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REGIONAL REGIMES FOR THE DEFENSE OF DEMOCRACY AND
COUPS D'ETAT

by

Jacob P. Wobig

A DISSERTATION

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REGIONAL REGIMES FOR THE DEFENSE OF DEMOCRACY AND
COUPS D'ETAT

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University of Nebraska, 2013

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Does international law work, and if so, how? In the last twenty years eight regional intergovernmental organizations have adopted treaties requiring all participants to be democracies and specifying sanctions to be leveled against members that cease to be democracies. In this work I examine to what extent these agreements are helping protect the governments of their members from coups. I find that, between 1991 and 2008, states subject to these treaties were less likely to experience attempted coups d'etat, and were less likely to be overthrown when coups were attempted, but that the evidence varies widely in particular cases. Case studies of coups in Honduras, Mali and Thailand support the view that coup leaders do take such treaties into account when choosing coup consolidation tactics such as coup-legitimizing rhetoric and selecting members of the coup coalition. All in all, these regimes show promise if not yet dispositive effect. However, these findings cast some doubt on the efficacy of international human rights law more generally. State leaders have a direct self-interest in maintaining an effective coup-prevention regime. If they are no more effective at this than this evidence suggests, they are unlikely to enforce more conventional human rights agreements that less directly impact their own interests.

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CHAPTER 1: INTRODUCTION

Shortly before dawn on the day of June 28, 2009, 200 soldiers stormed the presidential residence in Tegucigalpa, Honduras and seized leftist President Manuel Zelaya Rosales. Soldiers took Zelaya to a waiting military airplane and flew him to Costa Rica where they left him on an airstrip, still in his pajamas. Shortly after noon that day, the Honduran Congress convened and considered the report of a secret commission that had ostensibly been created on June 25 to consider constitutional crimes attributed to Zelaya. Also considered by Congress was a resignation letter supposedly written by Zelaya – dated three days before the coup. The Congress voted to accept Zelaya’s “resignation” and then declared President of the Congress Roberto Micheletti Bain to be interim President until elections in November. In accepting the position, Micheletti said “I do not arrive at this position via the ignominious route of a coup d’etat, I arrive as the product of an absolutely legal transition.”¹

In some ways these facts fit in with a long pattern of coups d’etat in Latin America. One recently-created dataset counts an astounding 145 coups and coup attempts in the region between 1950 and 1999 (Powell and Thyne 2011). However, there was an important difference in the Honduran case that has received a great deal of attention in the popular media but less, to this point, in the academic literature: a robust international response condemning the coup because it contradicted the principles of a regional treaty called the Inter-American Democratic Charter (IADC). In the IADC, signed in 2001, all members of the Organization of American States (OAS) pledged to punish the government of any regional state that came to power through “an

¹ Feldman et al. 2011, 11.

unconstitutional interruption of the democratic order” (Art. 19). OAS members, other states and international organizations placed a variety of sanctions on the Micheletti government such as denying the coup regime international recognition and access to international credit and aid. Honduras was suspended from the OAS, no country in the world recognized the new government, and the total economic sanctions may have been as great as US \$2 billion (Legler 2010). This is a very different international response than what Luttwak (1969) had described as typical during the Cold War:

[R]ecognition is usually granted to illegitimate governments after a polite interval if there are convincing assurances about their continuity in terms of foreign relations. After the necessary exchanges of information and assurances, the new government will usually be recognized; this will be so even if its illegality is an embarrassment, as in the case of the United States and Latin American coups (Luttwak 1969, 181).

In Honduras the Micheletti government managed to resist international pressure and hold elections in November 2009, with most of the international community over the next two years finally agreeing to recognize new President Porfirio Lobo. However, the episode raises an interesting question as to whether the possibility of a similar international response may have dissuaded would-be coup leaders in other countries. Regional regimes for the defense of democracy have been adopted not only by the OAS but by many other IGOs as well, and it is an interesting question as to whether these “democracy clauses” (e.g. Farer 1995; Piccone 2006) are producing their desired effects. It is this question that motivates this dissertation: Do democracy clauses in fact help prevent governments from falling to coups?

What are Democracy Clauses?

While democracy clauses are mostly post-Cold War phenomena, there is some history of states creating treaties that give the collective members the right to intervene in domestic

successions to executive power when those successions do not meet agreed-upon standards. An early example was the 1826 Treaty of Union, League and Perpetual Confederation at the Congress of Panama, Simon Bolivar's failed attempt to create a league of American states to counter the influence of Spain and the Holy Alliance (Fenwick 1957). Other treaties of this sort were the 1907 Additional Treaty to the Treaty of Peace Concluded at the Central American Conference (see Stansifer 1967), and the 1949 Statute of the Council of Europe. Each of these treaties required member-states to be democratic and gave the collective members the power to employ non-recognition and/or suspension against governments that came to power by coup d'état.

As of this writing, eight regional organizations have adopted democracy clauses that require all member states to be democracies, and that specify penalties to be applied if any member ceases to be a democracy, including the possibility of suspension. For the purposes of this project, I use the following criteria to identify a democracy clause: it must be a treaty-level agreement and it must specify penalties to be imposed in the event of an interruption or overthrow of democracy, and one of those penalties must be the possibility of suspension from the IGO. IGOs with democracy clauses per these criteria are shown in Table 1.

These are not the only regional organizations to adopt democracy requirements. Less stringent regimes have been adopted by the Organization for Security and Cooperation in Europe (OSCE), the Organisation Internationale de la Francophonie, the Rio Group, and the Southern African Development Community. For reasons I describe later I limit this study to regimes that meet the criteria described above. Each treaty is discussed in Chapter 2.

Table 1

Regional Organization	Treaty	Year of Effect
Council of Europe	Statute of the Council of Europe	1949
EU	Treaty of Maastricht on European Union	1992
The Commonwealth of Nations	Millbrook Action Programme on the Harare Declaration	1995
MERCOSUR	The Ushuaia Protocol	1996
The OAS	The Washington Protocol	1997
The Andean Community	Additional Protocol to the Cartagena Agreement	2000
The AU	Constitutive Act of the African Union	2001
ECOWAS	Protocol on Democracy and Good Governance	2001

Democracy clauses are unusual compared to other international treaties governing politically sensitive issues in that they are enforced with great consistency. As will be shown, every successful coup that has occurred in a state subject to a democracy clause since 2000 has been suspended from relevant IGOs, or condemned and suspension withheld only after assurances that elections would be held shortly. This is a very high level of enforcement for any international treaty, but especially so for treaties where core sovereignty issues are in play. However, that these treaties are being enforced does not necessarily tell us whether they are working to prevent usurpations of power.

So What?

The question is important for several reasons. Twenty years ago, Samuel Huntington looked at the remarkable increase in the number of democracies in the world from 1974 to 1991 and proclaimed this “Third Wave” of democracies to be one of the

most important events of the era (Huntington 1991, xiii). Despite some notable setbacks, the democratization of the world's states continues apace. Since 1991, 34² more states have transitioned to democracy. However, history has shown democratization is not irrevocable; 14 states transitioned from democracy to authoritarianism during this same time period. It is now well-established that democratization is a difficult process and that many states that make democratic transitions eventually revert back to some form of authoritarianism (e.g. Kapstein and Converse 2008). This is a troubling fact when we consider that democratic institutions are argued to be associated with many human goods, including interstate peace (e.g. Russett and Oneal 2001), intrastate peace (e.g. Hegre et al 2001), economic growth and stability (e.g. North, Wallis and Weingast 2009; Acemoglu and Robinson 2012), protection of human rights (e.g. Davenport and Armstrong 2004; Bueno de Mesquita et al 2005), and of the environment (e.g. Farzin and Bond 2004).

However, most of the factors that have been found to influence the likelihood of democratic survival are beyond the control of human actors. Some factors, like beneficial levels of economic development, region, historical legacies, and culture are endowments that new democracies either have or do not. There is little if anything that anyone can do to influence these endowments, particularly in the unstable early years of a regime, and thereby increase the likelihood of democratic survival. Other factors, like economic growth, level of inequality and choice of institutions are amenable to some human influence, but not much. Implementing policies that spur economic growth and decrease inequality are very difficult in a technical sense and always involve trade-offs between rival interest groups that are difficult to manage in a political sense. Moreover, whatever influence constitutional choices have on democratic survival, the choice of

² This number is based on the regime classifying criteria of Cheibub, Gandhi and Vreeland 2010.

institutions during the transitional phase is rarely done with a view to long-term stability. It is far more likely that the motivation for choice of institutions is locking in the distributional prerogatives of those parties that happen to be involved in the constitution-drafting process (Knight 1992; Frye 1997).

This provides motivation to look to whether the international community may play a role in the resilience of unconsolidated democracies. However, here again we find few mechanisms by which this can occur. Some international influences on democratic consolidation are now acknowledged, most prominently regional diffusion (Gleditsch and Ward 2006; Brinks and Coppedge 2006), the influence of regional or global hegemons (e.g. Thyne 2011), and the conditionality requirements imposed by the European Union (e.g. Vachudova 2005). However, as with the factors discussed above, the application of these influences to any particular country comes only from accidents of history. No country can change its region or geopolitical importance in the hopes of preserving democracy.

Upon reviewing this literature one is left with the dismal prospect that in democracy we may have identified a way to increase peace, prosperity and protection of human rights, but no way of achieving it in any intentional way. It is in this context that regional regimes to defend democracy become very interesting. If they were to work they could provide a way for concerned parties in new democracies to shore up their regimes against the most common kind of authoritarian challenge. This is no small thing when few other options are available.

The possibilities of democracy clauses have attracted attention and enthusiasm in some quarters. In the wake of the apparently effective response of MERCOSUR and the

OAS to a coup in Paraguay in 1996, the Economist claimed “But for MERCOSUR, Paraguay would this year almost certainly have gone back to military rule” (*Economist* 1996). In reviewing the incident, Larry Diamond described the regional response to the Paraguay incident as “decisive” to “preserving Paraguay’s fragile democratic experiment” (Diamond 2007, 136). Munoz (1998, 1) argued that the creation of the OAS regime was an “historic stride toward reaffirming democracy.” More recent appraisals of the OAS system like Cooper and Legler (2006) and Boniface (2007) are less effusive, but still cautiously optimistic (see Chapter 3).

In addition, there are reasons to believe that the response of the African Union may have led to rapid restoration of democracy after two coups in 2003 in Guinea-Bissau and in Sao Tome and Principe (Diamond 2007, 148-149), and Legler and Tiekou (2010) and McGowan (2006, 242) have argued that the democracy clauses of the AU and of the Economic Community of West African States (ECOWAS) may well have prevented coups since they were enacted a decade ago.

There is one more reason it is worth knowing if democracy clauses are effective: the question of whether the sovereignty costs of membership are worth paying. As Farer (1996) said in an early discussion of the OAS defense-of-democracy regime, the rise of these treaties represents a very interesting aspect of the evolution of sovereignty. Upon reviewing studies of OAS action in Chile, El Salvador, Guatemala, Haiti, and Peru in the early 1990s, Farer remarked:

[N]othing in the case studies subverts the conviction all of us began with – that external action wisely conceived and sensitively executed can do much to advance the democratic agenda. The possibility of effective external action has been widened by a growing tolerance for measures, from electoral observation to economic embargos, that would once have been indicted by key Latin elites on the grounds of principle, if no other. This widened tolerance, if not active enthusiasm, for collective action represents a new and very great retreat from the original and intrinsically flawed idea of sovereignty as unbounded national will, a retreat made inevitable by the contradictory interests of the governing elites, who irrespective of their will form a loose but still recognizable regional political system. (Farer 1996, 5)

This trend has only intensified since Farer wrote those words fifteen years ago, even within fora like the AU and ECOWAS that have historically been very protective of their rights to non-interference. The reason, most likely, is that offered up by Farer, Moravcsik (2000), Hawkins and Shaw (2007), Parish and Peceny (2002) and others: democratic leaders of unconsolidated democratic states desire some third-party guarantor to protect them against their anti-democratic domestic political opponents. As Farer said at the outset of his inquiry, “the premise is that, although external action is not often decisive, the credible threat of externally imposed economic or military sanctions can give an incipient democracy breathing space or can facilitate its restoration after a coup” (Farer 1996, 4-5).

When states join these regional democracy treaties, they give up to regional IGOs a portion of their right to non-interference, and it is over a very sensitive area of domestic politics. Succession is one of the core aspects of domestic sovereignty, and one that is often politically fraught, a fact as well known to the United States as any other country. Giving a regional IGO the right to interpret a state’s own constitution to validate successions to executive office is a substantial sovereignty cost. If states are paying such a costly toll for the benefit of protecting their regimes against unconstitutional overthrow, it would be good to know whether the price is worth it.

Whether such ambitious schemes will work is a separate question, and one that this dissertation will try to answer. Can an international treaty really prevent a determined would-be autocrat from overturning the democratic order and seizing power for himself/herself?

Overview of the Dissertation

The expectations one would have about the efficacy of democracy clauses, based on the existing literature, would depend on which literature was examined. The literatures on democratic consolidation and on international law would both tend to be skeptical that these treaties would have any effect on democratic reversals. However, the literature looking specifically at these regional regimes is cautiously optimistic about their ability to achieve their aims.

Part of the reason for this difference of opinion is a remarkable gap in existing scholarship regarding the ways that democratic regimes break down. As Barbara Geddes (2009), Ko Maeda (2010) and Jay Ulfelder (2010) have argued in recent years, the reversal process has been “black boxed” in most political science research, and this has stymied progress in our understanding of how and why democracies break down, and concomitantly stymied our understanding of what factors can reduce the occurrence of democratic reversals. To understand the potential influence of democracy clauses it is therefore necessary to develop a theory of how they could influence the actions of domestic political actors involved in reversals. This dissertation does that with respect to the most common form of democratic reversal – the coup d’etat – and proposes that democracy clauses could impede coups by complicating 1) the coup conspiracy process

and 2) the post-coup consolidation of power. The theory described in Chapter 3 both directs my inquiry into how and when democracy clauses may be effective, and helps close the aforementioned gap in research on democratic breakdowns.

A brief summary of the theory begins with the near-universal agreement in the coups literature that they are difficult to execute. A successful coup requires the close coordination of large numbers of people, who often have conflicting interests, in secret, to attempt to overthrow an incumbent already ensconced in office. It is therefore no surprise that both the Powell and Thyne (2011) dataset for coups d'état and the Marshall and Marshall (2009) dataset show that almost half of coup attempts in the post-World War II era failed. The literature also shows there are several points in the coup process that are particularly difficult to navigate, most prominently the assembly of the initial coup conspiracy, and consolidation of authority over the state apparatus in the days immediately after the coup. If democracy clauses are to influence the coup process, it is most likely during one of these two stages.

Take first the conspiracy stage. At least one commentator has stated that, more than any other phase of the coup process, it is the assembly of a sufficient coup conspiracy that decides whether a coup will be successful (Farcau 1994, 15). The difficulty arises because this is governed by the rules of an assurance game that has significant rewards for defection and severe penalties for failure (see Sutter 2000). An assurance game is a kind of collective action problem in which multiple actors must cooperate to achieve some collective goal, and it is only rational for any individual actor to cooperate if s/he believes a minimally sufficient number of other actors will also cooperate (e.g. Sen 1967). Rousseau's stag hunt is a classic example. The hunters will

achieve greater payoffs by cooperating to bring down the stag, but if any of them believe that any of the others may not cooperate, it makes no sense for the individual to participate in a venture destined to fail.

In the context of a coup conspiracy, potential participants have good reasons to be reticent about joining a coup plot. Membership in a coup conspiracy constitutes treason, regardless of whether the coup is ever actually attempted, with severe consequences for those implicated should the plot be foiled. Moreover, potential conspirators know that each of their fellows faces incentives to betray the plot to the authorities; the whistleblower(s) can bolster their standing with the incumbent government and potentially enjoy promotion as a result. The combined effect is that the choice to join such a conspiracy is only rational when the participants can expect substantial rewards for participation and a good likelihood of success.

These are two aspects of the coup process that could well be impeded by the presence of a democracy clause. Among the most important rewards of participation are likely material benefits. Suspension from a regional organization is almost always accompanied by suspension of foreign aid, loans, and even trade. The international response to the 1993 autogolpe in Peru led to the suspension of more than US \$1 billion in loans and aid (Parish and Peceny 2002, 240). More recently, it is estimated that the Honduran economy may have lost as much as US \$2 billion from the response to the 2009 coup (Legler 2010), and the Malian finance minister estimated that the sanctions imposed after the 2012 coup cost that country more than US \$1 billion (Xinhua News Service 2012). These numbers may be exaggerated, but even if the true costs are only half those reported these are still large amounts of money, and there is that much less to

spread around to potential coup supporters. This predictable diminishment in material resources available to a coup-based regime could make it difficult to credibly promise potential coup conspirators that they will receive large material rewards for participation. Moreover, even if a particular conspirator is not motivated by money, or can expect to be insulated from the effect of sanctions, the knowledge that other conspirators might be inhibited by reduced rents could bring the assurance game into play and cause them to abstain from the coup plot. The result would be fewer coups attempted, and that more of the coups attempted would fail for insufficient support.

The second mechanism proposed here is that democracy clauses could lead potential coup conspirators to anticipate that the international reaction may reduce the likelihood of coup success by making it more difficult to consolidate power immediately after toppling the incumbent government. Luttwak (1969, 168) places great emphasis on how precarious this stage of a coup can be, in which the coup participants have little more than purely physical control over certain parts of the state apparatus. He argues that coup success requires that at this stage the coup leaders “freeze” the political situation and wait for key elements of the bureaucracy, civil society, and business community to accept the transition as a *fait accompli*. Any incident that evidences resistance to the new regime could undermine this process of acquiescence, and “even one well-organized demonstration, or a well-timed strike, could pose a serious threat to the coup in the delicate transitional phase” (Luttwak 1969, 130).

The theory here proposes two ways democracy clauses might increase the likelihood of resistance to a coup d’etat. The first is that the possibility of economic dislocation resulting from international sanctions could lead certain actors who would

otherwise be relatively indifferent to the usurpation to actively oppose the coup. It is, after all, the logic of sanctions to impose pain on some portion of a regime's constituency in the hopes that this affected group will influence the regime's leadership to make some change desired by the sanctioning state (see e.g. Marinov 2005). Those whose livelihoods depend on international commerce could suddenly find themselves with interests deeply contrary to the new regime, which might well have not been the case before the promulgation of the treaty.

There is support in the existing literature for the adverse effects of sanctions on domestic political stability. Marinov (2005) found that implementation of sanctions against a state in the post-World War II era increased the likelihood that the incumbent leader would lose power during the sanctions episode by about 28%. Moreover, Allen (2008) found that there was a substantial increase in the likelihood of both anti-government demonstrations and riots in states subject to sanctions. In her study, states under international sanctions were about 75% more likely to experience demonstrations, and about 31% more likely to experience riots, on average, than were other similar states (Allen 2008, 935).

The second way democracy clauses could increase the likelihood of resistance is by delegitimizing the new leadership and adding to the legitimacy of opposition groups. This mechanism has been identified as possibly being important to the enforcement of human rights treaties by Beth Simmons (2009). Such treaties can provide "intangible resources" (Simmons 2009, 146-47) to domestic political forces, including a benchmark by which to judge the actions of the government and the opposition, and reassurance to domestic actors that rights demands are not unreasonable. In the context of democracy

clauses, this could mean that one of these treaties could lead potential members of a coup-opposition movement to be both more certain of the validity of their cause, and more likely to successfully recruit others to join them. Donno's (2007) finding that opposition mobilization against election fraud was significantly strengthened by the involvement of regional IGOs offers some empirical support for this idea in the democracy context.

Testing the Theory

If this theory is correct, several empirical implications about the world should be observable. First, states that are subject to democracy clauses ought to experience fewer coup attempts than we would otherwise expect given their other political and economic characteristics. Second, states subject to democracy clauses should be more likely survive coup attempts, i.e. coups attempted in such states should be more likely, on average, to fail. Third, when coups are attempted in states subject to democracy clauses, the coup leaders would have strong incentives to try to cloak their actions in the guise of constitutional action. They would do this because the international community has been less willing to intervene in states when a threat to an existing regime comes not from a coup but from some procedure that may be constitutionally defensible (Arceneaux and Pion-Berlin 2007). Simply put, regional organizations have shown that they do not like being in the position of interpreting the constitutions of their member-states, and when domestic actions are unusual but still constitutionally "colorable," IGOs have tended to demure from enforcing democracy clauses.³ By observing whether these theoretical

³ The recent response of MERCOSUR to an irregular impeachment in Paraguay may signal a shift in this tendency.

implications play out in the real world we can learn whether the theory proposed above is correct.

The first two hypotheses concerning coup attempts and coup successes are amenable to statistical analysis, and this is the work of Chapters 4 and 5. Chapter 4 shows that there is a negative correlation between democracy clauses and coup attempts during the post-Cold War period – from 1990 until 2008 states with democracy clauses were, on average, about 25% less likely to experience a coup attempt than were other states. However, this finding is not very reliable. The coefficient for democracy clauses in the model used in Chapter 4 is not statistically significant. The data are very “noisy,” and while it is clearly the case that there were fewer coup attempts in these states during this time period, it is impossible to say (within the conventional standards of statistical inference) whether this pattern is likely to be repeated outside this sample period. Moreover, including control variables for regional and global democratic diffusion substantially impact the model, and demonstrate that non-formal influences are probably more important for understanding international influences on regime stability than formal international agreements. Global democracy diffusion is the chief alternative explanation for a decline in coups, and the simultaneous operation of democracy clauses and diffusion, and their potential endogeneity, present difficult inferential problems. Interactions of the two make the picture less murky, but it does appear that democracy clauses, on their own, do not strongly influence decisions to attempt coups.

The findings in Chapter 5 on coup outcomes are similar. States subject to democracy clauses are less likely, on average, to succumb to coups than are other similar states. Using one coup dataset they were about 20% less likely to be overthrown, while

another dataset showed them to be about 30% less likely to be overthrown. However, once again the coefficients are not statistically significant and so we cannot say whether this pattern is an artifact of the time and states included in the sample or whether this is a reproducible finding. Only more observations, based on the continuing experience of states attempting to apply these regimes in the future, will be able to settle the matter.

Chapter 6 looks at the third hypothesis concerning coup legitimization and consolidation tactics. The nature of this research question lends itself better to case study analysis, and so I examine recent coups in Honduras (2009), Mali (2012), and Thailand (2006). These cases were selected as typical of their respective regimes: Honduras as a typical case of a coup within the OAS framework, Mali as typical within the frameworks of the AU and ECOWAS, and Thailand as typical of a coup that occurred within a state not subject to a democracy clause. A clear pattern emerges from observing these cases. First, in Honduras and Mali the coup leaders either chose, or were forced, to include far more members of the civilian political establishment in their post-coup regime than was observed in Thailand. Moreover, there were more members of the civilian political establishment in Honduras and Mali than one would expect based on the theoretical literature on coups such as that of Finer (1962) and Farcau (1994) which would anticipate smaller juntas to ensure tighter control for coup leaders. I argue that the reason for this is that expanding these coup coalitions were attempts to impede opposition to the coups not only domestically, but also to confuse or mollify the international community as it considered applying the sanctions provided for in regional democracy clauses.

