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THE FADING OF THE ANTI-COUP NORM

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In recent years, some scholars have suggested that coups actually may be beneficial for democratic development. During the Cold War, these scholars point out, coup leaders often consolidated long-running authoritarian regimes, but since the end of the Cold War coups have been much more likely to be followed by fresh elections. This pattern has given rise to talk of "democratic coups," in which the unconstitutional overthrow of sitting governments acts as a catalyst for radical change and paves the way for democratic transition.[1] One proferred explanation for this trend has been that the international community is now much less tolerant of threats to democratic rule, with the rise of international democratic conditionality playing a part in pressuring coup plotters to hold elections.[2]

This story, however, is misleading in two key respects. First, while postcoup elections have indeed become more common since the Cold War ended, the quality of postcoup democracies has remained poor. Few of these elections have given rise to genuine democracies; instead, the consolidation of some form of authoritarianism has been the most frequent outcome.[3] Second, the international pressure that is supposed to give rise to democratic coups has been patchy at best, and international conditionality has rarely been applied with any consistency. While the international prohibition against coups has become increasingly entrenched in recent years, it remains highly contested and lacks robust support even from those countries and international bodies that claim to embrace it.

Three recent cases illustrate the vagaries of international policies in

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this area. In September 2015, the presidential guard in Burkina Faso arrested the president and prime minister, dissolved the government, and announced a military-led interim administration. The international response was quick and robust. The UN Security Council condemned the coup, the African Union suspended Burkina Faso, and the Economic Community of West African States (ECOWAS) deployed a high-level mediation mission. In response to intense domestic and international pressure, the coup leaders quickly capitulated and the ousted officials were restored.

By contrast, in July 2013, the architects of the coup against President Mohamed Morsi in Egypt had met with a very different international response. Although the African Union quickly acted to suspend Egypt, the UN Security Council remained quiet. The United States offered only mild criticism, and Egypt's traditional regional allies (especially Saudi Arabia) were quick to extend diplomatic and financial assistance to the new authorities. President Morsi was not restored to power, and the architect of the coup, General Abdel Fattah al-Sisi, was elected president the following year in a contest marred by widespread repression. Finally, the May 2014 coup in Thailand was followed by even less international opprobrium. Once again, the UN Security Council was silent, but this time the principal regional organization, the Association of Southeast Asian Nations (ASEAN), also offered no criticism. The coup leaders quickly consolidated a stable military regime with General Prayut Chan-ocha acting as prime minister.

The variation in international responses to these three recent coups reflects the mixed fortunes of the "anticoup norm," an international prohibition against the irregular overthrow of sitting governments that rose to prominence in the early 1990s. During the Cold War, coups were often a means by which the rival superpower blocs waged proxy warfare. International actors would welcome or condemn a coup depending on the ideological affiliation of the coup plotters.[4] By contrast, the years since the Cold War ended have seen robust efforts to bring about more principled and consistent international responses to coups. New standards have emerged that require international actors to help ensure that ousted leaders (especially democratically elected ones) are returned to power and that coup leaders are excluded from future politics. Despite significant progress in developing and institutionalizing these new normative standards, however, the initial promise was never fully met and the anticoup norm remains limited in two important ways. First, it is highly contingent geographically, embraced enthusiastically in some regions while almost completely ignored in others. Second, even where it has been embraced, it remains relatively shallow. International punishments can be weak and are often easily lifted, with coup leaders needing to do no more than take limited steps toward restoring democracy.

Thus the international prohibition on coups remains a work in prog-

ress. If coups are to be eradicated—or somehow to be transformed into opportunities for genuine democratic transitions—the international community will need to take a much more forceful and united position than it has to date. Can such a normative consolidation occur? Prospects are not encouraging. The case of the anticoup norm remains one of swift but sadly stunted evolution.

