mubangizi JC “Democracy and the rule of law: Comparative lessons between Uganda and South Africa” (2023) 27 *Law, Democracy & Development* 468 at 470.

²⁰ Mubangizi JC *The protection of human rights in South Africa: A legal and practical guide* Cape town: Juta (2013) at 8.

While democracy is widely considered an aspirational ideal, its realisation in Africa has faced structural and political challenges. Scholars such as Richard Joseph, Usman Tar, John Campbell and Nolan Quinn have highlighted persistent challenges that include weak institutions, lack of civic culture, authoritarian tendencies, and socio-economic fragility.²¹ Nonetheless, recent analyses suggest growing democratic consciousness and resilience across parts of the continent.²²

The concept of the rule of law, much like that of democracy, has elicited a variety of definitions and interpretations that range from the elementary to the complex. In its elementary definition, it implies that both government officials and citizens are subject to and must obey the law. According to Tamanaha, “the rule of law means that government officials and citizens are bound by and abide by the law”.²³ However, the more nuanced and widely endorsed understanding is that offered by the United Nations, which defines the rule of law as:

a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.²⁴

This definition entails several key requirements: that legal norms be accessible and clear; that they be applied equally and without discrimination; and that judicial processes be impartial, transparent, and predictable. Integral to this framework are core features such as the supremacy of the law, equality before the law, legal accountability, fairness in enforcement, the separation of powers, public participation in decision-making, legal

²¹ Joseph R “Democratisation in Africa after 1989: Comparative and theoretical perspectives” (1997) 29(3) *Comparative Politics* 363; Tar UA “The challenges of democracy and democratisation in Africa and Middle East” (2010) 3(2) *Information, Society and Justice* 81; Campbell J & Quinn N “What’s happening to democracy in Africa?” (26 May 2021) Council on Foreign Relations: Africa Programme available at <https://www.cfr.org/article/whats-happening-democracy-africa> (accessed 3 July 2025).

²² Gopaldas R “Democracy in decline in Africa? Not so fast” (4 November 2021) *ISS Today* available at <https://issafrica.org/iss-today/democracy-in-decline-in-africa-not-so-fast> (accessed 3 July 2025).

²³ Tamanaha BZ “The history and elements of the rule of law” (2012) 2 *Singapore Journal of Legal Studies* 232 at 233.

²⁴ United Nations “New vision of the secretary-general for the rule of law” (2023) available at <https://www.un.org/ruleoflaw/wp-content/uploads/2023/07/New-Vision-of-the-Secretary-General-for-the-Rule-of-Law.pdf> (accessed 3 July 2025).

certainty, avoidance of arbitrariness, and procedural transparency.²⁵ Importantly, many of these features overlap with those of democracy, affirming the mutually reinforcing nature of the two concepts. Indeed, it is widely acknowledged that a true democracy cannot exist in the absence of the rule of law, and vice versa. According to Mamojka, “A rule of law without a democratic state cannot exist, and vice versa as well. They are two sides of the same coin that are inseparable.”²⁶

Like democracy and the rule of law, the concept of human rights, while widely acknowledged and universally resonant, also tends to evade a single, unanimously accepted definition.²⁷ This is largely because, despite general agreement on its intuitive meaning, its precise definition is contested across cultural, legal, and political domains.²⁸ As a result, various interpretations and definitions of human rights abound, with institutions such as the United Nations offering foundational guidance on its scope and meaning. Hence, according to the United Nations, human rights are “rights we have simply because we exist as human beings”.²⁹ These are universal rights “inherent to us all, regardless of nationality, sex, national or ethnic origin, colour, religion, language, or any other status”.³⁰

This definition reinforces the principle that human rights are not conferred by states but derive from the inherent dignity of the human person. As such, no qualification is necessary to claim them other than being human. However, any attempt to define human rights would be incomplete without addressing their purpose: the protection of human dignity and the prevention of social and political unrest. The United Nations has warned that the denial of fundamental rights not only constitutes a personal tragedy but also

²⁵ United Nations (2023).

²⁶ As quoted in Lorenz A, Anders LH, Müller D & Němec J *Narrating the rule of law: Patterns in East Central European parliaments* Switzerland: Springer (2024) at 319.

²⁷ See Mubangizi JC “Towards a new approach to the classification of human rights with specific reference to the African context” (2004) 4(1) *African Human Rights Law Journal* 93.

²⁸ See Ghosal SG “Human Rights: Concept and contestation” (2010) 71(4) *Indian Journal of Political Science* 1103.

²⁹ United Nations “What are human rights?” (n.d.) available at <https://www.ohchr.org/en/what-are-human-rights> (accessed 3 July 2025).

³⁰ United Nations (n.d.).

destabilises societies and fosters conflict.³¹ Clearly, human rights serve as the normative bedrock for justice, equality, and liberty worldwide. Their universality compels consistent application and recognition across all societies and legal systems.

As mentioned, these concepts have to be understood within the broader framework of constitutionalism. In the African context, “constitutionalism” refers to the principle of governing within the bounds of a supreme constitution that ensures limited government, separation of powers, the rule of law, and the protection of human rights.³² It reinforces the idea that all political authority must be exercised in accordance with constitutional norms, thereby promoting accountability and democratic legitimacy. However, in practice, constitutionalism across Africa has been undermined by authoritarianism, weak institutions, and the manipulation of constitutional provisions, particularly the removal of presidential term limits so as to prolong incumbency.³³ These challenges are often rooted in colonial legacies, post-independence centralisation of power, and neo-patrimonial governance structures.³⁴

It is in the context of the foregoing conceptual understanding that the implications of UCGs for democracy, the rule of law and human rights have to be seen, a subject to which we now turn our attention.

3 IMPLICATIONS FOR DEMOCRACY, RULE OF LAW AND HUMAN RIGHTS

Unconstitutional changes of government have profoundly negative impacts on democratic governance, the rule of law, and human rights in Africa. By forcibly ousting elected authorities, UCGs abruptly interrupt constitutional order and dismantle institutional checks and balances.³⁵ In many recent cases, juntas (that is, military or political groups that rule after taking power by force) have suspended or scrapped

³¹ United Nations (n.d.).

³² Etuk AR “Constitutionalism as a lasting solution to governance and underdevelopment in Africa” (2020) 17(3) *Journal of Contemporary Research* 95 at 98.