Second, in Honduras and Mali the coup leaders made public statements legitimating their power grabs by referencing the pre-coup constitution. Particularly in

Honduras, coup leaders took great pains to present their coup as legal, as action in compliance with constitutional procedures for unseating an incumbent president. The leaders of the more extemporaneous Malian coup also eventually ended up to be acting within the bounds of the pre-coup constitution once international pressure ratcheted up, including a complete embargo by its ECOWAS neighbors. In Thailand, on the other hand, there was never any claim that the coup was a constitutional impeachment. In fact, the junta explicitly and repeatedly rejected the legitimacy of the pre-coup constitution and called for a new coup to be written that would better protect the interests of the army and the monarchy. I argue that the difference in the legitimating strategies is based at least in part on the need of the coup leaders in Honduras and Mali to attempt a “colorable” legal defense of their actions to the international community. As mentioned earlier, democracy clauses require regional organizations to judge the validity of successions to power according to the criteria of domestic constitutions. This is something that state-members of IGOs do not like to do (see Arceneaux and Pion-Berlin 2007; Chapter 3 *infra*), and confusion created by domestic actors over the constitutionality of actions is one way of deterring coordinated regional action against such usurpers.

These findings show that democracy clauses are not substantially decreasing the likelihood of coups, and they are not substantially changing the likely outcomes of coups, but they do appear to be changing the ways that coups are organized and publicly defended. This may not be an earthshaking set of findings, but they are interesting nonetheless. They show that international legal agreements based on normative rules are extraordinarily difficult to apply effectively, even when the self-interest of regional leaders (in stopping diffusion of coups or unrest more generally) is involved. This means

that those who are interested in the effectiveness of international human rights law may do well to follow the lead of scholars like Koh (1997), Cardenas (2004) and Simmons (2009) in putting the primary emphasis of research on the ways international law influences domestic political actors rather than inter-state relations.

Moreover, the change in consolidating and legitimating strategies described in Chapter 6 may have important effects in the future. It may be that coup leaders are in a learning stage and that as they see that new international dynamics will result in them having to share power or be otherwise limited in new ways that they will gradually come to see coup as less attractive. It is also possible that the leadership of recent coups or coups to come may become trapped by their pro-constitutional rhetoric and thereby constrained by constitutional requirements.

Contributions

The first and primary contribution of this project is to add to the literature on regional defense-of-democracy regimes. The great bulk of existing research on such treaties is qualitative work looking at particular regimes. In this dissertation I take the broader, global, view and can state more generally that the cautious optimism expressed in the earlier scholarship should probably place greater emphasis on the caution than the optimism. The sovereignty costs that states have paid to join these treaties have not unambiguously paid off, at least through the period of this study.

The findings presented here also speak to the literature on international law, particularly the international law of human rights. Many scholars of international human rights bemoan the difficulty of enforcing human rights treaties, and more generally the

reticence that many states demonstrate to include human rights standards in their foreign policies toward other states (e.g. Gibney 2008). However, we see here that even when an international treaty is enforced in essentially every case of violation, it still may not have a huge impact on the regulated behavior. To this extent, concern about international enforcement can be over-emphasized, and my findings support the recent moves by some scholars to examine how international law may influence the calculations of domestic actors in a variety of different ways (e.g. Cardenas 2004; Simmons 2009).

Finally, the theory proposed here adds substantially to the existing body of theory about the ways international influences may affect the calculations of those actors relevant to the staging and outcomes of coups d'état. As mentioned earlier, there is very little scholarship on the mechanisms of democratic breakdown; most scholars examining regime consolidation issues treat transitions as an undifferentiated class of events. However, Maeda (2010) and Ulfelder (2010) have shown that this is in error and that it is necessary to understand the different pathways of transition – coup, incumbent reversal, rebellion, “impeachment coup”, etc. – if we are to make further progress in understanding which domestic regimes survive. This dissertation builds on previous qualitative work and formal theory to construct a novel theory of the coup process that can serve as the starting point for further research about how and why some democracies last and others revert back to authoritarianism. As described above, understanding that question is important to the humanitarian project of pursuing international peace and the domestic protection of human rights.

CHAPTER 2: DEMOCRACY CLAUSES

To begin this study, it is first necessary to understand what sorts of agreements are being discussed. What follows is a brief overview of the most important regional regimes for the defense of democracy. The first section of this chapter reviews regimes adopted by major IGOs that require all member states to be democracies, and specify some punishment to be carried out by the membership against any state that breaches that rule. As will be seen, these regimes vary greatly in legal strength and specificity, from the very weak regime of the OSCE to the very robust African Union regime.

However, in the second section of this chapter we will see that the legal language does not necessarily co-vary with the strength of the regime itself. The previous academic literature on democracy clauses has focused on the regimes of the OAS and the AU. This literature would lead us to be cautiously optimistic about the possibility that such treaties are reducing the general likelihood of coups in their member states, but to date there has been little cross-national research, particularly quantitative cross-national research, that could determine whether this was true.

The Form of Democracy Clauses

1. The Organization of American States (OAS)

Promoting democracy has long been among the OAS's stated goals. A commitment to democracy can be found in the 1948 OAS Charter, in which Article 5 stated that American solidarity is based "on the effective exercise of representative democracy." Democracy is also discussed in the regional American human rights

framework. However, the exigencies of the Cold War ensured that these rules were largely ignored for the first four decades of the organization's existence, and when they were mentioned at all it was usually as cover for political purposes having more to do with superpower rivalry than any real interest in democracy (Farer 1996). However, the decline of the Soviet Union opened up new opportunities for the inter-American system to take an interest in the domestic politics of member States.

The OAS created its defense of democracy regime in two documents promulgated at a 1991 meeting in Santiago, Chile. The Ministers of Foreign Affairs and Heads of Delegation issued a document known as the "Santiago Commitment to Democracy and the Renewal of the Inter-American System" [hereinafter Santiago Commitment], in which they declared "their inescapable commitment to the defense and promotion of representative democracy and human rights in the region, within the framework of respect for the principles of self-determination and non-intervention." The next day the OAS General Assembly passed the second founding document of the regime, General Assembly Resolution 1080. While purporting to preserve "due respect for the principle of non-intervention," the resolution crafted a new mechanism through which the OAS could respond to threats to democracy. Under the terms of Resolution 1080, the OAS Secretary General and Permanent Council were instructed to call for an immediate ad hoc meeting of the Ministers of Foreign Affairs or the OAS General Assembly "in the event of any occurrence giving rise to the sudden or irregular interruption of the democratic political institutional process or of the legitimate exercise of power by the democratically elected government in any of the Organization's member states. . ." At such a meeting the member States were empowered to "adopt any decisions deemed appropriate, in

accordance with the Charter and international law.”

Applying such vague language proved difficult as the OAS responded to crises in Haiti (1991), Peru (1992), Venezuela (1992), and Guatemala (1993). In December 1992, the OAS General Assembly proposed a series of amendments to the OAS Charter that sought to make the powers of the OAS clearer and describe what procedures it must use to invoke them. Known as the “Washington Protocol,” the primary change was the codification of a new Article 9 to the Charter. This allowed the OAS General Assembly, upon a two-thirds vote, to suspend from the organization any member state “whose democratically constituted government has been overthrown by force.”

The Washington Protocol went into effect in 1997 after ratification by two-thirds of OAS members.⁴ However, this was not the end of the legalization of the democracy norm in the Americas. In 2001 the Washington Protocol was strengthened by unanimous adoption of the Inter-American Democratic Charter (IADC). The IADC was a resolution⁵ of the OAS General Assembly that spelled out in much greater detail a definition of democracy and steps to be followed should a threat to democracy arise in a member state. The language of the Charter substantially strengthens the OAS’s powers. Membership may now be revoked not only when a democratic government is ‘overthrown’ as provided for by the Washington Protocol, but also whenever there is ‘an

⁴ As of December 12, 2012, the following states have not ratified the Washington Protocol: Dominica, Grenada, Haiti, Jamaica, Mexico, St. Kitts & Nevis, St. Lucia, Suriname, and Trinidad & Tobago.

⁵ While not an amendment of the OAS Charter like the Washington Protocol, the IADC has special legal status as an interpretation of the Charter. When asked to comment on the IADC in the weeks before the vote on its adoption, the Inter-American Juridical Committee stated that “it would be unnecessary to amend the OAS Charter, provided that the text of the Democratic Charter explicitly states that it is setting forth an interpretation of the OAS Charter, and assuming, of course, that the Democratic Charter is adopted by consensus.” (Rudy 2005-2006, 241, quoting CJI Res. 32, para. 40, LIX O/01 (Aug. 24, 2001) in Annual Report of the Inter-American Juridical Committee to the General Assembly, OEA/Ser.Q/VI.32, doc. 79 (2001).

unconstitutional interruption of the democratic order or an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order in a member state.” This expanded language allows for OAS involvement not only in coups but also in the event of less obvious reversals like autogolpes or “incumbent consolidation” of power (Rudy 2005-2006; Arceneaux and Pion-Berlin 2007, 4).

The IADC also places an emphasis on the constitutionality of succession - a double-edged sword that came back to haunt the OAS response to crises in Ecuador and Honduras in the 2000s. Focusing on the member states’ constitutional procedures for succession the IADC removed the ambiguity involved in the word “overthrown” and took countenance of other ways democracy can be undermined. However, it also placed the OAS in the position of interpreting the constitutional law of its different member states when questionable successions occurred. This has caused some difficulty for the OAS in cases not involving transparent coups d’etat (Arceneaux and Pion-Berlin 2007).

2. *MERCOSUR*

In June 1996 MERCOSUR adopted a document called the Ushuaia Declaration stating that “fully functioning democratic institutions are an indispensable condition” to the organization (Art. 1) and that outlined procedures to be taken in the event of a “breakdown of democracy”. Per Article 5, the membership of MERCOSUR can agree by consensus to impose penalties that “may range from suspension of the right to participate in various bodies of the respective integration processes to suspension of the rights and obligations deriving from those procedures.” The Ushuaia Declaration further states that these rules apply to the associate members Bolivia and Chile as well as the full members

Argentina, Brazil, Paraguay and Uruguay.

The June adoption of the Ushuaia Declaration came shortly after an attempted coup in Paraguay in April 1996, and was a direct response to that event (Van der Vleuten and Hoffman 2010, 748). Brazil and other MERCOSUR members had forcefully resisted that coup, threatening to cut Paraguay off from regional trade benefits if General Oviedo succeeded in coming to power. MERCOSUR threatened sanctions after the adoption of the treaty in response to another constitutional crisis in Paraguay in 1999, but the crisis was resolved without a coup or reversal and no regional action was taken (ibid, 749-50).

3. The Andean Community

The Andean Community is a trade and customs union made up of Bolivia, Colombia, Ecuador, Peru and Venezuela. Its founding document, the 1969 Cartagena Agreement, called for cooperation based on ‘the principles of equality, justice, peace, solidarity and democracy’ though this last criteria did not reach the level of a requirement until 2000. In that year the Community adopted the Additional Protocol to the Cartagena Agreement. Pursuant to Article 4 of the Additional Protocol, if the Council of Foreign Ministers finds that a member State has suffered a “disruption of the democratic order”, it can adopt any of the following measures as it deems “appropriate”:

- a. Suspension of the Member Country’s participation in any of the bodies of the Andean Integration System;
- b. Suspension of its participation in the international cooperation projects carried out by the Member Countries;
- c. Extension of the suspension to other System bodies, including its disqualification by Andean financial institutions from obtaining access to facilities or loans;
- d. Suspension of rights to which it is entitled under the Cartagena Agreement and of the right to coordinate external action in other spheres; and
- e. Other measures and actions that are deemed pertinent under International Law.

4. *The European Union*

In addition to the economic integration fostered by the EU, the organization has also been a proponent of democracy and human rights. Greece, Portugal, Spain and Turkey were all excluded from the European Community in the early 1960s because of their failure to meet criteria for democratic governance (see Pridham 2002). It also adopted a rule in 1962 requiring existing member-states to “guarantee on their territories truly democratic practices and respect for fundamental rights and freedoms” (Whitehead 1986, 21; Diamond 2008, 136-137). This commitment to democracy was reaffirmed in the Treaty of Amsterdam in 1997 (Piccone 2005) and previous research has shown that the EU has had a powerful democratizing effect on both prospective and existing members (e.g. Vachudova 2005; Pridham 2008, 2009; Levitz and Pop-Eleches 2010).

Under the current European Union Treaty, the operative language regarding reversal of democracy is found in Articles 2, 6 and 7. Article 2 states:

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.

These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

Article 6(3) furthermore states that:

Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union’s law.

The enforcement clause is found in Article 7. There are two means by which a state might be sanctioned. Under Article 7(1), four-fifths of the European Council and a majority of the European Parliament can label a member state as being in “clear risk of a serious breach . . . of the values referred to in Article 2”. If this happens, Council will make recommendations to the state at issue. More serious is the procedure under Article

7(2-3). Under this procedure, a unanimous decision of the European Council and a majority of the European Parliament may determine the “existence of a serious and persistent breach . . . of the values referred to in Article 2”. If this occurs, a majority of the Council can then suspend the offending member state’s rights under the treaty, including the voting rights of that state in the Council.

The EU enforcement mechanism in Article 7 has been invoked only once, in January 2000 to impose diplomatic sanctions on Austria for the inclusion of the ultra-rightist Freedom Party in the country’s government. The EU member states agreed to freeze bilateral relations with Austria, and that no European head of state would visit Austria while the Freedom Party was in government. Furthermore the European Commission announced it would monitor the situation and implement the Article 7 suspension mechanism if necessary. These sanctions were lifted once the Freedom Party’s most extreme leaders, including nationalist Jörg Haider, stepped down in September 2000 (Van der Vleuten and Hoffman 2010, 744-45).

5. The Council of Europe

The oldest existing regime that may be considered a “democracy clause” is found in the Council of Europe. Article 3 of the 1949 Statute of the Council of Europe requires all states to uphold the rule of law and human rights, and Article 8 provides a mechanism for dealing with violations of those requirements:

Any member of the Council of Europe which has seriously violated Article 3 may be suspended from its rights of representation and requested by the Committee of Ministers to withdraw under Article 7. If such member does not comply with this request, the Committee may decide that it has ceased to be a member of the Council as from such date as the Committee may determine.

The only time the Council considered suspending a member came in 1969 as a result of a coup d'état in Greece. The European Commission of Human Rights had determined that the Greek junta had violated a variety of provisions in the ECHR (Duxbury 2011, 141) and the Council was moving towards suspension when Greece withdrew from the organization prior to a vote (Duxbury 2011, 141). When Greece reapplied for admission in 1974, the Parliamentary Assembly conditioned reacceptance on, among other things, "the holding of free parliamentary elections." The Council also threatened to apply the Article 8 procedure against Turkey following a coup in 1980, but ultimately refrained (Duxbury 2011, 141).

After the Cold War, the Council relaxed its requirements for membership as the desire "to achieve universal membership amongst European states began to overcome the desire to restrict the organisation to only those states achieving certain human rights and democracy standards" (Duxbury 2011, 145). The Parliamentary Assembly threatened to suspend Turkey in 1995 for intervention in northern Iraq, Ukraine in 1998 and 1999 under Article 8 for its refusal to abandon the death penalty, and Russia in 2000 over events in Chechnya, but did not end up doing so in any of those cases (Duxbury 2011, 152-53). No state, however, has been seriously threatened with suspension on account of failing to adequately meet the requirements for democratic governance.

6. *The Organization for Security and Cooperation in Europe*

Some ascribe to the OSCE, a group of 56 states in Europe, Central Asia and North America, the distinction of being the IGO to initiate the widespread adoption of democracy clauses after the end of the Cold War (e.g. Piccone 2005). The 1990 Charter of Paris, the founding document of the OSCE, describes adherence to democracy and human rights as a condition of membership. The democracy clause was first iterated in the *Concluding Document of the 1991 Moscow Conference on the Human Dimension*. Article 17.1 condemns “unreservedly forces which seek to take power from a representative government of a participating state against the will of the people as expressed in free and fair elections”, and directs member States to not recognize a government that comes to power by usurping a democratically elected government.

The OSCE also has two further means of assessing whether a state is backsliding on democracy. The “Vienna Mechanism” lists several different ways by which the Permanent Council can send a mission to the state in question, and then issue “recommendations” based on the resulting report. Furthermore, each year the OSCE undertakes an “Implementation Review Conference” where state representatives and NGOs may raise concerns about democratic consolidation in member states, though these conferences have tended to focus on matters general to the OSCE rather than discussing failings in any particular state (Piccone 2005, 116). It is because these enforcement mechanisms are so limited, and particularly because they do not provide for suspension from the organization, that the OSCE is not included in my list of democracy clauses mentioned earlier.

7. The African Union

The African Union presents a very interesting case when it comes to the defense of democracy. For most of their history, the OAU and its successor-organization have actively defended the prerogatives of sovereignty, being mostly concerned with colonialism and the problems of development. Africa adopted a human rights instrument later than Europe or the Americas, adopting the African Charter on Human and Peoples' Rights only in 1981. That treaty lists a right to democracy in Article 13 in language similar to the right in Article 25 of the ICCPR, but it was largely ignored by African governments that were mostly authoritarian. That said, the OAU did bar Togo from its first conference meeting in 1963 because of the illegal seizure of power by Eyadema Gnassingbe (though Togo was later admitted), and attempts were made to bar Ghana from participating in 1966 because of a coup, and Uganda in 1971 for the same reason (Duxbury 2011, 187).

The formal African defense of democracy regime began as a response to a military coup in Sierra Leone in 1997. Then OAU secretary-general Salim Ahmed Salim proposed to the OAU Council of Ministers that they request "all African countries, and the International Community at large, to refrain from recognizing the new regime and lending support in any form whatsoever to the perpetrators of the coup d'etat" (Legler and Tiekou 2010, 469; quoting OAU 1997). Declarations against governments that come to power through unconstitutional means were adopted at the OAU annual summits of 1998, 1999, and 2000 (Legler and Tiekou 2010, 470), but it was in the AU Constitutive Act that the democracy clause was codified.

Signed in 2000, the AU Constitutive Act went into effect on May 26, 2001, after

ratification by two-thirds of the member states of the OAU. The democracy clause of the AU is found in Article 30 of Constitutive Act, which states simply “Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union.” Enforcement of Article 30 occurs through two mechanisms: the AU Assembly, composed of the Heads of State and Government of the AU member states (or their representatives), and the Peace and Security Council (PSC) created by the *Protocol Relating the Establishment of the Peace and Security Council of the African Union*. The Assembly has the power under Article 23 to punish any member state “that fails to comply with the decisions and policies of the Union” and may impose sanctions “such as denial of transport and communications links with other Member States, and other measures of a political and economic nature to be determined by the Assembly.”

This has been supplemented by a further document, the African Charter on Democracy, Elections and Governance. Proposed in 2004, the Charter was adopted in 2007, and will go into effect upon ratification by fifteen member states⁶. The Charter would make several major changes to the African democracy protection regime. First, it would add an additional means of democratic usurpation that would fall under the AU’s competence: “any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government” (Art 23)⁷. Second, Article 24 would give the PSC the power to intervene in a state before an overthrow “when a situation arises in a State Party that may affect its democratic political institutional arrangements or the legitimate exercise of power.”

⁶ As of late 2011, only Ethiopia, Mauritania and Sierra Leone have ratified the Charter.

⁷ For an excellent discussion of the recent rise of coup by constitutional amendment (focusing on Latin America), see Newman 2011.

The Charter includes other important innovations. Perpetrators of unconstitutional change are not to be allowed to participate in subsequent elections to restore democratic order (Art 25(4)), and may be tried before “the competent court of the Union”, presumably the African Court of Justice (Art 25(5))⁸. The Assembly is empowered to impose sanctions on any member states that supported an unconstitutional change in another state (Art. 25(6)). States are prohibited from giving sanctuary to any perpetrators of an attempted usurpation (Art 25(8)) and are required to extradite them to the affected state or, if that is not possible, try them themselves (Art 25(9)). If it should ever receive sufficient ratifications to go into effect, the Charter will substantially increase the power of the AU to respond to threats to democracy in member states. However, even without the Charter the Assembly has substantially strengthened the regime by using its authority under Art 23(2) of the Constitutive Act to issue a declaration on February 2, 2010 stating as follows:

- In cases of unconstitutional change of Government, in addition to the suspension of the country concerned, the following measures shall apply:
- a. non-participation of the perpetrators of the unconstitutional change in the elections held to restore constitutional order;
 - b. implementation of sanctions against any Member State that is proved to have instigated or supported an unconstitutional change in another State;
 - c. implementation by the Assembly of other sanctions, including punitive economic sanctions.

...

(See Omorogbe 2011, 137 for more discussion).

All told, the combined effect of Article 30 and the February 2 Declaration make the AU one of the most legally stringent democracy clauses currently in existence. The only democracy clause to surpass it comes from another African IGO, ECOWAS.

⁸ “presumably” because there is some debate as to what this clause means; see Omorogbe (2011); Legler and Tieku (2010).

8. ECOWAS

The Economic Community of West African States (ECOWAS) began in 1975 as a trade bloc but has significantly expanded its political activity since the end of the Cold War, including the adoption of a robust democracy clause. The first expressions of democracy as a principle of ECOWAS are found in the 1991 Declaration of Political Principles, and this was formally incorporated into the ECOWAS structure itself in the revised ECOWAS Treaty of 1994, where Article 4(j) listed as a fundamental principle of the organization the “promotion and consolidation of a democratic system of governance in each Member State as envisaged in the Declaration of Political Principles.”

The experiences of applying these rules in Liberia and Sierra Leone in the 1990s likely contributed to the decision to adopt the 1999 *Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security* (1999 Protocol) and the 2001 *Protocol on Democracy and Good Governance* (Protocol on Democracy). Among other things, the 1999 Protocol created the Mediation and Security Council to make decisions on peace and security within the region. It also created three organs that make up the “mechanism”: the Defense and Security Commission, the Council of Elders, and the ECOWAS Cease-Fire Monitoring Group (ECOMOG). The Defense and Security Commission is a body that coordinates the activities of the member states’ military, diplomatic, security, police, immigration, customs, narcotics and civil protection agencies. The Council of Elders is an interesting body consisting of “eminent persons from various segments of society, including women, political, traditional and religious leaders” who are to “use their good offices and experience to play the role of mediators, conciliators and facilitators” (Art 20). Finally, ECOMOG consists of “several

stand-by multi-purpose modules (civilian and military) in their countries of origin and ready for immediate deployment” (Art 21) and is tasked with monitoring, peace-keeping, peace-building, and “other operations as mandated by the Mediation and Security Council.” Under Article 25 of the 1999 Protocol, the mechanism “shall” be applied in a variety of crisis situations, one of which is “in the event of an overthrow or attempted overthrow of a democratically elected government.”

The democracy component was strengthened in the Protocol on Democracy. After proclaiming “zero tolerance for power obtained or maintained by unconstitutional means” (Art 1(c)), the treaty sets out an extensive democracy clause in Article 45. The clause begins with the following “trigger” clause:

1. In the event that democracy is abruptly brought to an end by any means or where there is massive violation of Human Rights in a Member State, ECOWAS may impose sanctions on the State concerned.

(Art 45(1)).

The Authority - the body of the Heads of Government - is then empowered to implement sanctions against the offending state. Preliminary sanctions to be used are refusal to allow the affected state to place candidates in ECOWAS elective posts and refusal to hold ECOWAS meetings in the state, and, if necessary, suspension from the organization. However, even beyond these sanctions the Authority can, on the recommendation of the Mediation and Security Council, resort to the conflict management mechanism in the 1999 Protocol. This opens the door to a wide range of possible tools and sanctions, including the possibility of military intervention against the offending state through ECOMOG. This is the strongest enforcement scheme in any democracy clause currently in place.