The Rise of the Norm

Coups are illegal actions by regime elites to overthrow a sitting executive, and are thus by definition profoundly authoritarian events.[5] They are instances when the few take matters into their own hands and breach the central democratic principle that power can be transferred only via free and fair elections. As a result, in the post–Cold War era, sanctions designed to deter (or, failing that, to punish) coup plotters became a core element of the international commitment to democracy promotion. The new normative agenda included expectations that elections should be free and fair, that states should respect citizens' human rights, and that the rule of law should apply to all. It also included an increasingly robust prohibition against changes of government via coups d'état.

Milestones in the institutionalization of this anticoup norm have included the development by several states and regional organizations of formal instruments to deal with countries where coups occur. In the early 1990s, the UN appeared to embrace the norm. In the wake of the 1991 overthrow of the democratically elected government of President Jean-Bertrand Aristide in Haiti, the UN General Assembly condemned the coup, and the Security Council eventually took a strong stance against the coup leaders. In 1994, after the military authorities in Haiti had defied international pressure for several years, the Council adopted a Chapter VII Resolution that authorized "all necessary means to facilitate the departure from Haiti of the military leadership"and to bring about "the prompt return of the legitimately elected President and the restoration of the legitimate authorities of the Government of Haiti."[6] Democracy was playing a role in Security Council resolutions that it had not previously played, and bold enforcement measures were being authorized to reverse coups in ways that would have been unthinkable just a few years before. Under the threat of an intervention approved by the UN and led by the United States, Haiti's military leaders relented and Aristide returned to power.

The most far-reaching efforts to institutionalize the anticoup norm, however, have taken place in regional organizations. The Organization of American States (OAS) led the way in institutionalizing legally binding anticoup instruments with increasingly strict enforcement measures.[7] In June 1991, it adopted the Santiago Commitment to Democracy, through which member states pledged their "inescapable commit-

ment to the defense and promotion of representative democracy."[8] The declaration was accompanied by OAS General Assembly Resolution 1080, which requires the OAS secretary-general to call a meeting of the Permanent Council in the event of any "sudden or irregular interruption" of democratic rule. Several signatories to the Resolution were keen to avoid the use of the word "coup" for fear of being seen to challenge their own militaries, but the new measure nonetheless represented a significant shift in the regional commitment to protecting democratic governments from forceful overthrow.[9]

The following year, OAS member states signed the Washington Protocol (fully ratified in 1997), which strengthened the coup-related enforcement measures and authorized the OAS to suspend its own members. These measures came in for further refinement in the Inter-American Democratic Charter, which was signed in 2001 and included provisions designed to tailor the OAS's response to the nature of the given democratic breach.

According to this incremental approach, the organization would take increasingly firm steps (up to and including suspension) depending on the severity of the norm violation. The OAS's adoption of progressively robust legal instruments enabled it to respond more forcefully when democracy was threatened. After the 1991 coup in Haiti, the OAS invoked Resolution 1080 but struggled to achieve a united front or exert real pressure in the absence of UN action. By contrast, when President Manuel Zelaya of Honduras was ousted in 2009, the OAS acted swiftly and, for the first time under its new Democratic Charter, suspended a member state. The potency of this new commitment to protecting democracy arguably can be seen in the relative absence of coups in the Americas since the end of the Cold War: The increasingly strict institutionalization of the anticoup norm deters prospective coup plotters.

The African Union has also developed robust anticoup provisions and become an active norm enforcer in this area.[10] The AU's predecessor, the Organization of African Unity (OAU), took the first steps in institutionalizing regional anticoup norms in the late 1990s, prompted in part by the destabilizing experience of the 1997 coup in Sierra Leone.[11] In 2000 came the Lomé Declaration, which identified a number of actions that would count as "unconstitutional changes of government" and set out procedures for suspending norm-violating member states.[12] These policies were further entrenched and enhanced in the Constitutive Act of the African Union of 2000, and in the AU's ambitious African Charter on Democracy, Elections, and Governance, which was adopted in 2007 and came into force in 2012.[13] These agreements both expanded the definition of unconstitutional changes of government and broadened the list of potential enforcement measures to include judicial proceedings against perpetrators.[14] While the OAU was lax when it came to enforcing its democracy-related instruments, the AU has tended to act

quickly and firmly to punish coup-created governments. Since adopting its more robust and punitive policies, the AU has suspended several member states in the wake of coups, including Mauritania (2005 and 2008), Guinea (2008), Madagascar (2009), Egypt (2013), and Burkina Faso (2015).