³³ See Fombad CM “Constitutional reforms and constitutionalism in Africa: Reflections on current challenges and future prospects” (2011) 59(4) *Buffalo Law Review* 1007.

³⁴ See Shawai J and Baamshal I “Colonial legacies and contemporary governance in Africa” (2025) 6(3) *International Journal of Engineering, Management and Humanities* 287 at 290.

³⁵ See Kgasoane K *Factors influencing unconstitutional changes of government and their implications on governance in Africa* (MA thesis, University of Johannesburg, 2021).

constitutions, dissolved parliaments, and concentrated power in executive military councils.³⁶ This reversal of democratic processes means that the people lose their voice in governance, as elections are sometimes postponed or cancelled and representative institutions are side-lined.³⁷ The resulting legitimacy vacuum, where unelected regimes operate without a popular mandate, erodes the very foundations of democracy.³⁸ While some coup leaders claim to act in the nation's interest, evidence shows that these takeovers generally exacerbate political instability and governance failures instead of resolving them.³⁹

UCGs also have a negative impact on the rule of law. Under the resultant governments, legal norms and judicial institutions are frequently subverted. Coup leaders typically rule by decree, placing themselves above or outside the law.⁴⁰ Constitutional provisions that guarantee separation of powers or judicial independence are commonly suspended.⁴¹ With courts often intimidated or restructured by the new regime, judicial oversight is eroded, and victims of rights violations have little recourse.⁴² The deterioration in governance quality after coups is well-documented. Studies have found that regulatory quality, control of corruption, and rule-of-law indicators tend to decline significantly following a coup.⁴³ In essence, UCGs replace the rule of law with rule by force in which laws become flexible tools of the junta to be applied arbitrarily or suspended at will.

Perhaps the most immediate implications of UCGs are reflected in the abuse and violation of human rights. Unconstitutional seizures of power nearly always coincide with

³⁶ See Enonchong LS "Chad's 'covert coup' and the implications for democratic governance in Africa" (4 May 2021) *The Conversation* available at <https://theconversation.com/chads-covert-coup-and-the-implications-for-democratic-governance-in-africa-159725> (accessed 7 July 2025).

³⁷ Dersso (2016).

³⁸ Dersso (2016).

³⁹ Ngima (12 October 2023).

⁴⁰ Prempeh K "Africa's 'constitutionalism revival': False start or new dawn?" (2007) 5(3) *International Journal of Constitutional Law* 569.

⁴¹ Yaşamiş FD "Judicial Coups, Activism and Politicisation" (2025) 4(1) *International Journal of Emerging Multidisciplinaries: Social Science*.

⁴² Yaşamiş (2025).

⁴³ Cebotari A, Chueca-Montuenga E & Diallo Y et al. "Political fragility: Coups d'état and their drivers" (2024) 34 *IMF Working Papers*.

severe crackdowns on fundamental human rights.⁴⁴ New military regimes move swiftly to neutralise opposition and dissent; they detain deposed officials and critics without due process, ban public demonstrations, censor the press, and shrink the civic space.⁴⁵ Freedom of assembly is routinely curtailed. For example, in many recent African coups, juntas imposed blanket bans on protests and used live ammunition or excessive force to disperse anti-coup demonstrations, resulting in killings and injuries.⁴⁶ Media freedom also usually comes under assault. Military authorities shut down radio stations, suspend critical newspapers and broadcasters, and harass or jail journalists.⁴⁷ The overall result of these measures is a marked regression in civil and political rights under junta rule.

Another casualty of UCGs is the mechanisms of accountability that uphold good governance and human rights. Democratic systems normally rely on institutional checks such as parliamentary oversight, independent judiciaries, anti-corruption bodies, free press, and a vibrant civil society to hold leaders accountable for their actions.⁴⁸ Coup regimes systematically weaken or dismantle these mechanisms. With legislatures dissolved and courts intimidated, executive power operates without scrutiny. Military leaders in power frequently side-line anti-graft investigations or human rights inquiries, especially those that might implicate the security forces or the junta itself.⁴⁹ The erosion of accountability extends to corruption and governance as well.

From a human rights perspective, therefore, the implications of UCGs are overwhelmingly destructive. They set back democratic governance by reversing elections and silencing the popular will; they subvert the rule of law by tearing up constitutional rules and removing independent checks on power; and they almost invariably lead to

⁴⁴ Mahadi M “Constitutional manipulations often precede African coups” (9 May 2024) *Centre for International Governance Innovation* available at <https://www.cigionline.org/articles/constitutional-manipulations-often-precede-african-coups/> (accessed 5 February 2026).

⁴⁵ See Ngima (12 October 2023).

⁴⁶ See Ngima (12 October 2023).

⁴⁷ See Ngima (12 October 2023).

⁴⁸ See Damissah HE, Isiaka AF & Adejare et al. “Media independence and democratic accountability in modern governance systems and public administration frameworks” (2025) 23(1) *GSC Advanced Research and Reviews* 12.

⁴⁹ See Ngima (12 October 2023).

widespread and systematic violations of human rights, as military regimes resort to coercion to consolidate control.

The following case studies of Mali, Guinea, Sudan, and Chad show in concrete terms how UCGs have unfolded in different contexts and how they have adversely affected democratic institutions, the rule of law, and human rights in each country. The selection of these countries is based mainly on the fact that they span different African sub-regions and illustrate distinct forms of UCGs, including repeated military coups, constitutional manipulation, aborted democratic transitions, and extra-constitutional succession. Examined together, they reveal recurring patterns of democratic erosion, weakened rule of law, and human rights violations which illuminate the broader structural dynamics of UCG across the continent.

4 CASE STUDIES: MALI, GUINEA, SUDAN AND CHAD

4.1 Mali

Having undergone multiple coups in its post-colonial history, Mali clearly demonstrates the challenges that UCGs pose to democracy. After early coups in 1968 and 1991, it transitioned to multiparty democracy in the 1990s.⁵⁰ However, chronic governance issues, corruption, and a northern separatist insurgency set the stage for a military coup in March 2012.⁵¹ That coup toppled Mali's elected government amid a jihadist rebellion, plunging the country into crisis.⁵² International pressure eventually forced a return to civilian rule, but the country's democratic institutions remained fragile.⁵³ In 2020, discontent with President Ibrahim Boubacar Keïta's government erupted in mass protests (spurred by contested legislative elections, economic difficulties, and worsening security

⁵⁰ See Matei F "Mali: The hot and cold relationship between military intervention and democratic consolidation" in E Hannah (ed) *Oxford Research Encyclopedia of Politics* (2021).