9. The Commonwealth of Nations

The Commonwealth of Nations, formerly known as the British Commonwealth, was one of the first inter-governmental organizations to consider making democracy a requirement for membership. The Commonwealth consists of 54 states spread out on six continents, nearly all of which used to be members of the British Empire⁹. A commitment to democracy can be found in the 1971 Declaration of Commonwealth Principles (also known as the Singapore Declaration), and is reiterated in the Harare Declaration of 1991. The Commonwealth's democracy clause is found in the 1995 Millbrook Action Programme on the Harare Declaration. Under the Programme, in the event of an "unconstitutional overthrow of a democratically elected government" the offending state is to be suspended from meetings at the ministerial and heads-of-state level, and suspension from any technical assistance if the usurpation lasts two years. Furthermore, member states are to bilaterally refuse recognition to the new regime, and, under Section B(3), the Commonwealth can consider "further bilateral and multilateral measures" including "trade restrictions . . . and in exceptional cases suspension from the organization". Whether to implement such sanctions is the decision of the Commonwealth Ministerial Action Group (CMAG), a committee of eight foreign ministers who appraise alleged violations of democratic rule and recommend what measures, if any, should be adopted by the broader membership. (See Piccone 2005, 110).

Literature on the Implementation of Democracy Clauses

⁹ The two exceptions are Rwanda and Mozambique.

Efficacy of the OAS Regime

There is a substantial literature examining the OAS democracy regime, exploring the reasons for its development, the politics of its implementation, and, less systematically, its effectiveness in preventing democratic reversals in the Western Hemisphere. The most prominent early work was a volume edited by Tom Farer (1996) that examined the early development of the regime. The Farer volume identified more promise than effect in the nascent OAS regime, but did note that it appeared to have been at least partially effective in responding to autogolpes in Peru (1992) and Guatemala (1993) (see Remmer 1996; also Boniface 2007). Similar conclusions were reached by Valenzuela (1997), Bloomfield (1994) and Hakim (1993). Deficiencies were laid bare in the response to the Haitian crisis from 1991-1994, to the extent that the economic sanctions imposed on Haiti were poorly executed, and what limited effect there was probably favored the coup leaders because they were able to benefit from a monopoly on black-market trade (Farer 1996; Levitt 2006). However, the political condemnation of General Cedras was swift and uniform within the OAS. A more impressive showing came in response to the coup in Paraguay in 1996. The international reaction to General Oviedo's coup, with joint condemnations from the OAS and MERCOSUR, and coordinated pressure from the United States and Brazil, has been cited as important to the coup's failure (Pena 1997; Munoz 1998; Diamond 2007).

The 2001 Inter-American Democratic Charter has been invoked four times. Twice member states have invoked Article 18 which allows states to invite the OAS Secretary General to conduct an investigation when "situations arise in a member state that may affect the development of its democratic political institutional process or the

legitimate exercise of power.” This occurred in Ecuador in 2005 and in Nicaragua in 2005.

In Ecuador, President Lucio Gutierrez was “impeached” on April 20, 2005 for “neglecting his constitutional duties” by a special session of Congress (a procedure not provided for in the Ecuadoran Constitution) after Gutierrez attempted to replace most of the judges of the Supreme Electoral Council, the Constitutional Tribunal, and the Supreme Court (also not permissible under the Ecuadoran Constitution) (Levitt 2007, 231-32). A struggle for power ensued that ended with Vice President Alfredo Palacio assuming the presidency and Gutierrez fleeing into exile in Brazil by the end of the same day. Interestingly, at least one source claims that during the uncertainty of the April 20 political machinations, the military leadership considered imposing a military government, but they were dissuaded “only when foreign governments made it clear that this would be unacceptable in view of the commitment to democracy by important allies and the OAS” (Levitt 2007, 233, quoting Bruneau 2006).

Under pressure from the OAS, the new Ecuadoran government extended an invitation for an OAS mission to assess the situation, which arrived on April 26. By then, the tumult had ended, and the mission’s only action was to issue a report that suggested several institutional reforms and the initiation of a national dialogue of reconciliation in Ecuador (see Levitt 2007, 236-37). Even this minimalist response was decried by the new Ecuadoran government as an infringement on its sovereignty, though it appears that most of the other member states were nonplussed by this argument (see Levitt 2007).

In Nicaragua President Enrique Bolanos invoked Article 18 after domestic political opponents passed legislation stripping him of prosecutorial immunity and

attempting to have him jailed on corruption charges. This again resulted in an OAS mission and report, though there is some evidence that Bolanos retained power in part because of the threat that Nicaragua could be punished by the international community for a breach of democratic order (Boniface 2007, 53). The experiences of the OAS's implementation of Article 18 led Rudy to argue "As the examples of Nicaragua and Ecuador show, the Democratic Charter can be a preventative diplomatic device that may put anti-democrats on the defensive." (Rudy 2005-2006, 248).

The "democracy clause" component of the IADC in Article 19 has been invoked twice, in response to coups in Venezuela in 2002 and in Honduras in 2009. In the Venezuelan case the OAS response was slow and the outcome was quickly decided by domestic factors, particularly serious miscalculations by the coup leader Pedro Carmona in the consolidation phase. However, the OAS may have had some ancillary influence (Cooper and Legler 2006, Chapter 6). It is difficult to know whether it would have been more important to the outcome if Chavez had not been able to retake power so quickly.¹⁰

In the Honduran case the mechanism appeared to operate as intended. Honduras was suspended from the OAS shortly after the coup and member-states imposed a range of sanctions against the new Micheletti regime (Legler 2010). Nevertheless, the regime stayed in power until the next elections, which were used to consolidate its position (see Legler 2010 for an analysis).

But this is not to say that these were the only opportunities for the OAS to exercise its defense of democracy regime in the last two decades, and this issue is where most scholars of the regime have focused their efforts. Boniface (2007) counts 19 incidents between 1990 and 2005 that involved substantial constitutional irregularities of

¹⁰ Chavez was displaced from power for only about 36 hours (Cooper and Legler 2006, 114).

the sort broadly contemplated by the Santiago Commitment; McCoy (2006) counted 70 country-years of “internal sources of democratic crisis in Latin America and the Caribbean” for the same period. But the OAS has exercised Resolution 1080 and the IADC selectively, responding formally (if not always effectively) in cases like Haiti (1991), Venezuela (2002), and Honduras (2009), but relying on informal measures in response to events like those in Ecuador (2000), Bolivia (2003), and Haiti (2004) (Boniface 2007). There is consensus among the scholars of the OAS that the selectivity is tied to the nature of the crisis. Arceneaux and Pion-Berlin (2007) say “the clarity of the threat to democracy acts as a ‘gatekeeper: when the threat is unambiguous the OAS acts decisively; but as clarity diminishes, OAS willingness to intervene varies and depends on other factors,” particularly whether the state’s civil society effectively demands international help, and on the foreign policy interests of the United States (Arceneaux and Pion-Berlin 2007, 2).

When the threat to a democratic order is clear and grave, as in the case of a coup or coup attempt, it is much easier for OAS members to summon the will to act, because they immediately understand what is at stake for them as well as for the afflicted nation. . . . Where the threat is lower, more ambiguous, or in dispute, a commitment to act is harder, though not impossible to achieve.

(Arceneaux and Pion-Berlin 2007, 9).

Similar views are held by Levitt (2006), Cooper and Legler (2006), McCoy (2006), and Boniface (2007). Writing prior to the Honduran episode, Boniface said “in marked contrast with the Cold War period, classic coups d’etat have now become effectively proscribed as a legitimate means of domestic political change” (Boniface 2007, 54), though he noted the difficulties in responding to the Ecuadoran (2000) and Venezuelan (2002) crises. But when the case is not so clear cut, when the contending parties all have some claimed constitutional justification for their actions (however

weak), this makes OAS intervention both much more difficult and less likely to occur. There are several different reasons proposed for this distinction. Levitt highlights the lack of an authoritative interpretation of what constitutes an “unconstitutional interruption of democratic order,” and argues that this vagueness restricts the effectiveness of the IADC to only the most transparent cases (Levitt 2006, 97). He also points to the collective action problem between enforcing member states (Levitt 2006, 98). McCoy (2006) additionally points to “fear of reciprocal intervention when flaws in one’s own state are identified by outsiders; fear of offending an important neighbor; and ‘veto’ power of the affected state or another member-state in an organization that practices consensus decision-making” (McCoy 2006, 769).¹¹

All in all, the performance of the OAS in protecting democracy since the creation of its defense of democracy regime has been mixed, though the chief distinction between cases of strong versus weak implementation appears to predominantly be the nature of the crisis rather than the geopolitics of the situation (the American response to Venezuela 2002 being a notable exception to this). This suggests the regime is working to harness the foreign policies of the OAS member states to protect democracy, at least in the transparent cases of coups d’etat. As Boniface said:

I conclude that OAS actions have had an immediate but short-lived positive impact. In short, a dispassionate summary of OAS practice might be as follows: it is a relatively weak organization doing an imperfect job of promoting a rather limited notion of representative democracy. Yet, in spite of all its weaknesses, the OAS still makes a contribution to the promotion of democracy that would be impossible without it.

(Boniface 2007, 43).

¹¹ It is in response to these difficulties that the OAS has additionally developed a range of informal procedures as well (Boniface 2007), in particular the “mesa,” a high-level OAS mission acting as a broker between parties that was used to good effect in Peru (2000) and Venezuela (2002) (Cooper and Legler 2005). These informal mechanisms are beyond the scope of this dissertation, but should not be discounted when considering the overall effectiveness of the OAS in democracy promotion.

Assessing the AU Regime

The AU has the world's most robust defense of democracy regime, and it has been exercised fairly consistently, at least in response to coups. In fact, the AU has suspended every member state that underwent a successful coup d'état since 2003: Guinea-Bissau and Sao Tome and Principe in 2003, Togo in 2005, Mauritania in 2005 and 2008, Guinea in 2008, Madagascar in 2009 and Niger in 2010. This is an impressive level of enforcement for any international treaty, but particularly for one where sovereignty issues are at play. Legler and Tieku (2010, 474) argue that this represents a successful institutionalization of a norm that coups cannot give rise to legitimate governments. Omorogbe (2011, 138) tentatively agrees, though he believes AU action has been aimed predominantly at protecting incumbents, not democracy. Another observer of Africa Politics, McGowan (2006, 242), states the AU regime may well deterred militaries from plotting and attempting some coups.

This is not to say the AU's regime has been flawless in protecting democracy from overthrow. In the cases of Guinea-Bissau, Togo, Mauritania and Guinea, the candidates favored by the usurpers won the elections that were designed to "normalize" democracy. After re-admitting the first three states, the AU decided to no longer allow this practice in the case of Guinea, and has to this date refused to lift its suspension.

The case of Guinea shows the evolution of the AU policy against coups. Whereas its response to the coups in Togo and Mauritania allowed a coup outcome to be validated, on this occasion, the AU's support of mediation was instrumental in barring members of the junta from the election of June 2010. It is [end of 148] significant that it was during the events in Guinea that the AU Assembly adopted its Decision of February 2, 2010, not to allow perpetrators of unconstitutional change to participate in elections held to restore constitutional order. While the AU, so far, has not been successful in achieving a return to constitutional government in Guinea, its policy prevented the legitimization of the coup of 2008.

(Omorogbe 2011, 148-149).

Legler and Tiekou (2010) have also been critical of the AU's low standard for re-admitting states, but this criticism was primarily leveled at the cases of Togo and Mauritania.

Why has the regime been effective, at least at the level of formal execution?

Legler and Tiekou point to the origins of the regime. Unlike the state-driven process that led to the creation of the OAS democracy regime, the AU regime was created largely because of the work of OAS bureaucrats and civil society actors within Africa. These actors preferred legalistic and indeed mechanistic enforcement mechanisms rather than the more discretionary approach used in the OAS. Consistent with the legalization literature (Goldstein et al 2000; Chayes and Chayes 1995), they argue that this more precise delimiting of options in the event of a coup d'état made it difficult for the AU to do anything but suspend the offending state when an overthrow occurred:

Unlike the OAS practice of exhausting all possible non-confrontational diplomatic measures before suspending a member state, in the African context a coup automatically triggers suspension. Additionally, the affected state cannot rejoin the AU club until elections have been organized and constitutional order restored. This mechanical operation of the regime has made it less prone to political manipulation.

(Legler and Tiekou 2010, 478).

Conclusion

This chapter has aimed to provide a base of knowledge about the regional IGOs that have adopted democracy clauses, what the content of these treaties is, and how that content varies. As can be seen, democracy treaties vary in their form and their stringency. One of the most interesting patterns that emerges from this variance is that

stricter democracy clauses tend to be adopted in regions where the threat of coups is greatest. This makes sense given the “lock in” logic of Farer, Moravcsik and others who argue that these and other human rights treaties are often pursued by democratic leaders seeking to buttress their positions against domestic authoritarian political opponents.

The next chapter develops a theory of how democracy clauses could work. This requires some novel theorizing because the standard theories of international legal efficacy, based on state interests and normative suasion, do not work well in the context of treaties that are ultimately aimed at dissuading activity by sub-state, would-be authoritarian, actors. However, Chapter 3 will demonstrate that it may still be possible for democracy clauses to influence the rational calculations of coup leaders and thereby influence the stability of their member-states.

CHAPTER 3: A THEORY OF DEMOCRACY CLAUSES

This chapter describes the ways regional defense of democracy regimes may be able to contribute to the lock-in of democracy in their member states. The theory proposed here examines the interests and incentives of those persons who might be interested in overthrowing a government by coup d'état, and describes ways that democracy clauses may impact them. It is a rationalist, actor-oriented theory that proposes that democracy clauses influence the coup process in two primary ways. Democracy clauses may make it more difficult for coup leaders to assemble a minimally sufficient coup conspiracy to launch the coup, and democracy clauses may make it more difficult for coup leaders to consolidate their authority immediately after the coup by decreasing the likelihood of public acquiescence. Potential coup participants, anticipating these effects, may choose to forego coups as a result, and those coups that are attempted may be more likely to fail. Furthermore, these influences could force coup plotters to adopt tactics to cloak their actions in a veneer of democratic legitimacy, such as the inclusion of legislative, judicial and civil society actors in the coup coalition, or to retain the pre-coup constitution so as to create the appearance of compliance with its requirements rather than subversion. If these effects do play out, this would signify a substantial change to the political environment for democratization in those states subject to democracy clauses.

Before introducing the theory, two issues need to be addressed. First, this dissertation looks at the influence of democracy clauses on only a subset of regime reversals: coups. As explained below, there are several theoretical reasons for taking this approach. Second, a brief review of the causal mechanisms often attributed to international law's influence on domestic politics will help situate the theory that follows.

Focusing on Coups as a Subset of Democratic Reversals

Most of the major empirical works in the democratic consolidation canon have treated democratic reversal as a single, undivided concept. Linz (1978), Linz and Stepan (1996), Przeworski et al (2000), Boix (2003), Acemoglu and Robinson (2006), Cheibub (2007), Ulfelder and Lustik (2007), Svobik (2008), etc. all treat reversal as a dichotomous variable that either occurs or does not. All of these works investigate whether some variable(s) – economic, cultural, institutional, etc. – impact the likelihood that democratic institutions will be replaced with either less-democratic institutions, or unambiguously autocratic institutions. The problem with this is that there are different kinds of democratic reversal that follow different pathways and are conducted by different kinds of actors. A coup is a different phenomenon than an autogolpe or a revolution or a gradual consolidation of incumbent advantage. The failure of most existing consolidation literature to recognize these distinctions has led to an overemphasis on correlation and an under-appreciation of causal mechanisms.

These points were illustrated by Maeda (2010). He replicated some of the most prominent democratic consolidation studies, with one change: he divided reversals into two broad categories: exogenous (e.g. coups and rebellions) and endogenous (e.g. autogolpes and election fraud). As he argued:

These two types of termination are different in many ways, most notably in that the actor that initiates the transition is usually the military in exogenous terminations, whereas it is the chief executive in endogenous terminations. They are also different in that the incumbent chief executive loses power in exogenous terminations but stays in office following endogenous terminations. It is thus reasonable to consider that the two paths are facilitated by different factors although this consideration is presently untheorized in the literature.

(Maeda 2010, 1130).

And so it turns out. Maeda showed that a more nuanced understanding of influences on democratic consolidation emerges than when treating all reversals as the same. He found, for example, that high levels of economic development and high levels of growth both reduced the likelihood of exogenous breakdowns, but had no influence on the likelihood of endogenous breakdowns. Moreover, the presence of presidential or mixed institutions had no influence on the likelihood of reversal by coup or rebellion, but they substantially increased the likelihood of endogenous reversals. Ulfelder (2010) had similar findings. Through a combination of statistics and case studies he shows that the great majority of democratic reversals occur by way of coup d'état and that the failure to include the military in previous theory had significantly obscured our understanding of the consolidation process. The combined case is persuasive: in order to understand democratic consolidation we have to consider different mechanisms of reversal.

This study focuses on coups, rather than other mechanisms, for three reasons. First, the overwhelming majority of democratic reversals occur by way of coup. Depending on what definition of “coup” and “reversal” one uses, somewhere between half and 80% of all reversals in the post-World War II era occurred by coup. (e.g. Ulfelder 2010, 60; Powell and Thyne 2011; Cheibub, Gandhi and Vreeland 2010). If democracy clauses work to substantially reduce the number of coups, or if they make attempted coups less likely to succeed, this would be a significant step toward preventing the reversal of the large number of unconsolidated democracies that emerged in the Third Wave of democracy. Second, as described in the previous chapter the language and legislative history of most regional defense-of-democracy treaties makes clear they are aimed predominantly at coups. Third, a coup is a relatively transparent event. It is often

difficult to identify when or if a state slips from unconsolidated democracy back to autocracy by way of “endogenous reversal.” As previously described, this difficulty has led at least some regional IGOs to focus their enforcement efforts on coups (e.g. Arceneaux and Pion-Berlin 2007). This means that if democracy clauses are not successful at stopping coups, for which they are relatively well-designed to address, we can also expect that they are not likely to be successful at stopping other reversals.

Mechanisms of International Law

A theory of democracy clauses needs to take into consideration the existing theories of the efficacy of international law, but one discovers that these theories do not easily apply to this kind of treaty. This section will briefly review theories based on state interests, norms, and legal process, and show that each of these contemplates different kinds of international legal arrangements than we see in the case of regional democracy regimes.

Regarding interests, some have argued that even if one accepts the realists’ assumption that states are rational self-interested power maximizers, there are still good reasons why states would support the creation of international legal rules and regimes, and comply with them. It is at least occasionally in a state’s self-interest to cooperate with other states to achieve mutual goals, but negotiating the terms of that cooperation imposes transaction costs on the participants. The creation of international law reduces those transaction costs by eliminating the need to haggle over every particular interaction (e.g. Keohane 1984). Moreover, states have good reason to comply with legal regimes so created because non-compliance can produce like behavior from other states (reciprocity), punishment if the non-breaching parties are sufficiently aggrieved

(retaliation), and make it more difficult to convince other states to enter into such agreements in the future (reputation) (Guzman 2008).

These interest-based approaches do not work well in the case of human rights treaties because enforcement requires a state to take actions outside the bounds of treaty obligations (Simmons 2009, 116-25).¹² If State A reneges on a trade pact by raising tariffs, State B can punish A by raising B's own tariffs. If State A reneges of a human rights treaty by suppressing freedom of speech, State B cannot punish A by clamping down on speech in its own borders. To punish a human rights offender requires an enforcer to impose a sanction that is unrelated to the subject matter of the treaty, something that states are often reticent to do because this can influence relations in other areas of cooperation like trade or security. The same problem afflicts democracy clauses.

There is a bigger problem with interest-based theories in that they are focused on the interests of the state qua state. States wish to maintain their reputations for compliance with international law because it preserves their access to mutually beneficial cooperation with other states. But *who*, precisely, benefits? As government is a distributional enterprise, those who control it have the capacity to implement their favored distributions, and those outside of government must accept less-favored distributions. When a regime is overthrown, one incumbent government is replaced with another, and the members of the new government will enjoy substantial benefits from being able to impose their favored distributional policies. It is at least possible, and in fact almost certain, that any losses experienced by coup leaders resulting from breaching a democracy treaty will be more than adequately compensated for by gaining access to

¹² While it is debatable as to whether democracy clauses are human rights treaties, it is clear that both kinds of treaty share this problem. Furthermore, a right to democracy is found in both the Universal Declaration of Human Rights (Art. 21) and the International Covenant on Civil and Political Rights (Art. 25).

the privileged position in the government.

For most international law, the imperative or admonition of the law is directed at the state. The law instructs state actors to behave in specified ways, or it instructs state actors to use their domestic power to force private actors within their jurisdiction to behave in specified ways. However, a violation of a democracy clause occurs when a domestic actor engages in an activity the state actor is powerless to stop. This is not an instance where a treaty signatory will fail to meet its treaty obligations because of lack of political will to enforce the treaty. Every incumbent regime faced with usurpation will have the will to resist; the question is whether it has the capacity. Some scholars of international law have raised the issue of capacity in compliance, whether in regulatory regimes (Chayes and Chayes 1995) or regarding human rights (Englehart 2009), but this problem arises in a particularly acute form in the context of democracy clauses.

Another mechanism attributed to international law, especially international human rights law, is the power of international norms to persuade political actors to act in ways congruent with the norms. The essence of the persuasive mechanism is that “actors are consciously convinced of the truth, validity, or appropriateness of a norm, belief or practice . . . and ‘change their minds’” (Goodman and Jinks 2004, 635). This is based on the view of Wendt (e.g. 1992; 1999), Finnemore (1996), Checkel (2001; 2005), and others that the very idea of “self interest” is contingent on the identity of the actor in question. If a norm changes the way an actor thinks about his or her identity, it will change the way s/he conceives of self-interest and therefore change the ends sought after and means considered appropriate for their pursuit. It does not constrain actors from pursuing certain preferences so much as change the preferences they pursue (Finnemore

1996, 5-6).

There are two reasons the norm-based identity change mechanism would probably not work well for democracy clauses. The first is based on the likelihood that not all actors are equally influenced by normative suasion. There is probably some distribution within any given population of the susceptibility of individuals to normative influence, and the sorts of people who would contemplate a democratic reversal are precisely those least likely to be so influenced. It is an example of a selection effect. The strongest influence of whatever normative power democracy clauses might have would be seen in the behavior of those least likely to violate them in the first place, and vice versa. It is a problem that democracy clauses share with human rights treaties. Scholars like Neumayer (2005), Hafner-Burton and Tsutsui (2007), and Simmons (2009) have argued (and demonstrated) that human rights treaties have little or no influence on human rights outcomes in authoritarian states because those states sign them with no intent of compliance.¹³ Moreover, democracy clauses are similar to human rights treaties in that they attempt to influence the ways that some domestic actors maintain and maximize their own political power. Since coups are just as important to the interests of some domestic actors as suppressing free speech or state terror can be, there are strong incentives for those actors to ignore international agreements.

Secondly, no regional IGO (with the exception of the Council of Europe) has adopted a democracy clause without previously being subject to some other international democracy norm. These treaties are relatively new, and follow on earlier, normatively powerful international agreements that enshrine a human right to democracy: the

¹³ In fact, Hathaway (2002) found a slightly higher propensity for violations of the Convention Against Torture (CAT) and the ICCPR among ratifiers than non-ratifiers.

Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.¹⁴ When one considers the empirical evidence that parties to the ICCPR are no more likely to avoid democratic reversals than other states (Ulfelder 2008, 286), it becomes hard to conceive how the *normative* power of democracy clauses could produce a difference. This is especially true when one considers that one of the factors that constructivists often stress is the length of time that actors can interact with a norm and internalize its prescriptions (e.g. Risse, Ropp and Sikkink 1999, 5-7).

The last major family of mechanisms for the efficacy of international law are the “process schools,” divided between horizontal legal process (e.g. Chayes and Chayes 1995) and vertical legal process (e.g. Koh 1997). Horizontal legal process, also known as the managerial approach, proposes that “maintaining compliance with treaties at an acceptable level is an iterative process of discourse among the parties, the treaty organization, and the wider public” (Chayes and Chayes 1995, 25). The chief norm in this process is the legal doctrine of *pacta sunt servanda* (“agreements are to be obeyed”), and as relevant actors interact on issues related to an international legal regime, they will usually attempt to conform their behavior to its requirements. Even when they may wish to deviate from a rule, they will usually attempt to make their behavior justifiable under the terms of the law, which can curb or narrow the range of behaviors available to them and induce at least partial compliance.

Vertical legal process takes this one step farther to argue that not only do governmental actors engage in this interactive process with representatives of other states, but also with domestic actors in their own state (e.g. Henkin 1979; Koh 1997). Koh emphasizes the need for states to “internalize” international legal rules in their

¹⁴ Articles 21 and 25, respectively.

domestic politics, most importantly when the de jure political institutions of a state – executive, legislative, and/or judicial – adopt the international legal rule and transform it into a domestically enforceable rule (Koh 1997, 2654-55). When domestic actors then have to interact with the domestically-adopted international rule, the identity-reconstituting process described by the constructivists is strengthened, and compliance therefore also strengthens.

These mechanisms do not fit democracy clauses very well either. The process approaches are principally concerned with incumbent members of the regime. It is the repeated interaction of government officials with the norm in the international context that is supposed to lead to changes in those officials' identities and/or behavior. However, the persons whose behavior must be changed for a democracy clause to be effective, at least in the context of coups d'etat, are outside the incumbent government and are not usually in a position where they have this kind of interaction with the requirements of the international democracy regime.¹⁵ At the very least, such actors would have a more attenuated connection with the international regime than the sorts of actors the authors of these theories had in mind, making a democracy clause a "least likely" case for such mechanisms to work.

However, the legal process schools do provide a starting point for thinking about the way democracy clauses might work by putting the focus squarely on domestic political actors as they pursue their goals in the political arena. As Elster (2007, 36) says, "[i]n the social sciences, a satisfactory explanation must ultimately be anchored in hypotheses about individual behavior." Using this frame I identify a theory of how actors

¹⁵ It is true there is in NATO at least one military pact with a democracy norm, but NATO has not yet adopted a democracy clause, and the treatment of Greece and Turkey in the Cold War period show that the norm has been at best secondary to other goals (see Piccone 2005).

not involved in the “process” of the application of international law can still be influenced by the law while making their political calculations. This is the subject of the next section.

A Theory of Coups and Democracy Clauses

A coup d’etat is a complex social event. To succeed, the coup conspirators must coordinate – in secret – the activities of a large number of people, who often have conflicting interests, to launch a well-timed strike at those who hold the power of the state. They must prevent the incumbent government from coordinating a response, and they must convince relevant third parties like the business community, mass public, and international community to accept the result afterwards. This is not an easy thing to do. It is therefore no surprise that both the Powell and Thyne (2011) dataset for coups d’etat and the Marshall and Marshall (2009) dataset show that almost half of the coup attempts in the post-World War II era have failed.¹⁶

There are two primary ways democracy clauses could influence the likelihood of coups d’etat. Democracy clauses may make it more difficult for coup leaders to assemble a minimally sufficient coup conspiracy to launch the coup, and democracy clauses may make it more difficult for coup leaders to consolidate their authority immediately after the coup by decreasing the likelihood of public acquiescence. If these hold, then we could anticipate that there would be three observable effects. First, potential coup leaders would anticipate the potential influence of democracy clauses, and the increased likelihood of failure would make them less willing to attempt coups. The consequence would be that states subject to democracy clauses would experience fewer coups

¹⁶ See also Luttwak 1969, Appendix C.

attempts. Second, the influence of democracy clauses could make it more likely that coups attempted in their member states would fail. Third, the tactics used by coup leaders could change as they attempt to avoid the adverse impacts of democracy clauses by cloaking their actions with justifications of constitutional legitimacy. When the displacement of a sitting executive is arguably constitutional it makes it less likely that IGOs will interfere because such groups do not appear to want to be in the position of parsing the succession requirements of their member-states' constitutions (Arceneaux and Pion-Berlin 2007). Furthermore, by claiming action compliant with the constitution, usurpers may be able to reduce or impede the increased collective action hypothesized above because the resulting ambiguity about the size of the threat to regime (not the government) might lead fewer people to be willing to pay the costs of participation in public opposition (Weingast 1997). Each of these points will be explained in more detail below. This chapter will focus on organizing coup conspiracies and coup consolidation, and each of the hypotheses will be described further in the chapters devoted to them.

The Coup Conspiracy Process

A review of the literature shows there are several points in the coup process that are particularly difficult to navigate, most prominently the assembly of the initial coup conspiracy (sometimes called *trabajos* and *compromisos* in the Latin American context),¹⁷ and consolidation of authority over the state apparatus in the days immediately after the coup. As the most difficult parts of a coup these are the components that are most influential on its ultimate success. The stages of *trabajos* and *compromisos* (in English “tasks” and “compromises”) consist in identifying the persons that will

¹⁷ E.g. Farcau 1994.

participate in the overthrow, what tasks they will perform during the coup, and what spoils each of them will receive after power has been achieved (Farcau 1994). At least one commentator has stated that, more than any other phase of the coup process, it is the assembly of a sufficient coup conspiracy that decides whether a coup will be successful (Farcau 1994, 15).

The difficulty arises because this process is governed by the rules of an assurance game that has significant rewards for defection and severe penalties for failure (see Sutter 2000). An assurance game is a kind of collective action problem in which multiple actors must cooperate to achieve some collective goal, and it is only rational for any individual actor to cooperate if s/he believes a minimally sufficient number of other actors will also cooperate (e.g. Sen 1967). Rousseau's stag hunt is a classic example. The hunters will achieve greater payoffs by cooperating to bring down the stag, but if any of them believe that any of the others may not cooperate, it makes no sense for the individual to participate in a venture destined to fail. The same kind of calculation occurs when an actor is considering participating in a coup. If that person participates, and all other relevant actors participate, then the coup will succeed. However, if the actor chooses to participate and enough others choose *not* to participate, that colonel and the other participants could be left out to dry.

This assurance game is further complicated by three important dynamics: that building the coup conspiracy must be conducted in secret, that any participants will suffer significant losses if the coup fails, and that there are significant gains available to any approached actor who betrays the plot to the authorities.

Secrecy is easy to understand. It is well-established that collective action problems are more difficult to “solve” when communication between actors is impeded (e.g. Axelrod 1984). While military officers sometimes have a level of collegiality that allows them to discuss the prospects of a coup between themselves, such discussions are always delicate (Farcau 1994, 99-110), and can be further complicated by the possibility that a broaching of such matters could be part of a government-led “sting” to test the loyalty of a military officer. The inability for potential participants to openly discuss the possibility of successfully assembling a coalition capable of solving this assurance game is therefore a significant barrier to coup success.

Second, coup failure can be disastrous for any participating military officer. Membership in a coup conspiracy constitutes treason, even regardless of whether the coup is ever actually attempted, with concomitantly severe consequences for individuals implicated should the plot be foiled. At best, being exposed as a member of an unsuccessful coup conspiracy will result in a ruined career with no real possibility of promotion or other advancement. At worst, members could be executed as punishment and as a deterrent against other potential usurpers (Farcau 1994, 107). This obviously creates a strong incentive for officers approached about a possible coup to demure unless there are strong reasons to believe the coup will be successful.

This is only exacerbated by the third complication, which is that all approached officers know that other people with knowledge of the conspiracy may have incentives to betray the plot to the authorities. Whistle-blower(s) can bolster their standing with the incumbent government and potentially enjoy promotion as a result. The risk of this only increases as more members join the conspiracy. Conspirators face an important dilemma

in assembling a minimally-sufficient coup conspiracy. On the one hand, coup leaders want to have as large a force as possible at their disposal to increase the likelihood of success. “The more men, tanks, guns, and so on, the plotters can amass, the better for them. . . . A coup d’etat is largely a psychological operation; the larger the force the plotters can put into the streets, the less likely determined opposition will be” (Farcau 1994, 50). However, as more people become involved the more likely it becomes that the plot will cease to be secret, whether because of carelessness on the part of some conspirator, or because some conspirator will decide it is in their own self-interest to betray the plot to the government (Farcau 1994, 110). The knowledge of this fact may create a security dilemma between the members of the conspiracy, wherein the possibility that someone else may “turn state’s evidence” could lead an otherwise committed conspirator to expose the plot first in anticipatory self-defense. Every military officer approached about the possibility of participating in a coup has the option to either join the coup (thereby increasing its likelihood of success), or denounce the plot to the authorities and earn the benefits of showing loyalty to the government, perhaps with promotion to the positions vacated by the newly-disgraced conspirators.

The combined effect of these three complications is that the choice to join such a conspiracy is only rational when the participants can expect substantial rewards for participation and a good likelihood of success. These are two aspects of the coup process that could well be impeded by the presence of a democracy clause. Among the most important rewards of participation are likely material resources (see Farcau 1994, 139), i.e. will participation in the coup lead an individual officer to be better off than they were beforehand? Suspension from a regional organization by operation of a democracy

clause is almost always accompanied by suspension of foreign aid, loans, and even trade (See e.g. Boniface 2007, 50-51; Duxbury 2011, Chapter 4). For example, the international response to the 1993 autogolpe in Peru led to the suspension of more than \$1 billion in loans and aid (Parish and Peceny 2002, 240). More recently, the Honduran government lost access to at least \$320 million in aid and loans in the six months between the June 2009 coup and the subsequent November election (Economist 2011; see also Legler 2010). This required the Honduran government to finance government spending by issuing public debt, mostly to domestic creditors, at rates far higher than would otherwise have been the case. The Economist reported in 2011 that repaying the principal on this debt “will cost Honduras 1-2% of GDP each year until 2015” (Economist 2011). The Malian coup of March 2012 resulted in its neighbors enforcing a complete embargo on the movement of all non-humanitarian goods into or out of the country (see Chapter 6, *infra*). Beyond specific cases, Hufbauer, Schott and Elliot (1990) found that the imposition of sanctions on a state led to economic losses of between 1%-2.5% per year, on average, for the years between World War I and 1990, substantial amounts of money, and the decline of global ideological conflicts has probably only increased these effects. This predictable diminishment in material resources available to a coup-based regime could make it difficult to credibly promise potential coup conspirators that they will receive large material rewards for participation. Moreover, even if a particular conspirator is not motivated by money, or can expect to be insulated from the effect of sanctions, the knowledge that other conspirators might be inhibited by reduced rents could bring the assurance game into play and cause them to abstain from the coup plot.

To be clear, it is surely not the case that democracy clauses eliminate the material benefits of autocratic rule. It has been well-demonstrated that autocrats are frequently able to insulate themselves from international sanctions, or even see their positions strengthened by such measures (e.g. Drezner 2011). However, there is an important distinction between a sanction leveled at an incumbent leader and a potential sanction to be applied against a potential usurper. This stems from what Bueno de Mesquita et al (2003, 59) call “the challenger’s commitment problem.” In order for coup leaders to convince military officers and relevant civilian sectors to join the coup coalition, they must promise them benefits in excess of what they currently receive from the incumbent government. However, once in office, an autocrat can easily choose not to fulfill that promise, and cannot credibly promise otherwise before the fact. This creates an incentive for all actors who benefit from the current regime, however directly or indirectly, to not join a coup plot. The theory offered here is that this problem for the challenger could be exacerbated by a predictable international response that would decrease the total amount of resources available to the government. If there will be fewer resources to spread around, the likelihood that any individual conspirator will be cut out of substantial gains only increases. Material expectations could therefore shift from some higher level to some lower level, and could dissuade some potential coup conspirators. Moreover, when potential conspirators consider this, and consider that all other potential conspirators are making the same calculations, the dynamics of the assurance game could exacerbate this problem and make it less likely for a coup plot to get off the ground.

The Coup Consolidation Process

The second mechanism proposed here is that democracy clauses could lead potential coup conspirators to anticipate that the international reaction may reduce the likelihood of coup success by making it more difficult to consolidate power immediately after toppling the incumbent government. Luttwak (1969, 168) places great emphasis on how precarious this stage of a coup can be, in which the coup participants have little more than purely physical control over certain parts of the state apparatus. He argues that coup success requires that at this stage the coup leaders “freeze” the political situation and wait for key elements of the bureaucracy, civil society, and business community to accept the transition as a *fait accompli*. Any incident that evidences resistance to the new regime could undermine this process of acquiescence, and “even one well-organized demonstration, or a well-timed strike, could pose a serious threat to the coup in the delicate transitional phase” (Luttwak 1969, 130). It is for this reason he goes on to say that “[t]he masses have neither the weapons of the military nor the administrative facilities of the bureaucracy, but their attitude to the new government established after the coup will ultimately be decisive.” (Luttwak 1969, 173; for a similar argument, see Farcau 1994, 139-142).

The theory here proposes two ways democracy clauses might increase the likelihood of resistance to a coup d’etat. The first is that the possibility of economic dislocation resulting from international sanctions could lead certain actors who would otherwise be relatively indifferent to the usurpation to actively oppose the coup. It is, after all, the logic of sanctions to impose pain on some portion of a regime’s constituency in the hopes that this affected group will somehow influence the regime’s leadership to

make some change desired by the sanctioning state (see e.g. Marinov 2005). Those whose livelihoods depend on imports or exports could suddenly find themselves with interests deeply contrary to the new regime, which might well have not been the case before the promulgation of the treaty.

There is support in the existing literature for the adverse effects of sanctions on domestic political stability. Marinov (2005) found that implementation of sanctions against a state during the period 1947-1999 increased the likelihood that the incumbent leader would lose power during the sanctions episode by 28%. The study that most closely examines the mechanisms by which this happens, Allen (2008), offers strong support for the theory offered here. Allen found that there was a substantial increase in the likelihood of both anti-government demonstrations and riots in states subject to sanctions. In her study, states under international sanctions were about 75% more likely to experience demonstrations, and about 31% more likely to experience riots, on average, than were other similar states (Allen 2008, 935). It is interesting to note that she finds that this increased likelihood is particularly strong in states with Polity scores of -3 or higher, which roughly corresponds with that category of states that might be called unconsolidated democracies.

It is true that sanctions against authoritarian states sometimes have the result of strengthening the position of autocrats. Both Marinov and Allen found moderated effects for authoritarian regimes. Escriba-Folch and Wright (2010) found that the imposition of international sanctions slightly increased the survival rate of military and single-party regimes, though they also found that they significantly decreased the survival rate of personalist regimes. However, it is important to note that the theoretical reasons offered

for this have to do with the power of entrenched regimes to withstand shocks by relying on their institutional capacity to extract domestic rents and repress domestic opposition (see Escriba-Folch and Wright 2010, 355). In the context of coup consolidation, that institutional capacity is at best inchoate. This is related to the challenger's credibility problem described above. Members of the coalition necessary to consolidate power may be less willing to engage in these extraction and repression behaviors when the coup leadership is not yet firmly in power.

Second, democracy clauses could increase the likelihood of resistance by delegitimizing the new leadership and adding to the legitimacy of any opposition groups. Farcau (1994) and Luttwak (1969) both highlight the importance of international recognition for consolidation of the regime. As Luttwak says,

Diplomatic recognition is one of the elements in the general process of establishing the authority of the new government; until this is achieved, [the coup leaders] will have to rely on the brittle instruments of physical coercion and [their] position will be vulnerable to many threats – including that of coup d'etat.

(Luttwak 1969, 181-182).

Suspension from a regional IGO is not strictly the same thing as non-recognition, but as a practical matter they often go together (see e.g. Levitt 2006), and the signal of suspension sends the same message of illegitimacy to the domestic public of the state suffering the coup as non-recognition does, with the added opprobrium that comes from being the statement of not only one state, but of the regional community in which the state sits.

This mechanism has been identified as possibly being important to the enforcement of human rights treaties by Beth Simmons (2009). Such treaties can provide “intangible resources” (Simmons 2009, 146-47) to domestic political forces, including a

benchmark by which to judge the actions of the government and the opposition, and reassurance to domestic actors that their rights demands are not unreasonable. In the context of democracy clauses, this could mean that one of these treaties could lead potential members of a coup-opposition movement to be both more certain of the validity of their cause, and more likely to successfully recruit others to join them. Donno's (2007) finding that opposition mobilization against election fraud was significantly strengthened by the involvement of regional IGOs¹⁸ offers some empirical support for this idea in the democracy context.

An Assurance Game with a Vengeance

Finally, it is not necessary for this theory that any of the possible individual effects just described be particularly large in order to potentially have a significant influence on likelihood of coup attempts. As mentioned, assembling a coup conspiracy is an assurance game, and assurance games tend to be resolved by "cascades" in which small movements one way or another create a bandwagon effect, pulling all the players to make the same choice (see e.g. Kuran 1989; Sutter 2000, 213). This occurs because potential coup conspirators are likely to want more than anything else to be on the winning side. Participating in a coup that fails is very bad for one's military career, but so is abstaining from a coup that succeeds; "it is absolutely vital for the career progression of an officer to choose correctly when the option is placed before him" (Farcau 1994, 107). If a coup is less likely to succeed because of an increased likelihood of domestic mobilization, or if the payoffs from coup participation are less certain, the

¹⁸ Donno operationalized IGO involvement as "targeted IGO policies of pressure, incentives, mediation or assistance that are specifically tailored to the election in question" (Donno 2007, 7).

decision of an individual to join a coup conspiracy in its initial stages appears less attractive. What this means is that even if a regional treaty fails to directly have any impact on the conspiracy-building part of the coup process, it could indirectly influence it by influencing appraisals of how smoothly the consolidation phase will go. Since the success of this assurance game depends on sufficient participation, and an individual's choice to participate depends on his/her appraisal of how likely success is, small adjustments in appraisals could potentially lead to large changes in the outcomes for final group behavior.

It is for this reason that Farcau argues that it is in the conspiracy stage that the anticipation of foreign response will have the greatest influence on coup likelihood. In his discussion of Latin American coups he describes how coup plotters sometimes claimed to have received assurances of support from the United States should they take power, and that these claims were an important part of the process by which military officers decided to participate in coups or not (Farcau 1994, 108). As he says, while international support is rarely strictly necessary for a coup-based regime to survive, it can be very helpful: "The possibility of foreign economic aid or the ability to purchase military supplies abroad will greatly contribute to the survivability of any regime, just as a cutoff of existing aid programs, the difficulty of obtaining loans from multilateral agencies, or even the harboring of exiled oppositionists and the use of diplomatic channels for antiregime propaganda will all work against such survival" (Farcau 1994, 108). But he makes clear that he believes the international reaction is more likely to influence the ability of conspirators to attempt the coup in the first place than it is to influence their ability to actually hold on to power.

If a democracy clause dissuades even a small number of potential conspirators, other uncommitted individuals may refuse to participate for fear that the plot may not reach critical mass. Moreover, even if the disadvantages from a democracy clause are insufficient to individually dissuade any potential coup participants, it is unlikely that these potential conspirators would be certain that none of their other potential partners are dissuaded. The uncertainty about whether some (necessary) members might be dissuaded could be sufficient to make joining the conspiracy unattractive, and make it more attractive to report the plot to authorities. The net result is that a cascade of actors in favor of launching a coup is less likely to occur, and it is more likely that the cascade in this assurance game would be against participation. Consequently, coup conspiracies would be less likely to come to fruition, and consequently we might observe fewer coups d'état attempted.

Conclusion

This chapter has attempted to lay out an actor-based description of the decision to attempt a reversal of a democratic government, and the ways that international law could intrude into that decision. This required a novel approach to democratic breakdown. Most of the previous work on why states breakdown has been correlational, identifying macro-level variables like economic, cultural and institutional conditions that are correlated with higher or lower rates of reversal. This work has made important strides, but suffers from the fact that it almost uniformly assumes that all democratic reversals are more or less the same, and that all macro-level factors have equivalent effects on different kinds of democratic reversal. As Maeda (2010) has shown, this assumption is

incorrect. Different kinds of reversal are correlated with different kinds of conditions. The implication is that in the causal theorizing of breakdown, scholars need to be very specific about what kinds of breakdown they are discussing, and explain how the independent variable they are considering could interact with the way individual political actors would attempt to navigate that pathway of reversal.

I have tried to do this with regard to the ways regional defense-of-democracy treaties may impede the ability of would-be usurpers to successfully launch coups against democratic governments. By way of the causal mechanisms described above, these treaties have the potential to make autocratic office less attractive, to reduce the likelihood of successfully conducting a coup, and increasing the costs borne by conspirators who try a coup and fail. This could both decrease the likelihood that coups will be attempted in states subject to these treaties, and increase the likelihood that when coups are attempted that they will fail. Since the coup d'état is the most common pathway of democratic reversal, the widespread adoption of these treaties could therefore be a very important development for the world's democracies.

I want to be clear that these treaties will probably not be a “silver bullet” when it comes to democratic survival. Like nearly all other issues in the social sciences, the causal effects hypothesized here are probabilistic, not deterministic. As Farer noted after observing the initial development of these regimes:

The premise is that, although external action is not often decisive, the credible threat of externally imposed economic or military sanctions can give an incipient democracy breathing space or can facilitate its restoration after a coup.

(Farer 1996, 4-5)

Unlike Farer, however, we now have twenty years of experience with these treaties, which may provide enough information to conduct some tests on whether these

treaties are successful in achieving their aims. While the previous literature has examined the creation of the regimes and their application in individual cases, there currently is no work that systematically considers their influence cross-nationally. Whether or not they are working is the question explored in the following chapters.

CHAPTER 4: DEMOCRACY CLAUSES AND COUP ATTEMPTS

Since World War II, coups d'état have been the most common process by which democracies reverse back to authoritarianism, and indeed one of the most common means by which all regimes have undergone unconstitutional successions to power.

Consequently, understanding what factors influence the likelihood of coups, whether as accelerants or inhibitors, is essential to understanding what factors will influence the fate of the many new democracies that emerged in the Third Wave of Democracy.

The advent of regional regimes to protect democracy is an interesting attempt to overcome this problem. For one thing, these treaties are premised on an interesting shift in the concept of sovereignty in international law, whereby states agree to forswear the long-standing “effective control” test for governmental recognition, and instead impose a process standard based on the affected state’s own constitution. Moreover, it is plausible that these treaties could work. Unlike the great majority of human rights treaties, the breach of a democracy clause creates a strong self-interest in the non-breaching parties to enforce the treaty. Democratic governments desire the protection of regional IGOs against their domestic autocratic opponents, and they know that if they fail to enforce the regime against one of their fellows, they may find help lacking should they ever face a coup themselves.¹⁹ More directly, the failure to enforce a democracy clause could precipitate a “coup contagion” effect in the near term, threatening that government’s own survival (e.g. Thompson 1975).

¹⁹ This is in the vein of Yogi Berra’s famous admonition “Always go to other people’s funerals, otherwise they won’t go to yours.”