As with the OAS, the AU's impact can be seen not only in terms of its punishment of norm-violating member states and its mediation of a return to constitutional order in the aftermath of coups, but also in the role its increasingly activist policies have played in making coups scarcer within the region. While Africa has not experienced the near-total eradication of coups that Latin America has achieved, the incidence of coups in Africa has fallen significantly since the end of the Cold War. There is strong evidence to suggest that the deterrent effect of the AU's anticoup policies have been a major contributing factor.[15] The regional commitment to protecting democratic governments had thus reduced not only the chance that disaffected elites will succeed with a coup, but also the chance that they will even try one.

In many ways, the anticoup norm has achieved an impressive level of institutionalization, and contemporary coup leaders often find themselves under intense international pressure in the days, and even hours, after they seize power. This is particularly the case in Africa, where the AU has led the way, surprising many observers not only with its embrace of the norm but also with its robust and mostly consistent enforcement of it in the wake of military coups. On a global level, however, the advance of the norm has yet to match the kind of institutionalization that can be seen at the regional level in the Americas and in Africa, and global patterns of enforcement remain patchy at best.

Failure at the Global Level

Despite its impressive rise in the 1990s and early 2000s, the anticoup norm has failed to gain universal acceptance and shows little sign of making significant further strides. Its stunted development is illustrated not only by the large number of international actors who have refused to sign on to the norm, but also in the manner in which some of those actors who have embraced the norm in word have failed to do so in deed.

One of the key signifiers of the norm's failure at the global level is the extent to which the UN Security Council has treated it selectively, invoking it rarely and often ignoring blatant coups. After appearing to embrace the norm in the Haitian case, the Security Council declined repeated opportunities to consolidate the norm and rarely issued resolutions that explicitly condemned the overthrow of sitting governments (exceptions include Burundi in 1996, Sierra Leone in 1997, and Guinea-Bissau in 2012). The Council has occasionally condemned coups in its presidential statements or press releases (which carry less political

weight than its resolutions), but for the most part it has refrained from imposing costly sanctions in response to coups and from institutionalizing any kind of automatic punishments similar to those embedded in the legal instruments adopted by the AU and the OAS. In contrast to the proactive stance of those regional organizations, the permanent members of the Security Council (China, France, Russia, the United Kingdom, and the United States) have sought to protect the political and strategic flexibility that comes with a case-by-case approach, and have resisted any effort to entrench a fixed and binding policy that would require identical responses to comparable coup cases.

The UN secretary-general has been more consistent than the Security Council, and has often spoken out to condemn coups even when the Council has remained quiet. Yet, while a secretary-general can sometimes take the initiative and seek to push normative agendas independently of UN member states, there are potent institutional constraints on his autonomy in the absence of member-state support. Consequently, successive secretaries-general have remained quiet or offered only timid responses in many of the cases where the Security Council has declined to act. For example, in response to the 2014 coup in Thailand, Secretary-General Ban Ki-moon stated that he was "seriously concerned by the military takeover." In the wake of the 2013 Egyptian coup, he expressed "concern" only about "military interference."[16] His painstaking avoidance of the word "coup," along with the absence of any demand for the ousted leaders to be returned to power, illustrates the UN's selective and at times feeble embrace of the norm.

In Asia and the broader Middle East, regional organizations have paid the anticoup norm little heed. In neither area does there appear to be much urgency to embrace democracy-friendly principles. Middle Eastern states and organizations, such as the Gulf Cooperation Council, have shown minimal interest. When the Egyptian military tossed President Morsi from office in July 2013, many Gulf states welcomed the intervention and offered a surge of financial support to the new authorities. Suspended and criticized by the African Union, the new authorities in Cairo quickly found help elsewhere. Saudi Arabia publicly congratulated Egypt's new interim leader and praised the military for taking steps to "save Egypt."[17] Within a week of the coup, Kuwait, Saudi Arabia, and the United Arab Emirates jointly pledged a total of US$12 billion to Egypt.