⁵¹ Susanna DW *Mali's precarious democracy and the causes of conflict* United States Institute of Peace (2013).

⁵² Susanna (2013).

⁵³ Bleck J & Soumano M "Explaining Mali's democratic breakdown: Weak institutions, extra-institutional channels, and insecurity as a trigger" (August 2025) *Brookings Africa Growth Initiative* available at <https://www.brookings.edu/wp-content/uploads/08/2025/EXPLAINING-MALIS-DEMOCRATIC-BREAKDOWN-2025-1.pdf> (accessed 5 August 2025).

in the face of Islamist militant attacks).⁵⁴ Citing these failures, a group of soldiers led by Colonel Assimi Goïta seized power in August 2020, overthrowing the elected government.⁵⁵ A civilian-led transitional administration was established under international mediation, but in May 2021 Colonel Goïta mounted a second coup, deposing the interim president and assuming the presidency himself.⁵⁶ Thus, in less than a year Mali experienced two military takeovers, underscoring the volatility of its political context.⁵⁷

The 2020 and 2021 coups dealt severe blows to Mali's already-struggling democracy. The military junta suspended the constitution and dissolved the National Assembly, effectively dismantling the institutional framework of governance.⁵⁸ Promised elections were repeatedly delayed. Initially, the transitional authorities pledged to hold a new election by early 2022, but after the second coup they extended the timeline.⁵⁹ Under regional pressure, the junta later agreed to a two-year transition, scheduling presidential elections for 2024, though even this schedule faced postponements.⁶⁰ The pattern has been one of prolonged military rule under the guise of transition, with soldiers-turned-rulers showing reluctance to relinquish power. The absence of an elected legislature since 2020 means that key laws and budgets have been enacted by decree, with no democratic debate. In short, Mali's coups have reversed nearly three decades of constitutional governance, replacing it with open-ended military dominance.

The human rights situation in Mali deteriorated dramatically under the post-2020 junta. The transitional military government has been implicated in clamping down on dissent and critical voices, in violation of basic rights. According to Human Rights Watch, media outlets and journalists have faced harassment, expulsion, and bans, creating a

⁵⁴ Akinola AO & Makombe R "Rethinking the resurgence of military coups in Africa" (2025) 60(5) *Journal of Asian and African Studies* 2847.

⁵⁵ Akinola & Makombe (2025).

⁵⁶ Akinola & Makombe (2025).

⁵⁷ Human Rights Watch "World report 2023: Sudan – Events of 2022" (2023) available at <https://www.hrw.org/world-report/2023/country-chapters/sudan> (accessed 21 July 2025).

⁵⁸ Human Rights Watch (2023).

⁵⁹ "Mali's 'military coup within a coup': No elections in February 2022; Journalist abducted" (31 October 2021) *Civics* available at <https://monitor.civics.org/explore/malis-military-coup-within-coup-no-elections-february-2021-journalist-abducted/> (accessed 15 August 2025).

⁶⁰ See Ngima (12 October 2023).

climate of fear and self-censorship.⁶¹ Malian authorities have expelled journalists, arrested critics on trumped-up charges, and jailed or forced peaceful activists and opposition figures into exile, with some reporting torture and ill-treatment in custody.⁶² Meanwhile, social and economic rights have suffered as well. Regional economic sanctions imposed by ECOWAS in 2022 (due to the junta's election delays) contributed to a downturn that, combined with global factors, pushed Malians into a humanitarian crisis.⁶³ By 2022, more than 422,000 people had been internally displaced amid the instability.⁶⁴

Mali's coups triggered swift condemnation and sanctions from ECOWAS and the AU, both of which suspended the country following the 2020 coup in keeping with their zero-tolerance stance on UCGs.⁶⁵ ECOWAS imposed strict sanctions in 2022 after Mali's junta delayed elections, but eased them when a 24-month transition was proposed.⁶⁶ Despite regional pressure and international support from the United Nations and European Union, Mali's junta postponed elections again in late 2023.⁶⁷

4.2 Guinea

Guinea's political history has been marked by recurring periods of authoritarianism and unconstitutional power shifts. Following independence, the country endured decades of autocratic rule, culminating in a 2008 military coup after President Lansana Conté's death.⁶⁸ The junta, led by Captain Moussa Dadis Camara, was widely condemned for

⁶¹ Human Rights Watch "Mali: Events of 2022" (2023) available at <https://www.hrw.org/world-report/2023/country-chapters/mali> (accessed 7 July 2025).

⁶² Human Rights Watch (2023).

⁶³ Human Rights Watch (2023).

⁶⁴ Human Rights Watch (2023).

⁶⁵ Kanté A, Koné FR & Koné H et al. *Rethinking responses to unconstitutional changes of government in West Africa* Institute for Security Studies (2024).

⁶⁶ See Kanté et al. (2024).

⁶⁷ See Ngima (12 October 2023).

⁶⁸ Walker P "Army steps in after Guinea president Lansana Conté dies" (23 December 2008) *The Guardian* available at <https://www.theguardian.com/world/2008/dec/23/guinea-dictator-lansana-conte-dies> (accessed 5 February 2026).

human rights abuses, notably the 2009 massacre of protesters.⁶⁹ A civilian transition in 2010 brought Alpha Condé to power, initially raising hopes for democratic governance.⁷⁰ However, Condé's controversial third-term bid in 2020, enabled by a new constitution, triggered unrest and allegations of democratic erosion.⁷¹ On 5 September 2021, a special forces unit led by Colonel Mamady Doumbouya ousted Condé in a coup, citing corruption and governance failures.⁷² Although the coup was welcomed by some Guineans, it drew international condemnation and underscored the nation's persistent governance fragility.⁷³

The 2021 coup dismantled Guinea's democratic framework and stalled constitutional governance.⁷⁴ The junta suspended the constitution, dissolved the legislature, and centralised power under the National Committee for Rally and Development (CNRD).⁷⁵ Although an 18- to 24-month transition was initially agreed upon with ECOWAS, the junta later delayed elections to 2025, breaching the timeline and indicating reluctance to relinquish power.⁷⁶ As a result, Guinea remains without elected institutions and is governed instead by military decree. The junta has initiated a constitution-drafting process, raising fears that the new charter may serve to legitimise Doumbouya's continued rule.⁷⁷ This prolonged military transition has frozen political pluralism and undermined civilian supremacy, replacing Guinea's fragile democratic order with indefinite military dominance.