It is perhaps for this reason that state leaders have been willing to pay the sovereignty costs of allowing international organizations to judge the validity of their successions to power. Giving international actors this kind of authority is a significant development in the evolution of sovereignty. It is worth knowing whether these sovereignty costs are netting democratic leaders any safety against the would-be autocrats among their domestic opponents.

As will be seen, the answer appears to be that these treaties have not significantly reduced the likelihood that their member-states would experience coup attempts during the post-Cold War era. Once the influences of important controls are accounted for, a negative correlation is found but it is not statistically significant. In other words, the pattern in this data is too weak and erratic to have any confidence that it will be observed in samples of other states in other times. This finding is robust across the two most popular datasets of coups d'état. It appears that the hopes of those who drafted these treaties have not come to fruition, at least not yet.

How Could Democracy Clauses Prevent Coup Attempts?

Chapter 3 discussed the theory used here in detail, and it will only be recounted briefly here. Democracy clauses have the potential to interfere with the two most important stages of a coup d'état: assembling a minimally sufficient group of coup conspirators, and consolidating power in the days immediately after unseating the incumbent. These are the two most important stages because they are the points in the coup process when a coup is most likely to fail. Given that roughly half of coup attempts fail anyway (Thyne and Powell 2011), any significant influence that democracy clauses would have on these

stages could tip the odds against would-be coup leaders, and, foreseeing an increased likelihood of failure, they may choose to forego coup attempts and pursue their political objectives by other means.

Democracy clauses could interfere with recruiting a coup conspiracy by predictably diminishing the anticipated benefits of participation in a successful coup. As described in Chapter 3, when democracy clauses are implemented they are typically accompanied by sanctions on trade, aid, travel for participating government officials, and so on. These sanctions could lower the expected “payoff” of participation from some higher level to some lower level and thereby make participation less attractive.

Democracy clauses could interfere with post-coup consolidation by increasing the likelihood of domestic opposition to the new regime. Coup leaders rely on domestic acquiescence so that people return to work (especially bureaucrats) and they can solidify their hold on the top positions of government. Democracy clauses could make this acquiescence less likely in two ways. First, the logic of sanctions is to impose pain on the domestic population (Marinov 2005), and that portion of the population threatened by sanctions could see their interests shift, from indifference to a coup to active opposition. Second, regional condemnation could provide moral support (“intangible resources” in the language of Simmons 2009) to those domestic forces willing to defend the constitutional regime.

Finally, neither of these forces would necessarily have to be large in order to significantly influence the likelihood of coup attempts because the single most important factor influencing the decision of a military officer (or other official) about whether to join a coup attempt is the likelihood of success (Farcau 1994). In other words, the

decision of whether to participate in a coup is a kind of assurance game (Sutter 2000). An assurance game is typically resolved with a “behavioral cascade,” i.e. a bandwagon effect, whereby small changes in probabilities can cause all the “players” of the game to coalesce around a single common position (Kuran 1989; Sutter 2000).

What this means for democracy clauses is that it is not necessary for them to work for democracy clauses to directly affect potential participants’ appraisals of the likelihood of coup success. Put another way, even if a colonel does not think the treaty will substantially affect a coup outcome, he might still be worried that *other* colonels are not so sanguine. If that colonel is unsure about whether a minimally sufficient number of participants will be on board with the coup, he may choose to forego participation to avoid the possibility that his name be tied to a failed, treasonous, venture.

There is one published piece that has attempted to examine whether democracy clauses have a cross-national influence, that of Powell and Lasley (2011). They restricted their analysis to only the occurrence of coups and found sizeable effects for both the AU and OAS regimes. Looking at the period of 1950-2010, they found that the adoption of the AU Constitutive Act in 2001 was correlated with a reduction in the likelihood of coups by 54% compared to the period of 1950-2000, and the adoption of Resolution 1080 in 1991 was associated with a 48% decline in the likelihood of coups in OAS compared to the period of 1950-1990. This effect remained significant even after controlling for average income, economic growth levels, Polity score and the number of years since the last coup. This result supports the idea that the OAS and AU defense of democracy regimes are important influences in the global decline of coups and the increase in the number of democratic states worldwide. However, one must wonder whether the absence

of other likely control variables, particularly global or regional diffusion effects distinct from formal treaties, has influenced this finding.

Do Democracy Clauses Reduce the Likelihood of Coup Attempts?

To test whether democracy clauses reduce the likelihood of coup attempts I gathered data for the period 1991 to 2008 on coups, democracy clauses, and relevant control variables for all states with populations greater than 500,000 people. The dependent variable used here is a dichotomous measure of whether a country-year experienced any coup attempts. I take my coups data from the dataset of Powell and Thyne (2011) and code a country-year as “1” if it experienced at least one successful coup or other coup attempt in that year, or otherwise as “0.” To account for the primary independent variable of democracy clauses, I made a dichotomous measure of whether a state was subject to a democracy clause, defined for the purposes of this project as a regional international treaty committing the member-states to punish any other member-state that has a government come to power by unconstitutional means, and that such treaty specifically provide for suspension or expulsion from the organization as one means of punishment. Table 1 describes the regional organizations that have democracy clauses according to these criteria, along with the dates the relevant treaties went into force.

A Potential Alternative Explanation: Democratic Diffusion

It may be that the correlation identified in the literature discussed above is not causal. It may be that both the spread of democracy clauses and the decline in coups are simultaneous products of diffusion effects from the Third Wave (Huntington 1991) of

Table 1: Democracy Clauses and Year of Effect

Regional Organization	Treaty	Year of Effect
Council of Europe	Statute of the Council of Europe	1949
The Commonwealth of Nations	Millbrook Action Programme on the Harare Declaration	1995
MERCOSUR	The Ushuaia Protocol	1996
The EU	The Treaty of Amsterdam	1997
The OAS	The Washington Protocol	1997
The Andean Community	Additional Protocol to the Cartagena Agreement	2000
The AU	Constitutive Act of the African Union	2001
ECOWAS	Protocol on Democracy and Good Governance	2005

democracy. If this is the case, then a decline in the incidence of coups would be observed but it would not be appropriate to attribute this to regional democracy treaties.

It is increasingly recognized that diffusion is one of the most important explanations for the spread and resilience of democratic institutions (see Brinks and Coppedge 2006; Gleditsch and Ward 2006; Gassebner, Lamla and Vreeland 2012). While causal explanations vary between researchers, the four mechanisms described by Simmons, Dobbin and Garrett (2006) are a useful summary of possible diffusion effects. First, stronger states can coerce weaker states into adopting policies preferred by the stronger state. Second, competition for international markets and/or capital can lead states to simultaneously converge on institutions shown to be successful in that competition. Third, stronger international ties increase the likelihood that political actors can learn from the experiences of similar actors in other states, leading to the identification of useful strategies or best practices for dealing with common political

problems. Fourth is a mechanism Simmons, Dobbin and Garrett called “emulation” whereby contact across borders can lead to a contagion of ideas as accepted normative or causal beliefs are challenged by alternative views. Coercion, learning and emulation could all plausibly explain a decline in coups.

To account for diffusion effects I include variables for regional and global levels of democracy. Regional diffusion effects are those from a state’s close neighbors. Gleditsch and Ward (2006) argue that regional effects may be particularly influential simply because states usually have more international interactions with their neighbors than they have with states outside their regions. In order to capture this, I calculated the regional average Unified Democracy Score (Pemstein, Meserve and Melton 2010, see Appendix 1) for each country year, using the regional categories of the United Nations Statistics Division. Those regions are described in Table 2.

Table 2: Regions Used to Calculate Regional Diffusion Variable

Eastern Africa	Central Asia	Australia and New Zealand
Middle Africa	Eastern Asia	Melanesia
Northern Africa	Southern Asia	Micronesia
Southern Africa	South-Eastern Asia	Polynesia
Western Africa	Western Asia	
Caribbean	Eastern Europe	
Central America	Northern Europe	
North America	Southern Europe	
South America	Western Europe	

Regions are those used by the United Nations Statistics Division.

Global diffusion is the influence of the larger international community. I measure global diffusion in two different ways. First, I use a simple ratio of the number of democracies in the world to the number of autocracies.²⁰ This, however, may be misleading because it does not account for the amount of power held by states with different regime types, so I

²⁰ “Democracy” and “autocracy” are ascribed using the criteria of the Political Instability Task Force. See Appendix for details.

also constructed a second variable where for every country-year in the world I multiply that state's Composite Index of National Capability (CINC), from the Correlates of War dataset, by that state's Unified Democracy Score. The combined country scores are then added up for every year to provide a measure of how numerous and powerful were democratic states worldwide.

Table 3: Cross tab using Powell and Thyne 2011 coup attempts

		Democracy Clause		Totals
		0	1	
Coup Attempt	0	1287	1480	2767
	1	41	27	68
Column Percentages		.031	.018	.024
Totals		1328	1507	2835

Powell and Thyne Coup Attempts
Pearson Chi2 = 5.0625, p = 0.024

Table 4: Cross tab using Marshall and Marshall 2009 coup attempts

		Democracy Clause		Totals
		0	1	
Coup Attempt	0	1268	1474	2742
	1	60	33	93
Column Percentages		.045	.022	.033
Totals		1328	1507	2835

Marshall and Marshall Coup Attempts
Pearson chi2 = 12.0611, p = 0.001

Analysis

The analysis here begins with a simple comparison of the incidence of coup attempts in states that were subject to democracy clauses and those that were not. The results for the Powell and Thyne coups dataset are presented in Table 3 and the results for the Marshall and Marshall coups dataset are in Table 4. There are substantial differences between those with democracy clauses and those without. In the Powell and Thyne data states

subject to these treaties were about 40% less likely to experience a coup attempt, while those in the Marshall and Marshall data were half as likely to have a coup. Furthermore, both of these results are statistically significant. So far, this corroborates the findings of Powell and Lasley.

Examining this relationship further requires a multivariate model that could account for other potential influences on coup outcomes. The model selected was King and Zeng's (2001) rare events logistic regression. As can be seen from Tables 3 and 4, positive observations on the dependent variable coup attempts are relatively rare in these datasets. As King and Zeng describe, when the number of positive observations is a small portion of the total number, especially less than ten percent, normal logistic regression yields estimated event probabilities that are inappropriately small. To achieve more accurate estimates I use the "relogit" program for Stata created by Tomz, King and Zeng (1999), clustering observations by country.

There have been a variety of control variables used in previous attempts to quantitatively model coup attempts (see e.g. Londregan and Poole 1990; Belkin and Schofer 2003; Thyne 2010, Powell and Lasley 2011; Powell 2012). My core model is based on variables that both 1) have previously been found to predict coup likelihoods, and 2) are available for most states up through the end of my test period, which is 2008. These variables are GDP per capita, GDP change in the previous year, the Banks Weighted Conflict Index, the level of democracy in the state, a dichotomous variable of whether the incumbent government is a military regime,²¹ and the number of years since

²¹ The reader will note that the population examined in this analysis is not limited to democracies. This choice is based on the fact that regional organizations have not discriminated in their application of democracy clauses based on the de facto political conditions of the relevant states. As evidenced by the AU suspensions of Togo in 2005, Guinea in 2008 and Niger in 2010, regional organizations have applied

the last coup in that state. Taking the cue of Powell (2012), cubic splines associated with the number years since the last coup are included to deal with temporal dependence. These variables, along with their anticipated effects, are described in the Appendix to this article.

To account for diffusion effects several separate models were estimated using measures of regional and global diffusion. For regional diffusion I calculated the regional average level of democracy. To account for global diffusion effects two different measures were created, the global ratio of democracies to autocracies, and the global average level of democracy weighted by state power levels as measured by the Correlates of War Project's Composite Index of National Capability (CINC) scores. The weighted global average was constructed by multiplying every country-year's CINC score by its UDS score and then adding the total together to get a measure of the amount of global material power held by democratic and less-democratic governments. These variables are described in greater detail in the Appendix.

For both the Powell and Thyne data and the Marshall and Marshall data analyses were done looking at all states and also looking only at those states that qualified as democracies using the criteria of the Political Instability Task Force (Ulfelder and Lustik 2007, see Appendix). The results show that the basic negative correlation between democracy clauses and coup likelihoods is not robust to the inclusion of important control variables. Looking at all states in the Powell and Thyne data (Table 5) we see

democracy clauses against states regardless of whether the displaced regimes met academically-accepted criteria for democracy. This being the case, a variable for military government is essential to control for the oft-confirmed observation that military governments are much more likely to fall to coups than other forms of government (e.g. Belkin and Schofer 2003; Thyne 2010; Powell 2012).

that, while democracy clauses are negatively associated with coups, the relationship is not significant and coups are much more influenced by levels of economic development, economic growth in the previous year, the number of years since the last coup, and the presence of a military government.²² Global diffusion effects, as measured by the global ratio of democracies to autocracies, also are correlated with a reduction in coups when added in Models 2 and 3. No interaction effect between diffusion and democracy clauses is observed in these data.

The story is same when looking at Powell and Thyne coups in only democratic countries in Table 6. The number of years since the last coup and global diffusion effects again show up as significant predictors, and in this sub-set of states the level of democracy significantly predicts coups, but again democracy clauses fail to achieve significance. Moreover, the sign on the democracy clause variable is not stable, showing a positive correlation in Models 3 and 4 that include different measures of global diffusion effects. A weak and unstable relationship between democracy clauses and coup likelihoods must reduce our confidence in the efficacy of these treaties.

²² Higher levels of economic development and economic growth are negatively correlated with the incidence of coups, as are a greater number of years since the last coup in a country. Military governments, on the other hand, stimulate more coups. These results are as expected and in accord with previous findings by Belkin and Schofer (2003) and Powell (2012).

Table 5: All states 1990-2008, Powell and Thyne coup data

<i>Variable</i>	<i>Model 1</i>	<i>Model 2</i>	<i>Model 3</i>	<i>Model 4</i>	<i>Model 5</i>
Democracy Clause	-.080 (.298)	.209 (.354)	-1.147 (2.524)	-.010 (.309)	1.377 (4.852)
Logged GDP per Capita	-.561*** (.1144)	-.569*** (.163)	-.558*** (.164)	-.557*** (.154)	-.566*** (.162)
GDP Growth in Previous Year	-.029** (.013)	-.028** (.013)	-.029** (.013)	-.031** (.013)	-.031** (.016)
Years Since Last Coup	-.345** (.136)	-.357** (.134)	-.356*** (.134)	-.343*** (.134)	-.412*** (.149)
Banks Conflict Index	.037 (.038)	.029 (.037)	.029 (.037)	.036 (.037)	.023 (.042)
Military Government	.819** (.304)	.789*** (.302)	.777*** (.297)	.796*** (.300)	.764** (.326)
Democracy Level	.407 (.293)	.395 (.327)	.399 (.327)	.416 (.323)	.528 (.328)
Regional Average Democracy	--	-.009 (.418)	-.015 (.417)	-.008 (.423)	-.084 (.328)
Global Ratio of Democracies to Autocracies	--	-1.456* (.757)	-1.826** (.914)	--	--
Democracy Clause * Global Democracy Ratio	--	--	.828 (1.501)	--	--
Weighted Global Average Democracy	--	--	--	-3.068 (3.384)	1.538 (7.547)
Democracy Clause * Weighted Global Democracy	--	--	--	--	-3.120 (11.141)
Constant	.861 (1.074)	3.211 (1.636)	3.722 (1.777)	2.210 (1.809)	.365 (3.483)
Observations	2653	2653	2653	2653	2533
Log pseudolikelihood	-237.57	-235.92	-235.78	-237.25	-213.59
Wald Chi2	83.19	105.84	120.80	85.78	87.09
Prob.	.000	.000	.000	.000	.000
Pseudo R2	.171	.177	.178	.172	.182

Table 6: Democracies (PITF criteria) 1990-2008, Powell and Thyne coup data

<i>Variable</i>	<i>Model 6</i>	<i>Model 7</i>	<i>Model 8</i>	<i>Model 9</i>	<i>Model 10</i>
Democracy Clause	-.044 (.501)	.377 (.555)	4.311 (6.247)	-.041 (.547)	-6.079 (4.570)
Logged GDP per Capita	-.160 (.237)	-.054 (.262)	-.066 (.263)	-.031 (.256)	-.038 (.255)
GDP Growth in Previous Year	-.024 (.018)	-.019 (.017)	-.020 (.017)	-.032 (.020)	-.035* (.022)
Years Since Last Coup	-.503* (.282)	-.530** (.269)	-.548* (.290)	-.480* (.272)	-.505* (.265)
Banks Conflict Index	.002 (.065)	.007 (.063)	-.014 (.069)	.003 (.069)	.002 (.068)
Democracy Level	-1.918*** (.639)	-1.802*** (.666)	-1.871*** (.699)	-1.728*** (.647)	-1.743*** (.664)
Regional Average Democracy	--	-.628 (.611)	-.583 (.598)	-.638 (.634)	-.610 (.635)
Global Ratio of Democracies to Autocracies	--	-1.845 (1.430)	.068 (3.246)	--	--
Democracy Clause * Global Democracy Ratio	--	--	-2.467 (3.900)	--	--
Weighted Global Average Democracy	--	--	--	-7.634 (7.895)	-14.584 (11.063)
Democracy Clause * Weighted Global Democracy	--	--	--	--	-13.835 (10.784)
Constant	-.556 (1.926)	1.756 (2.835)	-1.072 (4.897)	1.979 (3.858)	5.216 (4.940)
Observations	1543	1543	1543	1543	1543
Log pseudolikelihood	-100.481	-98.978	-98.735	-99.152	-98.616
Wald Chi2	26.69	29.15	33.17	33.55	37.24
Prob.	.002	.002	.000	.000	.000
Pseudo R2	.239	.250	.252	.249	.252

The Marshall and Marshall data show a similar pattern in Tables 7 and 8. The negative correlation between democracy clauses and coups is slightly stronger in this data, but still fails to achieve statistical significance. The findings for all states, democracies and autocracies alike, are essentially the same as they were for the Powell and Thyne coups data, though the controls for social conflict and level of democracy²³ are significant here and the variable for economic growth is not. The one exception occurs when looking at potential interaction effects between democracy clauses and global diffusion effects within only democracies. I discount this finding because of its status as an outlier and because the inflated coefficient suggests it is based on very small portion of the total variance.

The basic finding of the model is presented in graphic form in Figure 1. Using Clarify I estimated the predicted likelihood that a state will experience a coup d'etat in a given year for every percentile of GDP, holding all other variables in Model 1 constant. In other words, the estimates on the left side of Figure 1 represent the likelihood that the poorest states in the international system will experience a coup in a given year, holding all other variables constant at their means (if continuous) or modes (if categorical), while the estimates on the right side of Figure 1 represent the likelihood that the richest states will experience a coup in that year. As expected, as GDP per capita increases in a state the risk of coup decreases.

²³ That democracy levels are positively correlated with coups when looking at all states (Tables 5 and 7), but negatively correlated with coups in democracies (Tables 6 and 8), is likely the result of increased instability in transitional or mixed regimes E.g. Goldstone et al 2010. In other words, the likelihood of a coup attempt appears to higher in mixed regimes than it is in regimes that are firmly authoritarian or democratic.

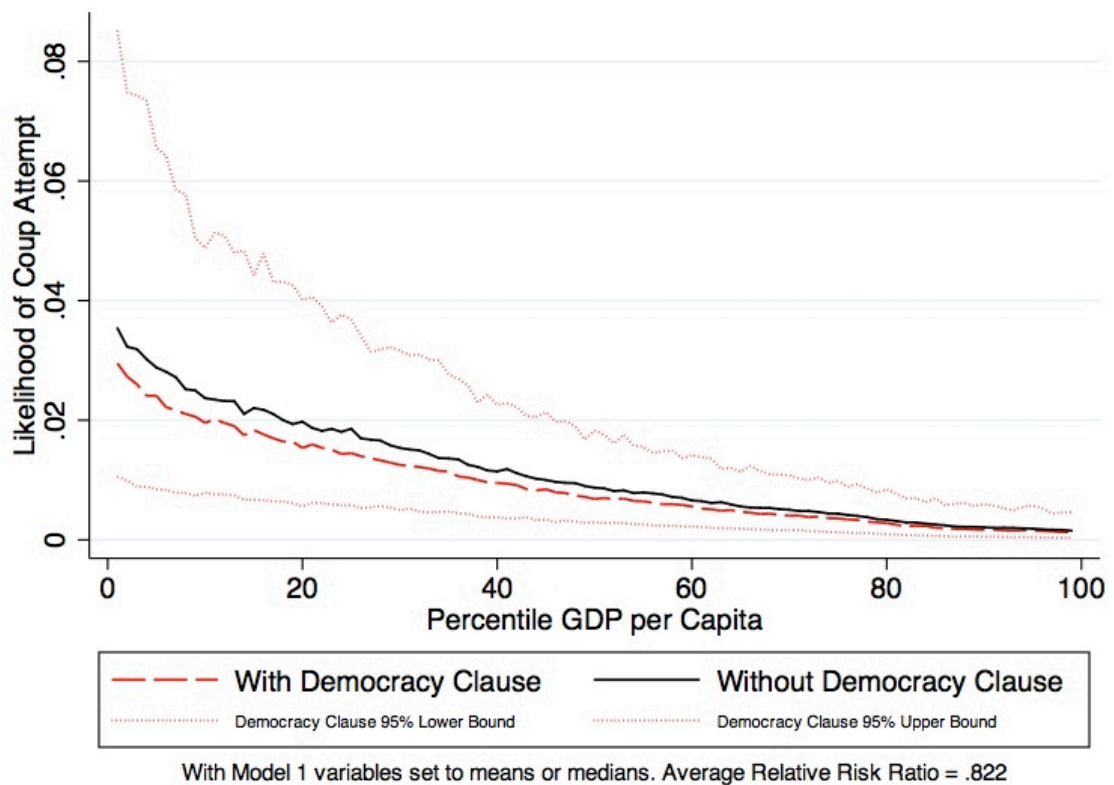
Table 7: All states 1990-2008, Marshall and Marshall coup data

<i>Variable</i>	<i>Model 11</i>	<i>Model 12</i>	<i>Model 13</i>	<i>Model 14</i>	<i>Model 15</i>
Democracy Clause	-.256 (.245)	-.067 (.286)	.109 (2.586)	-.149 (.249)	-1.357 (3.088)
Logged GDP per Capita	-.635*** (.126)	-.575*** (.130)	-.575*** (.132)	-.573*** (.128)	-.574*** (.129)
GDP Growth in Previous Year	-.014 (.012)	-.014 (.012)	-.014 (.012)	-.016 (.012)	-.016 (.012)
Years Since Last Coup	-.217** (.101)	-.221** (.102)	-.221** (.107)	-.219** (.102)	-.220** (.102)
Banks Conflict Index	.057* (.031)	.057* (.031)	.057* (.031)	.058 (.031)	.057** (.031)
Democracy Level	.402 (.257)	.568 (.269)	.567** (.270)	.573** (.270)	.577** (.271)
Military Government	.623** (.278)	.629** (.278)	.630** (.274)	.634** (.272)	.630** (.272)
Regional Average Democracy	--	-.518* (.313)	-.517* (.312)	-.503 (.318)	-.505 (.319)
Global Ratio of Democracies to Autocracies	--	-.365 (.631)	.332 (.716)	--	--
Democracy Clause * Global Democracy Ratio	--	--	-.102 (1.512)	--	--
Weighted Global Average Democracy	--	--	--	-1.347 (2.906)	-2.036 (3.315)
Democracy Clause * Weighted Global Democracy	--	--	--	--	2.804 (7.242)
Constant	1.614* (.844)	1.744 (1.320)	1.694 (1.380)	1.752 (1.553)	2.067 (1.681)
Observations	2653	2653	2653	2653	2653
Log pseudolikelihood	-298.85	-297.85	-297.85	-297.91	-297.84
Wald Chi2	109.40	120.87	121.01	111.25	111.37
Prob.	.000	.000	.000	.000	.000
Pseudo R2	.183	.186	.186	.186	.186

Table 8: Democracies (PITF criteria) 1990-2008, Marshall and Marshall coup data

<i>Variable</i>	<i>Model 16</i>	<i>Model 17</i>	<i>Model 18</i>	<i>Model 19</i>	<i>Model 20</i>
Democracy Clause	-.649 (.426)	-.291 (.487)	5.568* (3.331)	-.423 (.426)	-3.864 (3.639)
Logged GDP per Capita	-.447** (.129)	-.298 (.185)	-.337* (.193)	-.295 (.185)	-.302* (.184)
GDP Growth in Previous Year	-.002 (.013)	-.002 (.013)	-.002 (.013)	-.005 (.014)	-.005 (.014)
Years Since Last Coup	-.049 (.167)	-.035 (.164)	-.046 (.161)	-.039 (.162)	-.052 (.162)
Banks Conflict Index	.022 (.051)	.021 (.050)	.007 (.050)	.023 (.051)	.021 (.051)
Democracy Level	-1.004** (.458)	.803** (.455)	.874* (.480)	-.779* (.451)	-.779* (.453)
Regional Average Democracy	--	-1.033** (.492)	-.966* (.511)	-1.016** (.498)	-1.018 (.498)
Global Ratio of Democracies to Autocracies	--	-.570 (.917)	1.143 (1.196)	--	--
Democracy Clause * Global Democracy Ratio	--	--	-3.556* (2.017)	--	--
Weighted Global Average Democracy	--	--	--	-3.001 (4.630)	-5.361 (4.930)
Democracy Clause * Weighted Global Democracy	--	--	--	--	7.956 (8.512)
Constant	-.838 (1.353)	.638 (1.986)	-1.680 (2.105)	1.061 (2.651)	2.193 (2.656)
Observations	1606	1606	1606	1606	1606
Log pseudolikelihood	-148.80	-146.51	-144.98	-146.47	-146.19
Wald Chi2	55.77	54.56	50.11	50.98	51.51
Prob.	.000	.009	.000	.000	.000
Pseudo R2	.173	.185	.194	.185	.187

Figure 1: Influence of Democracy Clauses on Likelihood of Coup Attempts



I ran the model twice, first omitting the variable for democracy clauses and then including it, along with 95% confidence intervals around the democracy clause estimate. As can be seen, states with democracy clauses were, on average, less likely to experience coup d'états. The relative risk ratio printed under the model shows that states with democracy clauses were about 18% less likely to have coup attempts. However, the confidence intervals around those estimations are very large. The inconsistency of the influence of democracy clauses makes it very difficult to know whether this pattern of a reduced likelihood of coups is a real change or an artifact of the particular time period studied.