Among Asian states, there has been a similar lack of interest, with little progress made by the anticoup norm. Democracy promotion has remained absent from the policy agenda of ASEAN, which accordingly has refrained from condemning coups in its member states (Thailand has had three since 1991). In 2007, ASEAN did briefly consider including language on democratic norms—including a condemnation of unconstitutional changes of government—in the new charter that

it was drafting. Yet the proposal, which came from an "eminent persons group," found little favor with the sitting governments of ASEAN member states, and the new charter made no mention of any need to protect democracy.[18]

Although international actors routinely invoke the need to restore constitutional or democratic order once a coup happens, all too often countries are welcomed back into the international fold despite taking only limited or cosmetic steps toward democracy.

A second major challenge to the anticoup norm derives from the inconsistent behavior of its declared supporters. There are two separate elements to this problem. First, the states and international organizations whose actions are supposed to give the norm its teeth have at times been lenient or timid in their punishment of successful coup plotters. After the 2013 putsch in Egypt, for instance, the United States avoided enforcing its own rules for responding to coups. Under U.S. law, no aid money can go to any country where the military has deposed the elected government. After President Morsi's ouster, the administration of U.S. president Barack Obama avoided calling the events in Cairo a coup, while Secretary of State John Kerry said of the Egyptian military that "in effect, they were restoring democracy."[19] Aid was eventually cut back, but that was mainly in response to the brutal August 14 crackdown in Rabaa Square rather than to Morsi's removal from power in early July. In 2009, likewise, the Obama administration had split with many Latin American states by calling for fresh elections rather than the restoration of ousted President Zelaya in Honduras.

A second form of shallow enforcement is the lifting of punishments even when a country has not fully restored democracy after a coup. International actors sometimes risk legitimizing coup leaders by lifting punishments after only limited democratic progress, such as the holding of flawed elections or cosmetic personnel reshufflings in government.[20] For example, the African Union readmitted Egypt a year after its suspension, even though the 2014 presidential-election process had been marred by widespread repression and had ended with the coup leader's installation as the country's new chief executive. A similar pattern played out after the 2008 coup in Mauritania, as AU mediation efforts led to an accord that gave the general who had staged the putsch an inside track to victory in the postcoup presidential election. While the AU postured as if it was acknowledging a successful return to democratic and constitutional rule, Mauritania's leading opposition group decried the outcome as an "electoral coup d'état."[21]

This problem of the international legitimation of postcoup govern-

ments raises the issue of exactly what constitutes a "restoration of democratic order," a question to which there is no precise answer in the anticoup instruments that have been adopted so far. Although international actors routinely invoke the need to restore constitutional or democratic order once a coup happens, there are no criteria for establishing what this entails, and all too often countries are welcomed back into the international fold despite taking only limited or cosmetic steps toward democracy. Norms are weakened not only when enforcement is omitted, but also when it is half-hearted and ends before the damage done to democracy has been fully repaired.

Why the Stall?

How did the anticoup norm, once so promising, become so stunted? There are several reasons. Diverse regional political histories go some way toward explaining the geographical variation in support for the norm. Together, Latin America and Africa have experienced the majority of the world's coup attempts, and they are the regions that have taken the strongest steps toward institutionalizing the norm against coups. According to one count of the number of coups worldwide between 1950 and 2010, Africa and the Americas accounted for nearly 70 percent of all coups (Africa had 36.5 percent, while the Americas had 31.9 percent). By contrast, Asia and the broader Middle East saw far fewer coups (13.1 and 15.8 percent, respectively).[22] Consequently, the problem of coups and what to do about them has a special resonance in Africa and the Americas. Furthermore, both of these regions were central to the "third wave" of democratization and include major regional powers that have embraced democratic rule. As a result, since the early 1990s both Africa and the Americas have developed strong regional organizations dominated by norm-promoting democracies that share a desire to eliminate existential threats to democracy. The contrast here with patterns of political development and the evolution of regional organizations in the Middle East and Asia is stark.