⁶⁹ "Guinea: The causes and consequences of West Africa's latest coup" (8 September 2021) *Center for Strategic and International Studies* available at <https://www.csis.org/analysis/guinea-causes-and-consequences-west-africas-latest-coup> (accessed 6 August 2025).

⁷⁰ Center for Strategic and International Studies (8 September 2021).

⁷¹ Erum M "Gunfire and protest occur after President Alpha Condé wins his third term in Guinea" (13 November 2020) *The Organisation of World Peace* available at <https://theowp.org/gunfire-and-protest-occur-after-president-alpha-conde-wins-his-third-term-in-guinea/> (accessed 5 February 2026).

⁷² Center for Strategic and International Studies (8 September 2021).

⁷³ Human Rights Watch "Guinea: Rights at risk as promised transition derails" (2 December 2024) available at <https://www.hrw.org/news/2024/12/02/guinea-rights-risk-promised-transition-derails> (accessed 8 July 2025).

⁷⁴ Sankare O "African Union moves to lift Guinea's suspension after successful transition to constitutional rule" (23 January 2026) *AA News* available at <https://www.aa.com.tr/en/africa/african-union-moves-to-lift-guineas-suspension-after-successful-transition-to-constitutional-rule/3808418#> (accessed 5 February 2026).

⁷⁵ Sankare (2026).

⁷⁶ Human Rights Watch (2 December 2024).

⁷⁷ Human Rights Watch (2 December 2024).

Under Doumbouya's regime, human rights abuses and restrictions on freedoms have escalated. The junta declared a ban on public protests in May 2022, and since then it has enforced it ruthlessly.⁷⁸ According to Human Rights Watch, at least 59 people were killed during protest crackdowns from mid-2022 to late 2023, including bystanders caught in the violence.⁷⁹ Besides deadly force, the regime has carried out waves of arrests against those it perceives as opponents.⁸⁰ Members of the political opposition, civil society activists, and even ordinary citizens voicing dissent have been arbitrarily detained.⁸¹ Freedom of expression has likewise suffered. The junta has suspended at least six independent media outlets and jailed at least 10 journalists since 2022, often in retaliation for critical reporting.⁸² Radio stations have been jammed and news websites, blocked.⁸³ This intimidation of the press has severely curtailed the free flow of information and criticism.

Following the September 2021 coup in Guinea, ECOWAS swiftly condemned the junta, suspended Guinea's membership, and imposed targeted sanctions (for example, travel bans and asset freezes) to pressure compliance with democratic norms.⁸⁴ A December 2022 agreement on a 24-month transition was brokered through ECOWAS mediation, but the junta has since backtracked, leaving ECOWAS in a dilemma.⁸⁵ The AU also suspended Guinea and, alongside the African Commission on Human and Peoples' Rights (ACHPR), condemned abuses and called for a return to constitutional order.⁸⁶

⁷⁸ Human Rights Watch (2 December 2024).

⁷⁹ Human Rights Watch (2 December 2024).

⁸⁰ Human Rights Watch (2 December 2024).

⁸¹ Human Rights Watch (2 December 2024).

⁸² Human Rights Watch (2 December 2024).

⁸³ Human Rights Watch (2 December 2024).

⁸⁴ Human Rights Watch (2 December 2024).

⁸⁵ "Guinea opposition demands return to civilian rule before year end" (2 April 2024) *Trtafrika* available at <https://www.trtafrika.com/english/article/17621653> (accessed 5 February 2026).

⁸⁶ Human Rights Watch "AU: Uphold African human rights standards – Support African Commission, invest in a people-centred human rights agenda" (14 November 2021) available at <https://www.hrw.org/news/2021/11/14/au-uphold-african-human-rights-standards> (accessed 8 July 2025).

However, Guinea's junta has received less sustained international scrutiny, with analysts citing the geopolitical focus on the Sahel and Guinea's marginal role as reasons for this.⁸⁷

4.3 Sudan

Sudan's post-independence history is marked by repeated coups and authoritarian rule, making it one of Africa's most coup-prone states. The main military coups occurred in 1958, 1969, 1989, 2019 and 2021.⁸⁸ Unlike a classic coup, the 2019 ouster was a popular revolution in which the army ultimately sided with protesters to remove Bashir, leading to a civilian-military power-sharing transitional government under the August 2019 Constitutional Declaration.⁸⁹ The October 2021 coup, however, abruptly reversed Sudan's tentative path towards democracy,⁹⁰ with the 2019 Constitutional Declaration was effectively nullified or ignored.⁹¹

The 2021 military coup in Sudan gravely undermined democratic progress by consolidating power under General Abdel Fattah al-Burhan and side-lining political parties and grassroots protest movements. It also halted critical reforms such as the dismantling of the Bashir-era security apparatus and the establishment of a legislature.⁹² Governance deteriorated, international aid and debt relief were frozen by donors including the World Bank and International Monetary Fund (IMF), and the economy collapsed.⁹³ The military prioritised power-retention over nation-building, deepening public disenfranchisement. Tensions between the coup leaders Burhan and Mohamed Hamdan Dagalo (Hemedti) culminated in open warfare in April 2023, effectively

⁸⁷ Machanda S "Amid international silence, Guinea's coup regime imperils transition" (21 September 2024) *Eurafrica* available at <https://eurafrika.info/2024/09/21/amid-international-silence-guineas-coup-regime-imperils-transition/> (accessed 1 March 2026).

⁸⁸ Kurtz G "Power relations in Sudan after the fall of Bashir: From revolution to war" German Institute for International and Security Affairs, SWP Research Paper 5 (May 2024).

⁸⁹ Kurtz (May 2024).

⁹⁰ Sayigh Y "The military has taken power in Sudan and dissolved its transitional government" (26 October 2021) *Diwan* available at <https://carnegieendowment.org/middle-east/diwan/2021/10/the-military-has-taken-power-in-sudan-and-dissolved-its-transitional-government> (accessed 5 February 2026).

⁹¹ Sayigh (26 October 2021).

⁹² Kurtz (May 2024).