These results show that democracy clauses have not reduced the general likelihood that their member-states will experience coups d'état. States subject to these treaties are not significantly less likely to experience coups than are other states once we factor in influences like economic development, diffusion, and the amount of time since the last coup. These findings do not mean that democracy clauses are completely ineffective at dissuading potential usurpers, but they do signify that if these treaties are ever effective it is only in an exceptional case. Democracy clauses are not silver bullets against coup attempts.

Conclusion

In his 2008 book *The Spirit of Democracy*, democracy expert Larry Diamond hopefully pointed to the apparent success of the MERCOSUR democracy clause in deterring a coup in Paraguay in 1996 (Diamond 2008, 135-36) and to the efforts of Malian diplomats to create a similar regime in Africa (ibid, 107-08). As we now know, the AU and ECOWAS democracy regimes ultimately failed to protect Mali's government in 2012. The findings of this paper suggest that the Malian case may be representative of the more general experience of states subject to democracy clauses. Regional defense of democracy regimes do not appear to significantly reduce the likelihood that member-states will experience coup attempts.

This is a disappointing result for the states that paid the sovereignty costs of allowing regional actors authority to judge the validity of domestic successions, and it is a disappointing result for those looking to identify ways that political actors can increase the likelihood of democratic consolidation. However, it is important to note the limited

scope of these findings. The study here speaks only to coup attempts, and does not deal with the topic of coup outcomes – it is possible that coups are no less likely to occur, but they may be less likely to succeed. Moreover, it may be the case that democracy clauses could constrain the options of coup leaders as they consolidate their regimes in ways that increase the likelihood that some form of quasi-democratic constitutional government will be restored sooner than would otherwise be the case. A superficial examination of the 2012 Malian coup supports this view. By all appearances the Malian junta leaders would have preferred to exercise uncontested power but were forced to accept a quasi-constitutional transitional regime by pressure from ECOWAS and the AU. However, far more rigorous study is necessary to establish whether these propositions are true.

Summary statistics for all states, 1990-2008

<i>Variable</i>	<i>Obs.</i>	<i>Mean</i>	<i>Std. Dev.</i>	<i>Min.</i>	<i>Max.</i>
Powell and Thyne Coup Attempts	2835	.024	.153	0	1
Marshall and Marshall Coup Attempts	2835	.033	.178	0	1
Democracy Clause	2835	.532	.499	0	1
Global Democracy Ratio	2835	1.67	.196	1.22	2.02
Weighted Global Democracy Score	2806	.435	.034	.358	.484
Democracy Clause * Weighted Global Democracy	2835	.923	.876	0	2.02
Democracy Clause * Democracy Ratio	2806	.232	.217	0	.484
Logged GDP per capita	2668	7.461	1.608	4.057	10.643
Trade per GDP	2655	79.133	45.015	.225	438.902
Regional Average UDS	2835	.218	.687	-.905	2.011
Years Since Last Powell and Thyne Coup	2835	23.764	18.166	0	58
Years Since Last Marshall and Marshall Coup	2835	22.352	18.206	0	58
Military Government	2835	.151	.358	0	1
Banks Weighted Conflict Index	2802	874.814	1686.035	0	21250

Summary statistics for democracies, 1990-2008

<i>Variable</i>	<i>Obs.</i>	<i>Mean</i>	<i>Std. Dev.</i>	<i>Min.</i>	<i>Max.</i>
Powell and Thyne Coup Attempts	1635	.018	.132	0	1
Marshall and Marshall Coup Attempts	1635	.024	.153	0	1
Democracy Clause	1635	.720	.449	0	1
Global Democracy Ratio	1635	1.685	.196	1.22	2.02
Weighted Global Democracy Score	1635	.435	.033	.358	.484
Democracy Clause * Weighted Global Democracy	1635	1.240	.789	0	2.02
Democracy Clause * Democracy Ratio	1635	.313	.197	0	.484
Logged GDP	1613	7.976	1.566	4.057	10.643
Economic Growth	1610	2.323	5.314	-45.33	92.586
Regional Average UDS	1635	.556	.671	-.526	2.012
Years Since Last Powell and Thyne Coup	1635	28.438	18.768	0	58
Years Since Last Marshall and Marshall Coup	1635	26.493	18.792	0	58
Military Government	1635	.011	.104	0	1
Banks Weighted Conflict Index	1631	804.067	1754.214	0	21250

Appendix: Control Variables

GDP per Capita and Yearly Change in GDP per Capita

The most consistently-used control variables in quantitative studies of coups are GDP per capita and GDP growth in the previous year. Londregan and Poole (1990) found that higher levels on both variables decreased the likelihood of coups, and Belkin and Schofer (2003) confirmed the inhibitory effect of at least GDP per capita. Powell (2012), however, did not find an effect for either measure. The measures used here were taken from the World Bank's World Development Indicators.

Years Since the Last Coup

Next, a variable is included in all models that accounts for how recently that state previously experienced a coup. This was one of the most important variables identified by Powell (2012). In the years immediately following a coup another overthrow might appear to be a attractive means of acquiring power; as time goes by the coup may acquire a air of illegitimacy (Belkin and Schofer 2003, 608). Farcau notes that the skills necessary to conduct a coup are learned, and those skills tend to atrophy with the passage of time (Farcau 1994, 165). A variable indicating the number of years since the last coup attempt is thus included, along with associated cubic splines, as recommended by Beck, Katz and Tucker (1998) for dealing with temporal dependence. The data for years since the last coup are left-censored, with the initial count beginning in 1950.

Banks Conflict Index

The Banks Weighted Conflict Index (Banks 2000) is a measure of assassinations, general strikes, guerilla wars, government crises, purges, riots, revolutions, and anti-government demonstrations. I include it because in times of crisis the military's power relative to other domestic institutions increases (Finer 1962) and they may be tempted to capitalize on their ascendance by taking power so as to "save the nation." For this reason, it has become standard within the coups literature to include the Banks index as a control (see Belkin and Schofer 2003; Thyne 2010; Powell 2012).

Military Government

To distinguish states that have military governments I include a dichotomous variable denoting if the World Bank's Database of Political Institutions indicates that the chief executive for that country-year was a military officer. This data was acquired through Teorell et al's (2011) excellent Quality of Governance combined dataset. States with military governments are expected to experience more coups.

Democracy Level

There are many ways to measure levels of democracy and a vigorous debate is ongoing in political science as to which ones are preferable for which kinds of research projects (see generally Munck 2009; Cheibub, Gandhi and Vreeland 2010). For this study I chose the Unified Democracy Score (UDS) created by Pemstein, Meserve and Melton (2010). The UDS treats the other major democracy indexes as imperfect sources of information about each country-year's level of democracy and aggregates them together into a single measure. This approach appears to mitigate some of the deficiencies identified in popular measures such as those of Freedom House or Polity IV. For more information, see Pemstein, Meserve and Melton, *ibid.*

Following Belkin and Schofer (2003), I expect states with more democratic institutions to be less likely to experience coups.

Regional Average Democracy

Regional democracy diffusion effects are accounted for by calculating the average UDS score for the regions of the United Nations Statistics Division, described in Table 2. I prefer these relatively small regions (compared to larger regional designations such as "Latin America" or "Sub-Saharan Africa") because diffusion effects are expected to be most important between close neighbors. More democratic regions are expected to experience fewer coups.

Global Ratio of Democracy to Autocracies

The first measure of global democratic diffusion used here is the global ratio of democracies to autocracies. The higher the ratio, the fewer coups are expected. To create this ratio required the use of a dichotomous variable for democracy / autocracy. The UDS does not lend itself neatly to creating such a dichotomy, so I instead opted for the regime-type variables used by the Political Instability Task Force (e.g. Ulfelder and Lustik 2007; Goldstone et al 2010). States categorized by the PITF as "Democracy" or "Partial Democracy" were labeled as democratic in this study, while those categorized by the PITF as "Authoritarian" or "Partial Authoritarian" were labeled autocratic.

Weighted Global Democracy Average

The alternative measure of global democratic diffusion takes into account differing power resources available to democratic and autocratic states. For each country-year I multiplied the observation's Composite Index of National Capability (CINC), from the Correlates of War dataset, with that state's Unified Democracy Score. The combined country-scores for each year were then added up to create a measure of the amount of global power resources that were controlled by democratic states.

CHAPTER 5: DEMOCRACY CLAUSES AND COUP OUTCOMES

In Chapter 4 we looked at whether democracy clauses reduced the likelihood of coup attempts in their member-states. However, the theory proposed in this dissertation argues not only that potential coup leaders might be dissuaded from attempting coups by these treaties, but also that when coups are attempted, that they ought to be more likely to fail. It is this question of coup outcomes that is the focus of this chapter.

The existing literatures on the efficacy of international human rights law and on the determinants of coup outcomes would tend to be skeptical. A bare-knuckled struggle for power such as a coup d'etat would be in that realm of activities that would seem least amenable to influence from something as insubstantial as a treaty. However, the previous research looking specifically at democracy clause regimes has a distinctly optimistic bent.²⁴ This may be because previous work on democracy clauses has predominantly been tested using qualitative methods, and therefore might be subject to the effect that Hafner-Burton and Ron (2009) identified where researchers of human rights issues tend to find positive effects in qualitative research that do not appear in quantitative cross-national research.

There are several reasons that these treaties could decrease the likelihood of coup success. First, the likelihood of external sanctions could exacerbate what Bueno de Mesquita et al (2003) called “the challenger’s commitment problem” of credibly promising those who engage in a risky coup attempt that they will be rewarded for their efforts. Second, the likelihood of external sanctions could make consolidation of power

²⁴ E.g. “in marked contrast with the Cold War period, classic coups d’etat have now become effectively proscribed as a legitimate means of domestic political change” (Boniface 2007, 54).

during a coup more difficult by decreasing the likelihood of acquiescence by the mass population. Third, both of these mechanisms could create uncertainty in the minds of potential coup participants such that they might hesitate to participate for fear that *other* necessary coup participants might abstain because they do not want to be implicated in a failed coup. This is an example of an assurance game, in which actors can have an increased incentive to “defect” when they doubt the other players’ commitment to cooperation, even if they themselves are otherwise committed to cooperation.

If this theory is correct, then it ought to be the case that states subject to democracy clauses would be less likely to succumb to coup attempts. I test this by examining the outcome of coups d’etat in a cross-national statistical analysis for the period of 1991-2008. This test shows that state-parties to these treaties were, on average, 20-30% less likely to experience successful coups than were other states, after controlling for other expected influences on coup outcomes. However, it is important to note that the confidence intervals around these estimates are quite large and so it is very difficult to infer from this result whether we can expect to see a continued effect going forward.

Literature on Coup Outcomes

It is interesting that while there is a fairly substantial literature on the influences that increase or decrease the likelihood of coup attempts, the literature on coup outcomes is sparse – a point discussed in Feaver’s (1999) review of the civil-military relations literature for the *Annual Review of Political Science*. There are, however, some foundations that can be built upon. Luttwak’s (1969) analysis placed great emphasis on the importance of planning for coup outcomes. Unlike most military operations, he

argues (Luttwak 1969), coups are compressed in time to the point that there is no possibility to make tactical adjustments in the heat of the moment. There are simply too many things happening in too short of a period of time for the coup leadership to significantly influence the outcome on the fly. Farcau (1994, 123-24) disputes this, arguing that something akin to Clausewitz's "friction of war" is to be expected in the conduct of a coup, and this requires flexibility in coup planning, and the ability of coup leaders to make alternate plans on the spot to meet contingencies and to communicate those plans to relevant members of the coup coalition.

The important point for our purposes here is that both of them emphasize the importance of organizational cohesion for coup success. It is consistent with both of these views to say that anything that impedes the cohesion of the coup plotters could decrease the likelihood of success. Uncertainty about the response flowing from a predictable backlash from a regional IGO could be one of those things. If such doubts keep a significant percentage of soldiers in the barracks, it could result in an execution phase of the coup characterized by "half-measures" (Farcau 1994, 137) that "cost time and affect the morale of opposing forces negatively for the rebels and favorably for the loyalists." Thompson (1976) makes a similar argument that coups are more likely to succeed when multiple military branches are involved in the power grab. Any influence that could keep some potential coup participants from joining will likely decrease the chance of successful coups.

The most recent piece on the factors that influence coup outcomes, and by far the most comprehensive in its quantitative empirical tests, is Powell (2012). Powell's focus was on military-specific factors relevant to coup attempts and outcomes, including

military size, military budget and military structure. He hypothesized that state leaders were in a dilemma when it came to strengthening their own militaries. Providing for high levels of military spending could keep military officers satisfied with their status and prevent them from launching coups, but if they did launch a coup, a better-equipped and better-trained military would be more likely to succeed in the attempt. However, his findings showed the opposite effect. Militaries that received the most funding per soldier not only had fewer coups, but were also less likely to succeed if they launched a coup (Powell 2012, 19-20). As Powell says, the most likely reason is that high levels of funding exacerbate the coordination problems for coup conspirators. “Well-funded soldiers will be less likely to risk their spoils by cooperating with a conspiracy” (Powell 2012, 20). Moreover, Powell found that large militaries were less likely to conduct successful coups, probably for a similar reason in that larger groups impose greater collective action problems.

Finally, Powell discovered that states that engaged in “coup-proofing” were less likely to experience successful coups (Powell 2012, 21). Coup-proofing occurs when leaders divide “their armies into numerous, mutually suspicious rival forces that check and balance one another” (Belkin and Schofer 2003, 596). In examples such as Mobutu’s Zaire or Qaddafi’s Libya, insecure leaders built up competing security services that could be balanced against each other to preserve the leaders’ power (Powell 2012, 25-26; Belkin and Schofer 2003; see also Migdal 1989). This continues today as a common practice in authoritarian and transitional states, despite the fact that it impedes the military’s ability to handle threats from other states (Pilster and Bohmelt 2011; Powell

2012, 26).²⁵ It is easy to see why such counterbalancing could impede coup success; it creates an armed, capable party with a potentially strong self-interest in repelling the coup attempt. Unfortunately, coup-proofing had to be omitted from the analysis in Chapter 4 for lack of data, and the same is true in this chapter as well.²⁶

How Democracy Clauses Could Influence Coup Outcomes

The theory presented in Chapter 3 proposed that regional treaties to protect democracy could impact coup outcomes primarily by way of three mechanisms. The first two of these mechanisms have to do with the intensity of popular resistance to the military displacement of the incumbent regime. As Luttwak described, in the short run a successful coup puts the conspirators in physical control of the administrative levers of government, but this alone does not assure its success. In order to hold on to power, the people have to acquiesce to the new regime. Determined resistance could force the coup leaders to use their only lever of power, violence, against members of the mass public. While repression can be a highly effective strategy, it does have its costs. The use of violence against protestors has the potential to tarnish the legitimacy of rulers and ultimately lead to their undoing by turning otherwise indifferent members of the mass populace against the regime (e.g. Karklins and Peterson 1993, 602-604; Siegel 2011).

Furthermore, acquiescence to the coup regime is an assurance game itself in which the relevant political actors in a society decide to accept and bandwagon around the new leadership to preserve social order, or to resist the usurpation and demand the

²⁵ Its prevalence is an example of the way state leaders often behave in ways that are rational for their individual self-interests rather than the unitary interests of the states that they lead (e.g. Bueno de Mesquita 2002).

²⁶ The coup-proofing data used by Belkin and Schofer (2003) and Powell (2012) are available only for 1966-1999, and would thus overlap only partially with the period studied in this dissertation.

reinstatement of the previous government. If there is a large public reaction to the coup, this may interfere with the acquiescence process in two ways. First, it could demonstrate the ultimate outcome is in doubt in the minds of military participants, thus making it unwise to throw one's lot in with a group that could be branded as traitors in the near future. Second, evidence of determined resistance could show that the preservation of social order is not possible with the new regime, so there is no reason to acquiesce to their power for that reason. Consequently "even one well-organized demonstration, or a well-timed strike, could pose a serious threat to the coup in the delicate transitional phase" (Luttwak 1969, 130), and "[t]he masses have neither the weapons of the military nor the administrative facilities of the bureaucracy, but their attitude to the new government established after the coup will ultimately be decisive" (Luttwak 1969, 173).

There are two ways described in Chapter 3 that democracy clauses could make public reaction to a coup d'etat more adverse for the coup leaders: it could alter the incentives of some social actors to set them more firmly against any such transfer of power, and it could legitimize resistance against such a transfer of power. The incentives effect comes from the fact that activation of a democracy clause is almost always accompanied by the imposition of sanctions or the threat thereof. The logic behind sanctions is that the imposition of these penalties will harm a state's leadership by harming some portion of their constituency, who in turn put pressure on the leadership to make some concession to the sanctioning power (e.g. Marinov 2005). The creation of an international legal "trip wire," a guaranteed punishing response to a coup, immediately sets the interests of those actors involved in the sanctioned activity against any group that may wish to carry out the coup. When it was predictable that states would normalize

relations fairly quickly, as during the Cold War, there would be little reason to worry about a dislocation of international trade and so those parties with an interest in trade could be indifferent to illegitimate transfers of power, at least on the basis of their business interests (Farcau 1994, 141). However, now that there is a predictable adverse response from the regional international community that calculus may have changed. This shifting in interests certainly does not affect all citizens, or even a majority of them, but it does potentially influence an important constituency, because actors involved in international trade probably have substantial resources. Given that one of the most important prerequisites for effective social mobilization is sufficient material resources (McCarthy and Zald 1977, McCarthy and Zald 2001), and that actors involved in international trade likely have such material resources, this could be an important shift in interests.

This mechanism would only apply in the case of trade pacts, or those regional IGOs that closely coordinate their activities with large regional states and/or international financial institutions, such as the OAS. IGOs like the African Union and the Commonwealth of Nations are not likely to have the same degree of economic leverage. However, it is also possible that the activation of a democracy clause could increase domestic resistance to a nascent coup regime by legitimizing that resistance. Simmons (2009) argues that this is one of the ways that international human rights treaties can influence human rights outcomes in member states. The “intangible resource” of international legitimation of a rights demand can strengthen the will of activists and potentially also help them recruit more people to their cause. Donno’s (2007) finding that opposition mobilization against election fraud was significantly strengthened by the

involvement of regional IGOs offers some empirical support for this idea in the democracy context. The upshot is that the activation of a democracy clause during a coup could strengthen the domestic resistance to the coup leaders and decrease the likelihood that they could consolidate their power.

Finally, the dynamics of the assurance game returns to the theory in this analysis as well. Even after the coup has been initiated, it is possible that some potential coup participants could choose to withhold their support if they get the sense that the coup is not going well. Farcau describes how it was a common pattern in Latin American coups for one military unit to initiate a coup well before any other units were involved. It would issue a *pronunciamento*, a statement of grievances and an intent to assume power, and then other military leaders would observe the public and government reaction to determine whether to participate or not (Farcau 1994, 22). Something like that probably still occurs in coups today, and with the presence of a democracy clause there may be sufficient increased resistance to make military commanders more reticent to join in. This may of itself be sufficient to make coups fail. But even beyond this direct influence it may be that a military leader undissuaded by resistance could be concerned that some other coup participants might be dissuaded by the resistance, and this concern could be great enough for them to believe that it is unlikely the coup will achieve a minimally sufficient number of coup participants. The rational colonel then could conclude it is best to sit out the attempt to avoid being associated with a failed coup. As in a security dilemma, a sort of infinite regress can occur between actors trying to guess the intentions and appraisals of other “players,” with the ultimate effect that cooperation fails. The

combined effect might be that in states subject to democracy clauses, when coups are attempted, they are more likely to fail.

Hypothesis and Research Design

The hypothesis proposed is as follows:

H1: Coups attempted in states subject to democracy clauses will be less likely to succeed than coups attempted in states not subject to such treaties.

For the purposes of this paper, I define a “democracy clause” as an international treaty committing the member-states to punish any other member-state that has a government come to power by unconstitutional means, and that such treaty specifically provide for suspension or expulsion from the organization as a means of punishment.

Table 1 describes the IGOs that have democracy clauses according to these criteria.

These are the same regional organizations used in Chapter 4 regarding coup attempts, *supra*.

Table 1

Regional Organization	Treaty	Year of Effect
Council of Europe	Statute of the Council of Europe	1949
EU	Treaty of Maastricht on European Union	1992
The Commonwealth of Nations	Millbrook Action Programme on the Harare Declaration	1995
MERCOSUR	The Ushuaia Protocol	1996
The OAS	The Washington Protocol	1997
The Andean Community	Additional Protocol to the Cartagena Agreement	2000
The AU	Constitutive Act of the African Union	2001
ECOWAS	Protocol on Democracy and Good Governance	2001

To test the hypothesis that democracy clauses reduce coup successes, I gathered data for the period 1991 to 2008 on coups, democracy clauses, and relevant control variables for all states with populations greater than 500,000 people. The test here is restricted to the period after the fall of the Soviet Union to avoid the potentially confounding influence of the Cold War on coups prior to 1991 (e.g. Thyne 2010; Farcau 1994; Luttwak 1969).