A related factor concerns the role of normative competition in global politics. Regions that are thick with autocratic regimes also tend, not surprisingly, to feature states that actively resist democracy promotion and seek to advance their own nondemocratic normative preferences instead.[23] Saudi Arabia and China resist Western efforts to secure the universal espousal of democratic norms, and thus have an interest in undermining international efforts to consolidate the anticoup norm. In recent years, normative tensions within the international community have deepened, forcing democracy promoters to cope with the least friendly climate that they have seen in some time.

Several of the states that have pushed back against Western democracy promotion sometimes have acted as the staunchest supporters of leaders who have come to power through coups. From such states comes not

condemnation but praise for coup leaders, and efforts to prop them up rather than restore ousted rulers to power. Saudi Arabia's support of the postcoup authorities in Egypt, for instance, has undercut efforts within Africa to isolate the regime. Similarly, after the head of the armed forces seized power in Fiji in 2006, China quickly stepped in to offer diplomatic and economic assistance to the new ruler in ways that undermined regional and European efforts to press for a swift return to democracy. Partly as a result, Fiji waited eight years for fresh elections. The rising status of these autocratic powers on the world stage bodes ill for the anticoup norm and its prospects of spreading.

Finally, like many other democracy-friendly norms, the anticoup norm suffers from the simple fact that states often prioritize their strategic interests over their normative commitments. Among those countries that have embraced the norm, enforcement often remains selective and shallow because competing interests push democracy considerations aside. Correspondingly, states sometimes oppose coups only when it serves their strategic interests to do so. As a result, the anticoup norm gains its strongest support when it aligns with the interests of powerful states, and is less effective when competing strategic interests are in play.[24]

Several instances of robust international enforcement against coup leaders took place only after the coup in question created new risks of cross-border spillover effects and wider regional insecurity. The UN's invocation of the anticoup norm in Haiti in the early 1990s, as in Mali after 2012, resulted in large part from international concerns about refugee crises and state failure, which helped the world's major powers to reach consensus about what to do. In each case, the international pressure to reverse the coup appeared to reflect a desire to restore stability and security rather than to promote democracy per se. Similarly, the near silence that has greeted coups in countries such as Egypt, Pakistan, and Thailand has reflected either the strength of these states or the potency of their allies. When states are economically or militarily strong, enforcement action is less likely to be successful, and the incentive to attempt it is thus reduced. Similarly, when states have influential allies, particularly allies among the permanent members of the UN Security Council, the prospects of attaining an international consensus on enforcement will plummet.

Prospects for the Future

The factors that have stalled the anticoup norm will be hard to overcome. The regions that have not signed up remain far from doing so, and the increasing normative divide among major powers makes the prospect of consensus even more remote. It is also highly unlikely that states will place their normative commitments ahead of their strategic inter-

ests—even governments that publicly back the norm can be expected to enforce it shallowly and selectively.

Two other recent developments suggest further challenges to progress in this area. Both relate to a certain ambiguity of the norm, and the challenges that exist in efforts to identify individual violations. The first is the increasing role of popular uprisings in bringing about the downfall of rulers. There have been several instances in recent years where leaders have been removed from office in the context of mass mobilization and large-scale public protests, most notably during the Arab Spring. Frequently, the combination of mass protests with leadership turnover has created divisive debates about whether the event should be considered a coup or a popular revolution. In Egypt, for example, supporters of the military's removal of President Morsi, including many liberals, hailed the result as victory for public mobilization and objected to any suggestion that Morsi's ouster amounted to a coup.