⁹³ See, for example, World Bank "World Bank Group paused all disbursements to Sudan on Monday" (27 October 2021) available at <https://www.worldbank.org/en/news/statement/2021/10/27/world-bank-group-paused-all-disbursements-to-sudan-on-monday> (accessed 21 July 2025).

collapsing Sudan's fragile transition.⁹⁴ Today, with no functioning central government, Sudan's democratic hopes lie in ruins and have been replaced instead by civil conflict and state paralysis.⁹⁵

The human rights consequences of UCGs in Sudan cannot be overemphasised. The period since the 2021 coup has been one of unrelenting human rights violations. For example, the military takeover was met with an extraordinary civilian resistance movement as hundreds of thousands of Sudanese engaged in peaceful protests demanding a return to civilian rule.⁹⁶ The junta responded with brutal repression. Within the first year after the coup, security forces killed at least 117 protesters, including women and children, and injured thousands more during mass protests.⁹⁷

Yet even before the all-out conflict in 2023, Sudan's human rights situation was dire: civic freedoms were crushed, and conflict-related abuses in the peripheries (such as Darfur) intensified as the military regime leaned on militias.⁹⁸ The situation deteriorated more drastically still from April 2023 when the Sudan Armed Forces (SAF) and RSF went to war. The conflict has ravaged Khartoum and several states, causing thousands of civilian deaths and a massive humanitarian crisis.⁹⁹ Both sides have committed serious violations of international humanitarian law, including indiscriminate shelling of urban areas, ethnically targeted killings (particularly by RSF-aligned Arab militias in Darfur),

⁹⁴ See Kiros K *The ongoing war in Sudan and its implications for the security and stability of the Horn of Africa and beyond* Policy Center for the New South (2024).

⁹⁵ United Nations Security Council "Sudan: Briefing and consultations" (June 2025) available at <https://www.securitycouncilreport.org/whatsinblue/2025/06/sudan-briefing-and-consultations-11.php> (accessed 21 July 2025).

⁹⁶ See Human Rights Watch "Sudan: Military takeover threatens rights" (26 October 2026) available at <https://www.hrw.org/news/2021/10/26/sudan-military-takeover-threatens-rights> (accessed 5 February 2026).

⁹⁷ Office of the United Nations High Commissioner for Human Rights "Sudan: Justice for repression against anti-coup protesters key to breaking cycle of violence and political turmoil, say UN experts" (25 October 2022) available at <https://www.ohchr.org/en/press-releases/2022/10/sudan-justice-repression-against-anti-coup-protesters-key-breaking-cycle> (accessed 15 August 2025).

⁹⁸ See Amnesty International (n.d.) "Sudan 2024" available at <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/sudan/report-sudan/> (accessed 15 August 2025).

⁹⁹ Office of the United Nations High Commissioner for Human Rights "Sudan crisis deepens amid rising civilian casualties, growing ethnic violence and grim humanitarian situation – UN report" (19 September 2025) available at <https://www.ohchr.org/en/press-releases/2025/09/sudan-crisis-deepens-amid-rising-civilian-casualties-growing-ethnic-violence> (accessed 5 February 2026).

sexual violence, and looting of aid supplies.¹⁰⁰ In effect, Sudan descended from a repressive post-coup state into a fully-fledged human rights catastrophe. While the current civil war is beyond the typical scope of “post-coup” governance, its roots lie in the coup’s empowerment of military elites and marginalisation of civilians. In summary, Sudan’s coup has led to the collapse of the rule of law and one of the gravest human rights crises in Africa today.

The 2021 military coup in Sudan and its aftermath reveal the profound challenges coups pose to democracy and governance, especially when international responses are fragmentary. Although the AU promptly suspended Sudan’s membership in line with its anti-coup norms and partnered with the Intergovernmental Authority on Development (IGAD) as well as the UN to facilitate dialogue, it failed to exert real leverage over the junta due to regional divisions and lack of punitive measures.¹⁰¹ Western nations, notably the United States, United Kingdom, and Norway, condemned the coup and suspended financial aid, pressuring the generals economically, yet those nations’ influence diminished as Sudan’s internal political consensus unravelled.¹⁰² As armed conflict erupted in 2023, international focus shifted from democratic restoration to humanitarian ceasefires, with the United Nations Security Council largely immobilised.¹⁰³ The AU insists on a return to civilian rule, but critics argue that early inaction and failure to punish rights abuses emboldened the military, making democratic recovery particularly elusive.¹⁰⁴

4.4 Chad

Chad endured decades of authoritarian rule and internal conflict after independence in 1960. A landmark coup occurred in December 1990 when the rebel commander Idriss Déby toppled the brutal regime of Hissène Habré.¹⁰⁵ Déby had ruled for more than 30

¹⁰⁰ Amnesty International (2025).

¹⁰¹ Human Rights Watch “Sudan: Military takeover threatens rights” (26 October 2026) available at <https://www.hrw.org/news/2021/10/26/sudan-military-takeover-threatens-rights> (accessed 5 February 2026).

¹⁰² Human Rights Watch (2022).

¹⁰³ Human Rights Watch (2022).

¹⁰⁴ Human Rights Watch (2022).

¹⁰⁵ “Life after Idris Déby: Quo vadis, Chad?” (19 May 2021) *ACCORD: Conflict and Resilience Monitor* available at <https://www.accord.org.za/analysis/life-after-idris-deby-quo-vadis-chad/> (accessed 15 August 2025).

years (1990–2021), but in April 2021, he was killed on the battlefield while commanding troops against a rebel offensive.¹⁰⁶ His sudden death created a succession crisis. Instead of following the constitutional line of succession (which called for the National Assembly speaker to become interim president), a group of military officers swiftly installed Déby's son, Mahamat Idriss Déby, as head of state, suspending the constitution.¹⁰⁷ In October 2022, a nationally convened “dialogue” extended the transition by two more years and allowed Mahamat Déby to run for future office, entrenching his de facto regime.¹⁰⁸ Thus, what began as an extraordinary transfer of power in a security vacuum solidified into an unconstitutional military-led government. The AU categorised it as a UCG.¹⁰⁹ Chad's case is further complicated by its strategic role in regional counterinsurgency and the support given by France and others to the Déby regime for the sake of stability.¹¹⁰

With the constitution suspended, the legal basis of government in Chad has been a Transitional Charter issued by the junta.¹¹¹ This charter vests sweeping powers in Mahamat Déby as transitional president, including heading the armed forces and appointing a largely rubber-stamp interim parliament.¹¹² No meaningful elections have taken place. Chad remains under de facto one-man rule buttressed by the military, continuing the authoritarian pattern of the Déby dynasty. The space for opposition politics has arguably narrowed even further. Several opposition parties and civil society groups participated in the national dialogue, but those that rejected the extension of military rule found themselves marginalised or banned outright.¹¹³ The security forces –

¹⁰⁶ See Guenfoud I & Winsor M “Chad president dies in battle with rebel group, nation's army says” (20 April 2021) *ABC News* available at <https://abcnews.go.com/International/chad-president-dies-battle-rebel-group-nations-army/story?id=77186842> (accessed 6 February 2026).