For data on coup attempts and coup outcomes I rely on the Powell and Thyne (2011) Global Instances of Coups Dataset. Per Powell and Thyne,

Coups d'état are defined as... overt attempts by the military or other elites within the state apparatus to unseat the sitting head of state using unconstitutional means...there is no minimal death threshold for defining a coup. A coup attempt is defined as successful if the coup perpetrators seize and hold power for at least seven days.

(Powell & Thyne 2011, 252). There is one other coups dataset available from Marshall and Marshall (2009). The datasets are similar but have some important differences (see Figures 1-4). As can be seen from the figures, these differences are pronounced even in the recent past, and can sometimes be quite substantial, such as where Marshall and Marshall identify twice as many coup attempts in the mid-1990s as Powell and Thyne do. For this paper I use the Powell and Thyne data as the primary test, but use the Marshall and Marshall data for a robustness check.²⁷ The dependent variable is coded “1” for coup success and “0” for coup failure.

Bivariate Correlations

²⁷ Discrepancies between the two datasets was the subject of a lengthy discussion at a panel on military coups at the 2011 ISA Annual Convention in Montreal. At that panel, Oberg, Moller and Taub (2011) presented the Uppsala/PRIO Coups Dataset for comment (though regretfully not for public use – it will not be available publicly until summer 2012). The Uppsala data more closely matched the Powell and Thyne dataset, to the point that they sometimes deviated quite significantly from the Marshall and Marshall data.

My first test was to examine the bivariate correlations. From 1991 to 2008, the Powell and Thyne (2011) dataset counted 83 coup attempts, of which 31 succeeded. During the same period, Marshall and Marshall (2009) identify 118 coup attempts, of which 31 succeeded.²⁸ The cross-tab of the Powell and Thyne data is shown in Table 2, and for the Marshall and Marshall data is shown in Table 3.

Table 2

Coup Success	No Democracy Clause	Democracy Clause	Total
Fail	34	18	52
Success	19	12	31
Total	53	30	83
Success %	36%	40%	37%

Powell and Thyne (2011). 1991-2008. $\chi^2 = .1411$, p value: .707

Table 3

Coup Success	No Democracy Clause	Democracy Clause	Total
Fail	58	26	84
Success	20	11	31
Total	78	37	115
Success %	26%	30%	27%

Marshall and Marshall (2009). 1991-2008. $\chi^2 = .2131$, p value: .644

There is no observable effect for democracy clauses in this data. In the Powell and Thyne data about one third of coups succeeded when a democracy clause was present, compared to 40% of those coups that occurred in states not subject to democracy clauses. For the Marshall and Marshall data, those percentages were 26% and 30% respectively. In contrast to the theory provided above, it appears that coup attempts during this period

²⁸ Although it is interesting to note that they are not in agreement about which coups succeeded. For example, Powell and Thyne code the coup in Ecuador in 2000 as a success because the president was removed from power, but Marshall and Marshall code it as a failure because he was replaced by the vice president and many of the coup participants were punished as criminals.

were slightly *more* likely to succeed when a democracy clause was present (although the difference is statistically insignificant).

This is not the final word on the matter though – there is also the issue of including relevant control variables. In particular, the potential problem here is that it may be possible that democracy clauses have decreased the likelihood of coup success, but that this is leading potential coup leaders to refrain from conducting coups in such a state at all rather than proceed with a failed venture. If this were true, then those states in which we do observe coup attempts are cases where conspirators made *a priori* appraisals that they were particularly likely to succeed. In such cases, democracy clauses – or any other coup-prevention scheme – would be especially unlikely to have any demonstrable correlation with coup outcomes.

For this to be true about the larger population of states it would need to be the case that states subject to democracy clauses are, on average, slightly more likely to experience coups than other states. On first consideration this may seem unlikely because democracy clauses have typically been implemented in regions with powerful democratic countries that may be expected to produce democratic diffusion effects. However, when one considers that the great bulk of cases coded as being subject to a democracy clause are in Latin America and Sub-Saharan Africa, long coup hotspots, this may not be so implausible. It might be precisely because they are particularly susceptible to coups that state leaders of these regions were willing to pay the sovereignty costs of creating these defense-of-democracy regimes.

Multivariate Model

With a dichotomous dependent variable it is natural to reach for logistic regression, but there is a potential problem here with the possibility of selection bias. In this study we are able to observe the effect of democracy clauses on coup outcomes only in states that have already had coups. Our ability to observe the dependent variable at all is dependent on a selection process that is non-random and related to the dependent variable itself. Put another way, the sorts of states that have coups are probably those in which coups are more likely to be successful. To just run a probit or logistic regression on coup success would produce biased results without accounting for this selection effect.

To deal with this selection problem for analysis of a dichotomous variable, the standard statistical model is the Heckman Probit. Heckman two-stage models first estimate the likelihood of the dependent variable being observed, and then include the “selection hazard” as a control in estimating the probability of that dependent variable taking one value as opposed to another. For dichotomous variables, the appropriate model is the Heckman probit first described by Van de Venn and Van Pragg (1981). Powell (2012) used this model for his work on the influence that military structure and resources have on coup outcomes, and this study is modeled after that one. Furthermore, the Heckman probit also allows diagnostic tests to see whether selection is biasing the results. If those tests are negative, it is possible to run an analysis using a more conventional estimator for a dichotomous dependent variable. As will be shown, this is the case here, allowing for the use of logistic regression for the final results.

Controls

In a study of coup outcomes it is necessary to include some control variables. I have described these variables, their sources, and expected influence in Table 4. In addition to these variables, cubic splines were included to deal with intertemporal dependence, as recommended by Beck, Katz and Tucker (1998). GDP per capita is included because power tends to be spread more diffusely in richer states, making it more difficult to seize control (e.g. Luttwak 1969; Farcau 1994). For GDP change, It seems likely that a public would be less willing to acquiesce to an attempt to unseat an incumbent government that presided over recent economic growth. Conversely, if the incumbent government is associated with economic decline, the public response to a coup might be more welcoming. (e.g. Barracca 2007). The Banks Weighted Conflict Index is a weighted measure of assassinations, general strikes, guerilla wars, government crises, purges, riots, revolutions, and anti-government demonstrations. It is included because in times of significant social upheaval the public and other social actors like the business community, civil society, etc. may welcome any force that promises to restore order (Belkin and Schofer 2003; Thyne 2010; Powell 2012).²⁹ The regional average Polity IV score accounts for the potentially confounding influence of democratic diffusion effects (e.g. Gleditsch and Ward 2006). A dichotomous measure for military government is included in this model to account for the much higher susceptibility that such regimes have to coups.³⁰ It turns out that to live by the sword really is to die by the sword: Belkin

²⁹ Because the Banks Index ranges from 0 to about 23,000, it is difficult to interpret the odds ratios produced by a bivariate analysis using the index as an independent variable. Consequently, I log the instability index so a 1-unit change in the variable produces a more interpretable odds ratio.

³⁰ The reader will note that the population examined in this analysis is not limited to democracies. This choice is based on the fact that regional organizations have not discriminated in their application of democracy clauses based on the de facto political conditions of the relevant states. As evidenced by the AU suspensions of Togo in 2005, Guinea in 2008 and Niger in 2010, regional organizations have applied democracy clauses against states regardless of whether the displaced regimes met academically-accepted criteria for democracy. Why this is the case has not been studied to this point. It may be because all or

and Schofer (2003) showed that military regimes were significantly more susceptible to coup attempts, and Powell (2012, 24) found that coup attempts were four times more likely to be successful against military regimes than against non-military regimes. I controlled for whether the preceding regime was democratic, based on the notion put forward by Lindberg and Clark (2008) and others that democratic regimes have more legitimacy and thus are more resilient to coups. This was coded as a dichotomous variable (democratic / non-democratic) using the criteria developed by the Political Instability Task Force in their academic papers (e.g. Epstein et al 2006; Ulfelder and Lustik 2007; Goldstone et al 2010). The number of military personnel is included because Powell (2012) found that states with larger militaries had fewer successful coups, likely because of intensified collective action problems. Finally, a count variable for the number of years since the last coup is included as Farcau (1994) argues that coups are more likely to succeed when there have been coups in the recent past that can serve as models of how one succeeds or fails at the task. Belkin and Schofer (2003) and Powell (2012) have found such results in their studies.

Selection Model

I first ran the Heckman probit-probit model including all the variables listed above, plus democracy clauses, in the selection equation and the following variables in the outcome (i.e. coup success) equation: democracy clause, GDP per capita, regional

nearly all of these states often proclaim themselves to be democracies even when the facts on the ground are clearly contrary to this. This might lead regional IGOs to employ democracy clauses in support of the formal or de jure governmental form rather than its actual preceding nature. Alternatively, it might be that IGOs are concerned about coup-diffusion effects not only from democracies but from all neighboring states, and therefore apply democracy clauses indiscriminately. Regardless, these treaties are being implemented against states that do not meet the standard Polity criteria (or other measures) for democracy.

democracy, Banks instability, military government, and number of military personnel. Given that use of this model here required the observations to be country-years, it was necessary to construct two datasets to account for the fact that some states experienced multiple coups in a single year with divergent outcomes. Regardless of whether multiple

Table 4

<i>Variable</i>	<i>Variable Source</i>	<i>Expected Influence on Coup Outcomes</i>
GDP per capita	World Bank World Development Indicators	-
Change in GDP per capita	World Bank World Development Indicators	-
Banks Weighted Conflict Index	Cross-National Time-Series Data Archive	+
Regional average Polity score	Polity IV	-
Democratic Political Institutions	PITF classification	-
Military government	World Bank Political Institutions Database	+
Number of military personnel	Correlates of War National Material Capabilities Dataset	-
Number of years since the last coup	Powell and Thyne (2011) Global Instances of Coups	-

coups with divergent outcomes were coded as successes or failures, the Wald test of independent equations in the Heckman model was well outside significance. This indicates that the selection model is unnecessary here and it is possible to directly test the dependent variable here using a normal bivariate correlation without an expectation of biased estimates (Baum 2006, 275).

Logistic Regression

This leads to the final set of tests conducted here, which were logistic regressions for the populations of coup attempts detailed in the Powell and Thyne (2011) and Marshall and Marshall (2009) datasets. The results are reproduced in Tables 5 and 6. I report odds ratios instead of coefficients for ease of interpretation. An odds ratio describes the anticipated influence on the dependent variable of a one-unit change in the independent variable of interest, holding all other variables constant. Thus, the odds ratio of .564 for democracy clauses in Table 5 signifies that the applicability of a democracy was associated with a reduced likelihood of coup success by about 44%. Within the Marshall and Marshall data (Table 6), democracy clauses were correlated with a 24% reduction in the likelihood of coup success. This sounds impressive, but it is important to look at the 95% confidence intervals around those estimates. It immediately becomes clear that these estimates are not very precise. With 95% certainty, we can say that democracy clauses have an influence that is somewhere between reducing the likelihood of coup success by about 84%, or increasing that likelihood by 92%. It is interesting to note that the control variables also have very large confidence intervals, suggesting that

the outcomes of coups during the post-Cold War period did not have any strong patterns along any of the dimensions accounted for in these models.

Table 5: Influence of Democracy Clauses on Coup Outcomes, 1991-2008

<i>Variable</i>	<i>Odds Ratio (Std. Error)</i>	<i>95% Confidence Interval for Odds Ratio</i>
Democracy Clause	.564 (.353)	.165 – 1.923
GDP per capita	.615 (.253)	.274 – 1.378
GDP per capita % change	.987 (.042)	.908 – 1.073
Regional Polity Average	1.194 (.152)	.931 – 1.533
Instability Index	.939 (.072)	.808 – 1.093
Military Government	1.148 (.727)	.332 – 3.974
Democracy	1.280 (1.001)	.276 – 5.930
Years Since Last Coup	.965 (.029)	.910 – 1.023
Observations	71	
χ^2	6.40	
Pseudo R ²	.068	

Data from Powell and Thyne 2011. Cases within the period dropped for lack of data: Afghanistan (1992), Haiti (1991), Iraq (1991, 1992, 1995), Libya (1993), Qatar (1995, 1996), Sao Tome and Principe (1995, 2003).

Table 6: Robustness Check – Influence of Democracy Clauses on Coup Outcomes 1991-2008

<i>Variable</i>	<i>Odds Ratio (Std. Error)</i>	<i>95% Confidence Interval for Odds Ratio</i>
Democracy Clause	.758 (.420)	.255 – 2.248
GDP per capita	.724 (.259)	.358 – 1.461
GDP per capita % change	.998 (.116)	.926 – 1.075
Regional Polity Average	1.154 (.116)	.948 – 1.405
Instability Index	.949 (.066)	.828 – 1.086
Military Government	.972 (.555)	.318 – 2.978
Democracy	1.202 (.813)	.319 – 4.526
Years Since Last Coup	.991 (.015)	.962 – 1.020
Observations	99	
χ^2	3.97	
Pseudo R ²	.034	

Data from Marshall and Marshall (2009). Cases within the period dropped for lack of data: Afghanistan (1992, 2002), Cambodia (1991), Djibouti (1991), East Timor (2008), Haiti (1991), Iraq (1991, 1992), Liberia (1994), Libya (1993), Qatar (1995, 1996), and Tajikistan (1992).

Analysis and Conclusion

It is important to note at the outset that none of the coefficients for any variable in either model achieves statistical significance. However, the standard resort to statistical significance as a test of whether an effect is present may not be very helpful here, especially given the number of cases. The analysis conducted above was done not on a

representative sample but from nearly the entire population of cases. Missing data led to list-wise deletion of some cases in both the Powell and Thyne model and the model for the Marshall and Marshall data, but in each case there was data for about 86% of all coups that occurred in the period studied. Statistical significance is a measure of how likely it is that a pattern observed in a sample will also be observed in the larger population from which that sample is drawn. When we can directly observe the parameters of a population (or close to it), using statistical significance is a misleading measuring for the existence of the effect (see Cranmer and Siverson 2008, 798). A related point was made by McCloskey and Ziliak (1996; Ziliak and McCloskey 2004). It is more useful to consider the effect sizes of relevant variables, keeping in mind that they are derived from the data observed and that inference outside of that data should be considered speculative.

The results of these analyses do not present an unambiguous picture. The simple bivariate correlations between democracy clauses and coup outcomes show little or no evidence that governments of states that participate in these treaties are any less likely to succumb to coups when they are attempted. However, after accounting for variance caused by other likely explanations of coup outcomes, a weak effect for democracy clauses, within these data, is perceptible. During 1991-2008, those states for which data are available were less likely to experience successful coups if they were members of a regional organization with a democracy clause, by about 44% in the Powell and Thyne (2011) data and 24% in the Marshall and Marshall (2009) data.

As a policy matter, a 24-44% decrease in the likelihood of coup success is no small matter, even if that effect is highly variable in individual cases. This finding should

offer some encouragement to the architects of regional defense of democracy regimes, the states that have enforced them in the past, and the democratic leaders of unconsolidated democracies that are relying on them to act as a bulwark against would-be usurpers. However, whether this pattern will continue to be observed in the future is another matter. The degree of uncertainty in the data for the period studied here show that making claims about the likely influence of democracy clauses on coup outcomes in the future must only be done with great caution.

The test offered here cannot discriminate why potential coup conspirators fail to be more unambiguously hindered by international ostracism when they attempt a governmental overthrow. There are several possibilities, however, that point the way to further research. It may be that suspension from a regional IGO or even non-recognition is not a sufficiently severe detriment to dissuade the sort of actor that would contemplate a coup. This sort of international condemnation may lack the teeth to have real consequences for coup conspirators, whether by economic dislocation or more general delegitimization. This would suggest that suspension and non-recognition alone are insufficient to influence the outcome of coups d'état, but one wonders whether those regional IGOs that have additional "sticks" at their disposal may be more effective. For example, the category of "democracy clause" used in the analysis above does not distinguish trade pacts from purely political organizations. In discussing the alleged success of MERCOSUR in dissuading the 1996 Paraguayan coup, Valenzuela (1997) placed great emphasis on the ability of that organization to impose substantial economic sanctions if it chose. Future research could distinguish between predominantly economic and predominantly political IGOs and explore whether the additional tools available to

groups like the EU, MERCOSUR, and ECOWAS make their democracy requirements more effective than those of groups like the OAS or AU.

In addition, it may be that the collective action problem involved in international enforcement of a democracy clause is too great for an IGO to be able to respond adequately to a coup in a member states, and domestic actors know this and thus fail to be dissuaded by international sanctions. The literature on enforcement of the OAS regime is littered with examples of half measures in responding to democratic crises (see Levitt 2006, Arceneaux and Pion-Berlin 2007, Boniface 2007). Thomas Legler's (2010) analysis of the tactics used by the coup leaders in Honduras in 2009 suggests that these actors were counting on an initially negative international reaction, but they believed that if they could just hold on to power long enough, international commitment to those sanctions would flag and the usurpers would be able to retain their position in the end. History appears to have proved them right in this regard. If this is true, it raises a further question or whether there may be some subset of circumstances in which they could have a stronger effect. Examples might be when states are particularly vulnerable to disruptions of international trade or finance, or when a regional hegemon considers it within its interest to see the treaty enforced.

This last point raises another possibility, that the ability of regional communities to affect coup outcomes is driven largely by the extent to which regional hegemons support that international action. When a regional power does not wish to see a coup-regime unseated because of its own foreign policy interests, there are many steps it could probably take to undermine the response of a regional IGO to a coup. Cooper and Legler (2006) describe how the U.S. government's implicit support for the coup in Venezuela in

2002 probably affected the ability of the OAS to respond to that event, and it may be that something similar happened in the many coups under the jurisdiction of the AU and ECOWAS.

Answering these questions is beyond the scope of this work, but the findings presented here can serve as a base point from which such research can proceed. For academics and policymakers interested in the survival of democratic institutions in Latin America, Africa, and the Commonwealth of Nations, there are reasons to be cautiously optimistic that regional treaties to defend democracy may be dissuading coups. However, this is far from certain, and only more time for data to accrue, and more research, can establish this with any certainty.