This is a matter of dispute not only within the countries involved, but also within the academic community that seeks to understand and analyze these events. Two of the main academic datasets that seek to identify all instances of coups since the Second World War have taken contrasting approaches to several high-profile cases involving mass protests and leadership removal. A dataset created by scholars Jonathan Powell and Clayton Thyne counts three prominent recent cases as successful coups: Egypt 2011, Burkina Faso 2014, and Ukraine 2014.[25] By contrast, the dataset compiled by Monty Marshall and Donna Marshall excludes each of these cases from the list of coups, and counts them instead as instances of executive resignation.[26]

Each case involved the unplanned and reluctant departure from power of a sitting president faced with mass opposition mobilization. The differing approach across the two datasets reflects the challenge of assigning responsibility for the removal of a particular leader in cases where public protesters often claim ownership of the outcome and where the final moments of the leader's tenure occur behind closed doors. It is not always clear how much coercion elites (especially top military officers) might have applied to incumbents to get them to leave.

Academic disagreements over "what really happened" are mirrored and amplified within the policy community and in public debates. In cases where mass protests are involved, the word "coup" has become increasingly politicized and is used as much to discredit political opponents as it is to inform analysis of political events. If the term continues to lose its analytical precision, the challenge of solidifying the anticoup norm will become all that much harder to meet. Norm institutionalization is clearly a challenging prospect when there are basic disagreements over what constitutes a violation of the norm.

A second obstacle to further norm consolidation concerns the increasing inconsistency in responses to different forms of democratic backslid-

ing. The anticoup norm is embedded within a wider normative framework that encompasses various "unconstitutional changes of government." This term has been adopted by international organizations, including the African Union and the UN, to refer to a basket of events that entail an illegal or unconstitutional alteration in government. The AU originally developed a list of four distinct varieties within this category: traditional military coups, overthrow by mercenaries, overthrow by rebel movements, and refusal by an incumbent government to relinquish power after losing to the opposition in free and fair elections. The 2007 African Charter on Democracy, Elections and Governance widened this framework to include a prohibition against incumbent attempts to stay in power through amending legal or constitutional instruments in ways that infringe the principles of democratic rule.

Without the further spread of democracy in the world's less democratic regions, and a shift toward more principled and norm-driven behavior in its more democratic regions, the progress of the anticoup norm is likely to remain stalled.

Yet a wider normative framework may also be harder to institutionalize, as individual violations become more difficult to pinpoint and the risk of inconsistent international responses goes up. This is apparent in the pattern of democracy enforcement within Africa, where the AU has acted forcefully and consistently in response to military coups by suspending offending member states, but has been much weaker in response to other forms of democratic backsliding such as election fraud (as in Zimbabwe) or authoritarian creep through the removal of presidential term limits (as in Burundi).

In many ways this should not come as a surprise. We should expect intergovernmental organizations to clamp down more firmly on cases of democratic backsliding where incumbents are threatened by unconstitutional changes of government, as compared to cases where incumbents orchestrate their own persistence in power. After all, the government of each AU member state has an interest in deterring coups, but many of those same governments owe their continuence in office to one of the other forms of behavior that the AU's normative framework on unconstitutional changes of government seeks to prohibit. Such inconsistency, however, undermines the wider normative commitment to preserving democracy. When separate norms are clustered together in complex frameworks and are promoted as having equal standing, inconsistent enforcement of each norm underlines the selective and shallow nature of the international commitment to democracy and threatens to undermine the entire endeavor.

Those who would like to put a final end to the use of coups d'état face

serious challenges. Although the anticoup norm has made serious progress since it emerged in the early 1990s, particularly in the Americas and in Africa, the low-hanging fruit has now largely been picked. Further institutionalization and more consistent enforcement will be difficult without much greater normative and strategic convergence among the world's most powerful states. Yet the barriers to such convergence are considerable. Many authoritarian states have no interest in embracing or solidifying the norm, and many democratic states must juggle their normative commitments with incompatible strategic interests. Without the further spread of democracy in the world's less democratic regions, and a shift toward more principled and norm-driven behavior in its more democratic regions, the progress of the anticoup norm is likely to remain stalled.

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