¹⁰⁷ Friedman A “Cementing junta rule: A missed opportunity for human rights and democracy” (April 2025) *Centre for Strategic and International Studies* available at <https://www.csis.org/analysis/cementing-junta-rule-missed-opportunity-human-rights-and-democracy> (accessed 15 August 2025).

¹⁰⁸ Valade C “Chad wakes up to uncertain presidential election” (6 May 2024) *Le Monde* available at https://www.lemonde.fr/en/international/article/2024/05/06/chad-wakes-up-to-uncertain-presidential-election_6670564_4.html (accessed 15 August 2025).

¹⁰⁹ Friedman (2025).

¹¹⁰ See Accord (2024); Valade (6 May 2024).

¹¹¹ See Valade (6 May 2024).

¹¹² See Valade (6 May 2024).

¹¹³ Handy PS & Hoinathy R “Democracy in Chad takes a back seat to military might” (11 May 2021) *ISS Today* available at <https://issafrica.org/iss-today/democracy-in-chad-takes-a-back-seat-to-military-might> (accessed 6 February 2026).

long the backbone of Chadian regimes – continue to wield significant influence and have been implicated in internal repression.¹¹⁴ Overall, the governance structure in Chad post-2021 is that of a militarised authoritarian transition, with democratic institution-building on hold.

The 2021 military takeover in Chad, led by General Mahamat Idriss Déby, marked a profound setback for democracy and human rights in the country. The transitional military council (TMC) initially promised an 18-month path to civilian rule but instead entrenched authoritarian governance.¹¹⁵ Public frustration peaked on 20 October 2022 – originally the scheduled end of the transition – when widespread protests demanding civilian leadership erupted.¹¹⁶ In response, security forces unleashed brutal violence, killing at least 50 protesters, with human rights monitors suggesting the actual toll may have been higher.¹¹⁷ The crackdown, including shootings of unarmed demonstrators and abuses within private homes, represented a grave violation of the rights to life and peaceful assembly.¹¹⁸

The international response to Chad's UCG has been notably inconsistent. Unlike the case in other African coups, the AU did not immediately suspend Chad but instead endorsed the military-led transition – a decision widely interpreted as influenced by Chad's geostrategic role in regional counterterrorism and its military ties with France.¹¹⁹

Though the AU and ACHPR later condemned the violent repression and called for accountability, they stopped short of imposing sanctions.¹²⁰ Similarly, the European Parliament passed a resolution criticising human rights violations, while France issued

¹¹⁴ See Accord (2021).

¹¹⁵ See Friedman (2025).

¹¹⁶ Human Rights Watch “Chad: Political transition ends with Déby’s election” (13 May 2024) available at <https://www.hrw.org/news/2024/05/13/chad-political-transition-ends-debys-election> (accessed 6 February 2026).

¹¹⁷ Human Rights Watch “Chad: Scores of protesters shot dead, wounded: Prompt, impartial investigations of security forces needed” (23 January 2023) available at <https://www.hrw.org/news/2022/10/26/chad-scores-protesters-shot-dead-wounded> (accessed 27 July 2025).

¹¹⁸ Human Rights Watch (2023).

¹¹⁹ See Accord (2021).

¹²⁰ ACHPR “Resolution on the human rights situation in the Republic of Chad” ACHPR/Res.541 (LXXIII) (2022).

only a muted statement of concern, continuing its engagement with Déby's regime in the interests of regional stability.¹²¹

These responses expose the tension between normative commitments under the African Charter on Democracy, Elections and Governance (ACDEG) and geopolitical pragmatism. Chad's post-coup trajectory shows how military regimes can manipulate transitional promises to entrench power while side-lining democratic accountability. The AU's soft handling of the Chadian junta has drawn criticism for undermining continental anti-coup norms and reinforcing perceptions of double standards.¹²² Without consistent enforcement, military regimes may interpret silence or leniency as tacit approval, a situation threatening to erode democratic norms across the continent.

5 COMPARATIVE LESSONS

Despite differing local contexts, the cases of Mali, Guinea, Sudan, and Chad reveal several common themes in how UCGs unfold and what consequences they entail. First and foremost, each case shows that UCGs are fundamentally antithetical to democratic and accountable governance. In all four countries, the military interventions were justified by their perpetrators as necessary "corrections" to civilian failures. Yet, in practice, each coup led to the entrenchment of military or extra-constitutional authorities that proved reluctant to relinquish power. Moreover, all four cases saw the new regimes quickly resort to repressive measures to stifle dissent, indicating a universal tendency of coup-makers to prioritise regime security over citizens' rights. The systematic crackdown on civil liberties is thus a nearly inevitable feature of contemporary coups, as junta leaders attempt to forestall resistance and legitimise their rule through force.

Another similarity is the erosion of judicial independence and accountability mechanisms. In each country, coup authorities shielded themselves and their forces from scrutiny by granting themselves legal immunities, conducting sham trials of protesters in

¹²¹ European Parliament "Motion for a resolution on the situation in Chad" 2022/2993(RSP) (December 2022).

¹²² "AU balancing act on Chad's coup sets a disturbing precedent" (2 June 2021) *ISS Today* available at <https://issafrica.org/iss-today/au-balancing-act-on-chads-coup-sets-a-disturbing-precedent> (accessed 27 July 2025).

remote courts, or side-lining investigations into security force abuses. This climate of impunity is a hallmark of UCG regimes, one enabling continued rights violations. Furthermore, in all cases the coups highlighted underlying institutional frailties that enabled military intervention: weak constitutional safeguards and civil-military relations permitted soldiers to override civilian authority.

Similarities can also be observed in regional or international reaction. The AU and subregional bodies (ECOWAS for Mali and Guinea, IGAD for Sudan, and the Economic Community of Central African States (ECCAS) for Chad) uniformly condemned the unconstitutional seizures of power and suspended the countries' membership, reaffirming the continental norm against UCGs.¹²³ Sanctions or mediation followed in most cases. This consistency in official rhetoric is a commonality, though the degree of enforcement varied, which leads to divergences.

Moreover, all four cases underscore the role of external influences and international partners. For example, Russia's shadow looms in Mali (via Wagner mercenaries and anti-French sentiment),¹²⁴ while France and the United States' security interests shaped responses in the Sahel and Chad.¹²⁵ In Mali and Guinea, responses were shaped by France and, to a lesser extent, the United States and European Union, which imposed diplomatic pressure, sanctions, and conditional co-operation that sought to restore civilian rule and uphold democratic norms.¹²⁶

Despite these similarities, each case also has unique features that distinguish it from that of the others. First, the proximate causes of the UCGs differed. In Mali, the trigger was

¹²³ "Sanctions and suspensions not necessarily the solutions" (20 November 2023) *PSC Insights* available at <https://issafrica.org/pscreport/psc-insights/sanctions-and-suspensions-not-necessarily-the-solutions> (accessed 15 August 2025).

¹²⁴ Siegle J & Smith J "Standing up to Africa's juntas" (May 2024) *Journal of Democracy* available at <https://www.journalofdemocracy.org/online-exclusive/standing-up-to-africas-juntas/> (accessed 29 July 2025).

¹²⁵ See, for example, Maïga I & Adam N "What exactly are foreign troops protecting in the Sahel?" (27 April 2018) *ISS Today* available at <https://issafrica.org/iss-today/what-exactly-are-foreign-troops-protecting-in-the-sahel> (accessed 29 July 2025).

¹²⁶ Ntwali VI "The African Union and its regional economic communities confronted with coups d'état: Between condemning and condoning" (2025) 7 *Frontiers in Political Science*. See also Youngs R, Farinha R & Tadesse Shiferaw L et al. "Crafting an EU strategy for coups" (24 November 2023) *European Democracy Hub* available at <https://europeandemocracyhub.epd.eu/crafting-an-eu-strategy-for-coups/> (accessed 6 February 2026).

primarily government failure against an Islamist insurgency, coupled with corruption and contested elections. Guinea's 2021 coup was a direct reaction to a president's constitutional manipulation to achieve a personal extension of power; Sudan's coup was essentially the military's backlash against a democratic transition that threatened its interests; while Chad's takeover, precipitated by the sudden death of a ruler, looks much like an internal power succession within a regime. Secondly, there is a stark divergence in outcomes for stability. Mali, Guinea, and Chad, while unstable, did not implode into open war as a direct result of the coups; they continue under authoritarian stability. In contrast, Sudan's coup led to state fracture and full-blown armed conflict.

In regard to human rights implications, all cases featured human rights abuses, but the scale and visibility differ. Sudan's post-coup atrocities are on a dramatically larger scale than the others, with potentially thousands killed and millions displaced. That crisis has attracted global attention as a major humanitarian emergency. Mali's and Burkina Faso's juntas have also drawn significant attention, especially due to their partnerships with Wagner and expulsion of Western forces, raising international alarms about a shift in geopolitical alignment and continued extremist violence. Guinea and Chad's situations have been somewhat less in the international headlines, perhaps due to fewer spillover effects or lower geopolitical stakes.

It is clear that the four case studies reveal a mixture of shared patterns and notable divergences. All underscore that UCGs typically lead to anti-democratic, repressive regimes with adverse human rights outcomes. The human rights consequences of the coups are strikingly similar in nature even if differing in degree.¹²⁷ Likewise, the challenge of re-establishing the rule of law and civilian oversight is universal. Yet each case also teaches a distinct lesson: Mali's and Guinea's coups show how public frustration can be co-opted by militaries; Sudan's demonstrates the peril of internal divisions and the descent into chaos; Chad's highlights how international leniency can embolden a junta. These similarities and differences provide important insights for crafting responses and prevention strategies, as the next section will show.

¹²⁷ See Ngima (12 October 2023).

6 RECOMMENDATIONS FOR COUNTERING UCGS IN AFRICA

In light of the foregoing discussion, it is evident that Africa's recurrent UCGs pose a grave challenge to democracy, human rights, and the rule of law. Addressing this challenge requires action on multiple levels. The following recommendations offer a way forward for African states and institutions to prevent UCGs and mitigate their impacts, with an emphasis on strengthening constitutionalism, protecting human rights, and reinforcing regional norms.

To begin with, it is imperative that African states entrench provisions in their constitutions that harden the barriers against UCGs. This includes unequivocal succession rules and term limits that are difficult to amend for personal gain. Manipulations of term-limits and elimination of age limits (so-called "constitutional coups"), usually create conditions ripe for military intervention.¹²⁸ Thus, legal frameworks must clearly criminalise and sanction any attempt to seize power by force or to illegitimately prolong incumbency. Parliaments should be empowered (and encouraged) to exercise robust oversight of the military and security sector. Furthermore, anti-coup laws (implementing the AU's norm at national level) should prescribe loss of privileges, prosecution, or other penalties for coup perpetrators, deterring ambitious officers.

Preventing coups also requires proactively improving governance and human rights under civilian administrations. Many coups are symptoms of deeper issues: corruption, poor service delivery, authoritarian drift, or public insecurity.¹²⁹ African governments should heed early warning signs and undertake reforms to respond to citizens' needs. They must also address the socio-economic grievances (unemployment, inequality, and the like) that protest movements often rally around, depriving juntas of any pretence of being "saviours".

Additionally, strengthening institutions such as the judiciary, ombudsman offices, and human rights commissions helps resolve disputes lawfully and check executive

¹²⁸ Ezeugwu EC & Chinweuba GE "Spectre of democracy and resurgence of military juntas in Africa: A reappraisal" (2024) 5(2) *Journal of General Studies* 1 at 19.

¹²⁹ See Olatunji O "Democracy and military coups in Africa: Examining fragility and external influences" available at <https://doi.org/10.13140/RG.2.2.29957.41441> (accessed 6 February 2026).

excesses, thereby reducing justification for extra-legal interventions. Civil society and media freedom are crucial in this regard: a free press and active civic sector function as watchdogs that expose malfeasance early and mobilise peacefully for change, channelling dissent into constitutional avenues. By protecting these freedoms and allowing criticism, governments can ventilate public frustrations before they explode into coup-supporting unrest.

In short, as recommended by the AU, African states should focus on delivering good governance that upholds the rule of law, combats corruption, ensures rights protection, and avails economic opportunities: these are the best antidote to coup temptations.¹³⁰

One of the foremost priorities during post-coup transitions is ensuring human rights protection and establishing accountability. Transitional regimes must be compelled to release political prisoners, revoke restrictions on protest and media, and demonstrate a clear break from authoritarian practices. Regional bodies such as the AU and international organisations like the United Nations should provide technical support for independent human rights monitoring, possibly through mechanisms such as the ACHPR. Legal accountability for abuses must be pursued transparently, without immunity for security personnel. Hybrid courts or regional judicial bodies can enhance credibility in such processes. Conditioning aid and recognition on tangible human rights improvements would also deter impunity.

Strengthening regional and continental normative frameworks is pivotal. The ACDEG is a critical legal instrument, one explicitly prohibiting UCGs and mandating punitive responses.¹³¹ All AU member states must be encouraged to ratify and fully implement the ACDEG.¹³² The AU should operationalise article 25 of the Charter with clear, consistent sanctions against coup leaders, including immediate suspension from AU organs, asset

¹³⁰ Human Rights Watch (14 November 2019).

¹³¹ Institute for Security Studies “Democracy at the crossroads: Real test for the ACDEG” (3 October 2019) available at <https://issafrica.org/events/democracy-at-the-crossroads-real-test-for-the-acdeg> (accessed 30 July 2025).

¹³² See African Union *The Africa Governance Report: Promoting African Union shared values* Addis Ababa: African Union (2019).

freezes, and travel bans.¹³³ The Peace and Security Council (PSC) should act swiftly upon early warning signs of political instability, co-ordinating with regional economic communities (RECs) for a coherent stance. These preventive measures can help halt coup cycles before they begin, reinforcing democracy through proactive diplomacy rather than post-coup crisis management.¹³⁴

In the long term, a cultural shift toward constitutionalism and democratic values is essential. Civic education programmes, especially for the youth, must emphasise the dangers of military rule and the importance of human rights.¹³⁵ Incorporating Africa's historical experiences with coups into school curricula can foster public rejection of authoritarianism. Media and academic voices should be empowered to critique undemocratic trends, while civil-military dialogue platforms can help instil democratic norms within security forces.¹³⁶ Religious and traditional leaders, trusted in many African communities, can play a critical role in advocating for peace and constitutional governance.¹³⁷ At the regional level, AU and REC summits should promote peer accountability, with leaders proactively confronting anti-democratic behaviour among their ranks in terms of the AU's principle of non-indifference.¹³⁸

Lastly, reforming the security sector is crucial to coup prevention. States must invest in professionalising their armed forces, ensuring loyalty to the constitution rather than ruling elites. This includes merit-based promotions, improved welfare for troops, and firm penalties for political interference.¹³⁹ Security-sector reform should integrate human rights education and internal accountability mechanisms, such as independent military ombudsmen and cooperation with civilian courts.¹⁴⁰ The AU can contribute by setting

¹³³ Human Rights Watch (14 November 2019).

¹³⁴ Freedom House *Freedom in the world 2024: Africa region report* (2024).

¹³⁵ Thelma CC "Effects of civic education on youth participation in democratic practices: A case of youths in selected constituencies of Lusaka District, Zambia" (2024) 10(8) *International Journal for Social Studies* 1.

¹³⁶ Akinola & Makombe (2025).

¹³⁷ See Matsiliza NS "The strategic role of traditional leadership in promoting good governance" (2024) 12(1) *Africa's Public Service Delivery and Performance Review* 1.

¹³⁸ See Mushoriwa L "The African Union's quest for a 'peaceful and secure Africa': An assessment of Aspiration Four of Agenda 2063" (2023) 27 *Law, Democracy & Development* 55.

¹³⁹ Ouédraogo É "Strengthening military professionalism in Africa" (June 2016) *Africa Center for Strategic Studies Research Paper* No. 6.

¹⁴⁰ Department for International Development *Understanding and supporting security sector reform* (2002).

regional standards for civil-military relations, drawing on best practices through bodies such as the African Security Sector Network. In fragile or post-conflict states, inclusive national armies and demilitarisation strategies are critical to stability. A disciplined, constitutionally loyal military is far less likely to become a vehicle for authoritarian regression or violent political disruption. In implementing these recommendations, it is crucial to adopt a people-centred approach. The ultimate goal is not only to prevent coups as a formal violation of constitutional order, but to ensure that African governance rests on the consent and welfare of the people, with full respect for their human rights.

As Human Rights Watch has argued, the AU and its member states should align politics with human rights, addressing root problems such as impunity, weak rule of law, and exclusion that often precipitate coups.¹⁴¹ By taking the steps above, African leaders and institutions can move from merely rhetorical commitments to concrete actions that uphold constitutionalism. This approach of strengthening legal frameworks, improving governance, and supporting regional institutions can help protect countries from UCGs and strengthen democracy, the rule of law, and human rights protection across Africa.

7 CONCLUDING REMARKS

Unconstitutional changes of government in Africa have grave implications for democracy, the rule of law, and human rights. As seen in the cases of Mali, Guinea, Sudan, and Chad, military and extra-legal seizures of power consistently unravel constitutional governance and open the door to repression. Coups interrupt electoral mandates and weaken institutions, replacing them with regimes sustained by force rather than consent. Under such regimes, fundamental rights come under attack and mechanisms of accountability and justice are subverted. While each country's scenario has unique nuances, the overarching lesson is clear: UCGs are inimical to democracy and the rule of law. They invariably deepen political and human rights crises rather than solve any perceived problems. The recent resurgence of coups across Africa is a warning sign of democratic

¹⁴¹ See Mbanje T & Okoloise C "A contextual approach to strengthening state capacity to implement the decisions of the African Commission on Human and Peoples' Rights" (2024) 24 *African Human Rights Law Journal* 911.

fragility that cannot be ignored. It calls for renewed commitment to constitutionalism as a foundational principle.

As this article has shown, whenever a constitutional order is overthrown, the first casualties are the people's freedom, security and human rights; conversely, when constitutionalism prevails, it creates a platform for stability, development, and respect for human rights. The imperative, therefore, is for all stakeholders in Africa to work concertedly to reinforce the norms and institutions that guard against UCGs, and to respond decisively when those norms are breached. By strengthening democratic institutions, demanding accountability for abuses, and fostering a political culture that prizes the ballot over the bullet, African countries can break the pernicious cycle of UCG.

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