Figure 1

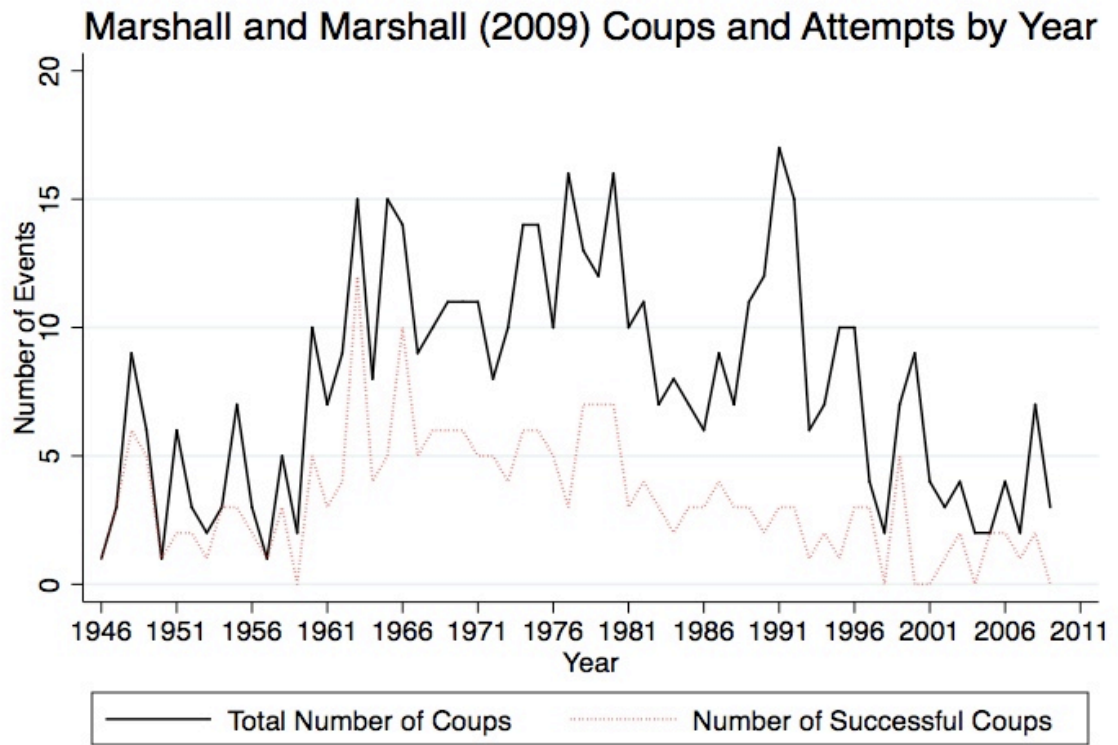


Figure 2

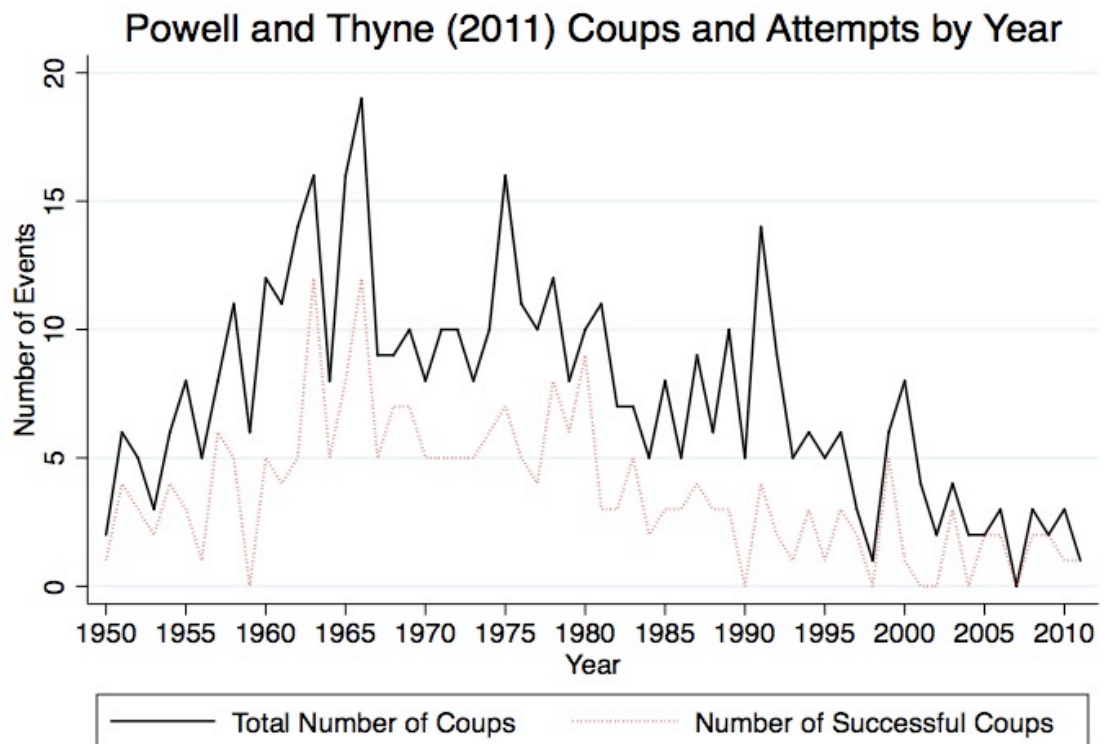


Figure 3

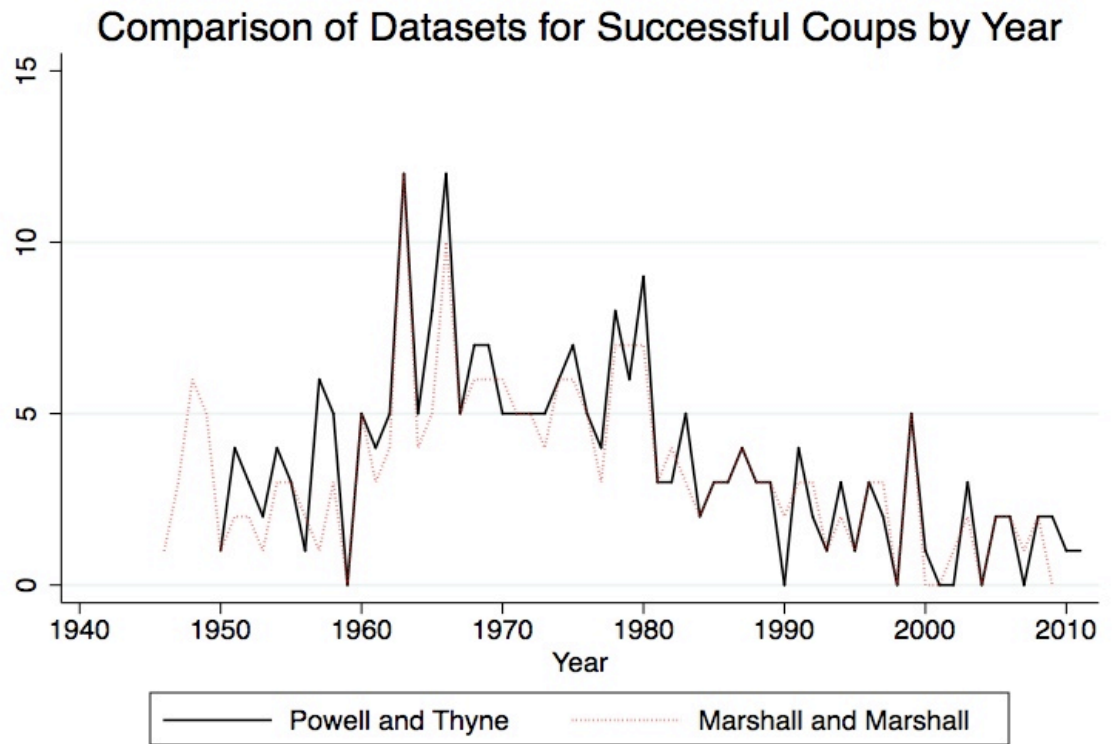
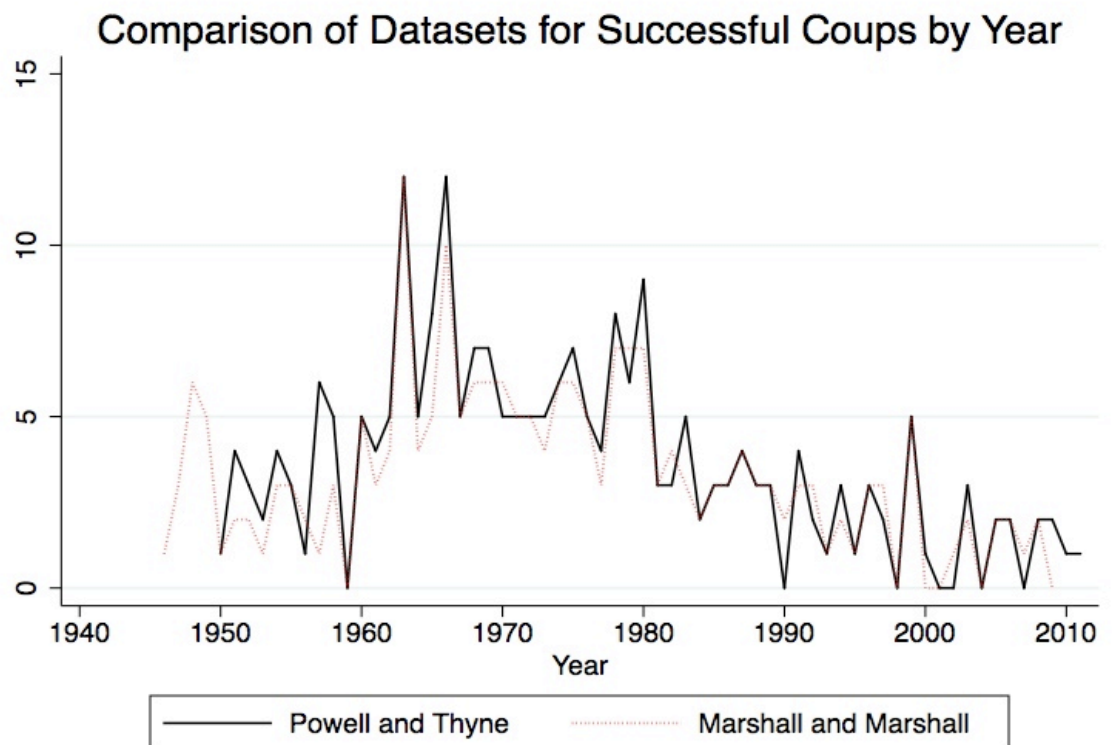


Figure 4



CHAPTER 6: DEMOCRACY CLAUSES AND STRATEGIES OF COUP LEGITIMATION

“All happy families are alike; every unhappy family is unhappy in its own way.”
Leo Tolstoy, Anna Karenina

This chapter examines the hypothesis that coup leaders will use different legitimating strategies to consolidate their power in states subject to democracy clauses than they will in states without such restrictions. The method here is case study, and this chapter examines coups that occurred in Honduras (2009), Mali (2012), and Thailand (2006). By comparing the ways that coup leaders attempted to legitimate their power across these cases, the aim is to get a better idea of whether democracy clauses are forcing coup participants to alter their approaches to seizing power.

Why Coup Legitimation Strategies?

In preceding chapters we looked at correlations between the presence of democracy clauses and 1) the incidence of coup attempts and 2) the incidence of successful coups. The findings produced by examining those statistical correlations provide a good sense of how effective these treaties are in the broadest sense. However, statistics cannot tell us whether the mechanisms proposed in Chapter 3 are working; i.e. whether democracy clauses are influencing the calculations of potential coup leaders. Failure to identify a statistically significant decline in coups does not necessarily mean that the theory is wrong – failure to observe a clear change in patterns of outcomes could be the result of other forces. Moreover, any attempt to study the impact of democracy clauses needs to take a closer look at their operation in particular cases.

Ideally, we would find some way of determining whether the presence of a democracy clause resulted in usurpers abandoning attempts to launch coups. However, such a research project is not reasonably possible. It is extraordinarily difficult within the social sciences to explain a non-event. This is especially true for something like a coup where an actor could not admit having considered the action without serious repercussions. No military officer (or other potential coup leader) would be likely to say that yes, they would have tried to overthrow the state, but they chose not to because they were worried about the international reaction. To do so would be disastrous for his/her career and potentially safety or liberty as well. Consequently, we have to consider other potential dependent variables to test the effectiveness of democracy clauses on the coup calculus.

The other complication in selecting this dependent variable is that it needs to be something observable across multiple contexts. This research project is about a kind of international treaty, not political outcomes in a particular place, and its generalist focus makes it important to identify a dependent variable that is easily observable and unlikely to be misperceived because of local factors.³¹

These concerns led me to focus on two aspects of the coup process that are both easily observable and revealing of the mental states of coup leaders: the size of the coup coalition that attempts to overthrow the state and subsequently consolidate power, and the

³¹ In its search for general rather than locally-specific findings, this project is closer to the model that Michael Coppedge (2012, 53) describes as that of the “whale” than the “octopus” in his discussion of differences in approaches to the study of comparative politics:

“Both are renowned for their intelligence, but they use their intelligence in different ways. Whales come to know great swaths of the earth in their tours of the globe; they lack limbs that would allow them to experience objects first-hand; and their eyesight is too poor to perceive fine detail. They acquire a surface knowledge of general things. Octopuses, in contrast, dwell in one place and use their fine eyesight and eight infinitely flexible arms to gain an intimate knowledge of local, specific things.”

kinds of justifications that coup leaders offered to legitimate their subversion of the previous order. These are explained in the next two sections.

Coup Coalitions

Coup leaders usually prefer to keep the coup coalition as small as is feasible – i.e. to restrict the number of participants to that minimally sufficient to carry off a successful coup (Luttwak 1969). There are two reasons for this. First, a smaller coup coalition means a greater share of the spoils – power, prestige, and material benefits – to be shared out among the coup leadership. Bueno de Mesquita et al (2003) describe this as a general principle of authoritarian politics, in which the leadership tries to minimize the size of the governing coalition so as to maximize the rents for all the members of that coalition. Second, a smaller coup coalition reduces the severity of collective action problems in organizing and executing the coup. With fewer people involved there is a reduced likelihood that the plot will be betrayed to the authorities, purposefully or not. Moreover, the effects of uncertainty on the assurance game of coup membership described in Chapter 3 are less pronounced with fewer actors. From the usurper's perspective, so long as the coalition is sufficient to seize the state, the smaller the better.

However, the theory proposed here is that there may be circumstances in which it could be rational to expand the coup coalition beyond the size minimally necessary to seize control of the state. Democracy clauses could make it more difficult for coup leaders to retain power after unseating an incumbent, whether directly via diplomatic and economic sanctions, or indirectly by providing legitimacy to domestic opposition to the coup (see Chapter 3). One way to counter this may be for coup leaders to include within

their coup coalition mainstream political actors such as important members of the executive, legislative and/or judicial branches of government and/or representatives from influential groups in civil society. While a broader coup coalition means the spoils of government must be spread thinner, it probably also makes for a more robust post-coup regime; i.e. more resistant to external or internal challenges.

Legitimizing Rhetoric

The other dependent variable proposed here is the legitimating language used by coup leaders to justify their seizure of power. It is common, perhaps even universal, for political actors to offer rhetorical justifications for their actions, particularly when it involves the overthrow of the status quo the way that a coup d'etat does. There are good reasons to doubt whether the justifications provided describe real or true motivations of the coup leaders (Farcau 1994, 25-26). However, there are also good reasons to believe that the choice of justification is not random. More likely, the choice of legitimating rhetoric by coup leaders is a strategic choice, aimed at offering whatever justifications coup leaders think will be most successful in aiding their bid to maintain power. Public statements thus can give us insight into a speaker's beliefs about the relative efficacy of different lines of argument. If so, by considering the justifications offered by coup leaders in specific cases, we can learn something about what forces they are most concerned with or that they think will have the most important influence on the outcome of the coup attempt.

Finer (1962, 30) described a pattern in the justifications offered by coup leaders in the first part of the twentieth century. As he says "All armed forces which have become

politicized . . . hold in some form or another a similar belief: that they have some special and indeed unique identification with the ‘national interest.’” Koonings and Kruijt (2002, 19) expanded on this idea when they described military justifications as commonly of two types, based on the idea of the military being above politics and therefore uniquely suited to guide the nation (the “birthright principle”), and being more competent than venal civilian politicians (the “competence principle”). The most common forms of justifications along the lines of the birthright principle emphasized national unity, public order, the nation’s values or mythic history, anti-imperialism or anti-communism, and the like. The competence principle was a rhetorical resort to what is sometimes called “performance legitimacy” (e.g. Diamond 1999), where extra-constitutional or oppressive actions are justified because of some alleged economic or social benefits in the future.

The theory proposed here is that in states with democracy clauses, this pattern will be disrupted and that rhetorical justifications rooted in nationalism or performance will be supplanted by justifications rooted in constitutionalism. In other words, I expect democracy clauses to cause leaders to justify their actions as legal, not merely good. If this is correct, coup leaders in states subject to democracy clauses will be forced (or will at least find it useful) to claim that their actions were consistent with the terms of pre-coup constitution.

This would be true for two reasons. First, while regional actors may be willing to intervene in the event of a transparent overthrow, they are less willing to intervene in the murkier case of a domestic constitutional crisis. As described by Arceneaux and Pion-Berlin (2007; *supra* Chapter 2), the OAS has responded forcefully to every coup that has occurred within its members since the promulgation of the Santiago Commitment but has

generally demurred when both parties have a plausible claim to constitutional action. Regional organizations do not like to be placed in the situation of interpreting the constitutions of their member states.

Second, phrasing justifications in the language of the pre-existing constitution can also blunt domestic opposition to the coup. As Weingast (1997) describes, one of the most important obstacles to collective opposition to governmental transgressions is identifying when those transgressions occur. Constitutions serve as focal points that help domestic actors identify what actions are within the scope of appropriate authority and what actions are improper. By claiming a constitutional basis for their actions, coup leaders could therefore disrupt the collective action of those supportive of the existing regime by making it harder to determine whether a true subversion has occurred. This could be useful to coup leaders if the theory advanced in Chapter 3, that democracy clauses assist domestic mobilization against coups, is correct.

If the hypothesis proposed above is correct, coup leaders will find it useful to claim that their actions were consistent with the terms of pre-coup constitution. It would not be enough to satisfy the hypothesis that coup leaders make increased reference to “democracy” in the abstract – that would probably not be sufficient to mollify the increased domestic and international opposition that is foreseeable when a democracy clause is present. The key indicators to look for are references to the constitution, the preservation of the pre-coup constitution rather than replacement, claims of acting within the terms of legal impeachment procedures, and so on.

It is important to note that this would be suboptimal for coup leaders – it is a “costly signal” that they would theoretically prefer not to make. Retaining the pre-

existing constitution will inevitably mean allowing for the continuance of institutions that could restrict the ability of the new government to achieve its policy aims. Being based on force, a coup-founded regime would likely be able to muscle its way to its preferred goals, but even if the constraint happens at the margins this would be a hindrance. This is probably why it has been so common for coup leaders to write new constitutions when they come into power. If they would choose not to because of democracy clauses, this would be a telling shift in power dynamics.

Case Selection

The theory above is examined in three cases: the 2009 coup in Honduras, the March 2012 coup in Mali, and the 2006 coup in Thailand. Case selection is often tricky in qualitative research, and this study is no exception. The strategy I use is to compare “typical” cases of the OAS regime, the AU regime, and from states without democracy clauses, for which there is as much data available as possible.

The Honduras case is the most obvious case to include because it is the only instance of a coup attempt lasting more than a single day in the Western Hemisphere since the creation of the OAS defense-of-democracy regime. The only other possible cases within the OAS are the coup in Venezuela in 2002 and the pseudo-coup led by disgruntled police officers in Ecuador in 2010. Both of these coup attempts failed and were over in a matter of hours, leaving very little evidence of legitimation strategies. Perhaps more importantly, the Venezuelan and Ecuadoran cases had unique factors that probably dominated their outcomes and makes them not very useful for broader generalization. The Venezuelan coup failed in large part because of a series of major

political miscalculations by one of the coup leaders, Pedro Carmona (Cooper and Legler 2006, Chapter 4). The Ecuadoran case was probably not a premeditated coup at all. President Raphael Correa was giving a speech to an organization of police officers when he announced he was cutting police bonuses. The group became unruly and President Correa was affected by tear gas that was used in an attempt to disperse the crowd. He was then taken to a police hospital but then not allowed to leave. Fearing a police-led coup, the Ecuadoran army secured the hospital, exchanging gunfire with police in the process, and freed Correa. The entire incident lasted only a few hours. Neither the Venezuelan nor Ecuadoran cases are therefore well-suited for generalization, or at least they are relatively unsuitable compared to the Honduran case.³²

The 2006 coup in Thailand is a nice comparison case for the Honduran case. They are similar cases in several important ways. First, both had significant experience with democratic institutions at the time of their coups. Using the Cheibub, Gandhi and Vreeland criteria, Honduras had been a democracy since 1983 at the time of its coup – Thailand since 1992. Both of them therefore had more than a decade of democratic experience and this similarity helps control for the potentially confounding effects of political culture. Moreover, both cases have relatively high linkage to the West, particularly the United States, because of security ties. Finally, both are relatively recent cases, which helps control for global diffusion of democratic values. These similarities set up a “controlled comparison” as described by George and Bennett (2005, 81)

the comparison of most-similar cases which, ideally, are cases that are comparable in all respects except for the independent variable, whose variance may account for the cases having different outcomes on the dependent variable.

³² It is noting in passing that there was substantial popular mobilization against both the Venezuelan and Ecuadoran coups despite their brevity.

That independent variable is the applicability of a democracy clause – one was present in the Honduran case and not in the Thai case.

Selecting the African case is more difficult. Selecting a representative case for the AU regime is difficult because of varying circumstances in the different coups that occurred there since the creation of the democracy requirement in the African Union Constitutive Act. I looked to typicality along key independent variables: GDP per capita and the number of years since the last coup. Comparing the mean scores of African states that experienced coups since 2001 with the scores of individual countries, there are three candidates for typicality across these dimensions: the coup in Togo in 2005, the coup in Guinea in 2008, and the coup in Mali in 2012. Of these I selected the Malian coup because of advantages in collecting data. The Malian coup received heavy press coverage in the international media. This provided information – including, crucially, interviews with coup leaders – that allowed for more in-depth analysis and more triangulation of findings. These efforts do not eliminate the problems that come from trying to make general inferences based on a specific cases, but hopefully limit them as much as possible.

*Cases*³³

A. The Honduran Coup of 2009

1. The Coup

³³ Because of the extensive use of non-academic sources in this chapter, the standard in-text citation form of social science journals initially proved to be bulky and rendered the text unreadable. Consequently, for this chapter only, I use the legal citation form of the Bluebook (18th ed.) with some in-text citation as it felt appropriate. Hopefully this will make for a more pleasant reading experience.

Honduran President Manuel Zelaya Rosales was unseated by a coup on June 28, 2009. Zelaya was elected in 2006 from the conservative Liberal party, but in his first few years in office he drifted steadily to the political left. He lowered fees required for public schools, pushed through a raise in the minimum wage, and opposed the privatization of the country's telecommunications industry, in the process angering fellow party members and some elements of the Honduran business community.³⁴ Even more threatening to some was the way Zelaya reached out to Venezuelan president Hugo Chavez. In 2008 he signed an import agreement with Venezuelan national oil company Petrocaribe, and later that year Zelaya led Honduras into ALBA,³⁵ a regional group of Central and South American states led by Chavez as an alternative to the OAS and other regional organizations.³⁶ Also generating domestic opposition were allegations that Zelaya attempted to manipulate the selection of judges for the Supreme Court, and accusations of corruption.³⁷ The final straw, however, came in early 2009 when Zelaya ordered that a "national consultation" be held on June 28, 2009, to determine whether to hold a convention to draft a new constitution.³⁸

Zelaya's conservative opponents feared that this was a stratagem to eliminate the term limits that would force Zelaya to step down in 2010.³⁹ Furthermore, there were irregularities in the way this ballot was proposed. The Contentious-Administrative Court held the poll was unconstitutional because Article 5 of the Honduran Constitution

³⁴ William Finnegan, "An Old-Fashioned Coup; As elections loom, can a deposed leader return?" *The New Yorker*, November 30, 2009.

³⁵ The Spanish acronym for the *Bolivarian Alternative for the Peoples of Our America*.

³⁶ Noah Feldman, David Landau, Brian Sheppard and Leonidas Rosa Suazo, "Report to the Commission on Truth and Reconciliation of Honduran Constitutional Issues." March 26, 2011, at 10 [hereinafter Feldman et al Report].

³⁷ *Ibid.*

³⁸ *Ibid* at 11.

³⁹ Finnegan, *supra* note 1.

requires Congress to approve any referendum. However, Zelaya ordered General Romeo Vasquez Velasquez, chief of the Honduran armed forces, to carry out the poll anyway.⁴⁰ On June 18, the Court sent an order to General Vasquez to desist in any participation with the poll,⁴¹ and on June 24, Vasquez notified the Court he would comply with this order. Later that day Zelaya fired General Vasquez along with Defense Minister Edmundo Orellana Mercado.⁴² On June 25 Zelaya led a large crowd of supporters to a military base near Tegucigalpa and seized the ballots printed for the poll,⁴³ apparently with the intent of going ahead and conducting the poll without the assistance of the military.

On June 28, shortly before 6 a.m., approximately 200 soldiers stormed the presidential residence. They quickly overcame Zelaya's guards and seized Zelaya himself. He was taken to a waiting military airplane and flown to Costa Rica where they left him on an airstrip, still in his pajamas.⁴⁴ The next day the de facto leadership claimed the army was executing an arrest warrant that had been issued by the Honduran Supreme Court for treason, usurpation of functions and abuse of authority. The warrant was eventually produced and claimed by the Supreme Court, though some commentators later observed it was impossible to know if the warrant was created before or after Zelaya was exiled.⁴⁵

Shortly after noon on the day of the coup, the Honduran Congress convened and considered the report of a secret commission that had ostensibly been created on June 25 to consider the constitutionality of Zelaya's actions regarding the referendum.⁴⁶ A letter

⁴⁰ Ibid. at 13.

⁴¹ Ibid. at 14.

⁴² Ibid.

⁴³ Ibid. at 15.

⁴⁴ Finnegan, *supra* note 1.

⁴⁵ Feldman et al Report, *supra* note 3, at 16

⁴⁶ Ibid. at 17.

of resignation from Zelaya was also produced.⁴⁷ The letter was almost certainly a forgery – Zelaya denied writing one and the letter was dated June 25, three days before the coup.⁴⁸ The Congress voted to accept Zelaya’s “resignation” and then declared President of the Congress Roberto Micheletti Bain to be interim President until elections in November.⁴⁹ In accepting the position, Micheletti said “I do not arrive at this position via the ignominious route of a coup d’etat, I arrive as the product of an absolutely legal transition.”⁵⁰

2. International Reaction

International condemnation of the coup was immediate and forceful. On June 28, the day of the coup, OAS Secretary General Jose Miguel Insulza issued a press statement that condemned the coup and he called an emergency session of the Permanent Representatives to the OAS that met that morning to discuss the crisis.⁵¹ Also on June 28, United States President Barack Obama called on Honduran officials to “respect democratic norms, the rule of law, and the tenets of the Inter-American Democratic Charter.”⁵² Secretary of State Hilary Clinton issued a statement that is worth quoting in full to show the place of the OAS democracy clause in the response:

The action taken against Honduran President Mel Zelaya violates the precepts of the Inter-American Democratic Charter, and thus should be condemned by all. We call on all parties in Honduras to respect the constitutional order and the rule of law, to reaffirm their democratic vocation, and to commit themselves to resolve political disputes peacefully and through dialogue. Honduras must embrace the very principles of democracy we reaffirmed at the OAS meeting it hosted less than one month ago.⁵³

⁴⁷ Ibid. at 18.

⁴⁸ Finnegan, *supra* note 1.

⁴⁹ Feldman et al Report, *supra* note 3, at 19.

⁵⁰ Ibid.

⁵¹ Press Release, Organization of American States, Secretary General, E-212/09. June 28, 2009.

⁵² Elisabeth Malkin, “Honduras President Ousted in Coup” *The New York Times*. June 28, 2009.

⁵³ Press Release, U.S. Department of State, Secretary of State Hilary Clinton, “Situation in Honduras”, PRN 2009/653 (June 28, 2009), at: <http://www.state.gov/secretary/rm/2009a/06/125452.htm> It is worth

The European Union condemned the coup, as did the leaders of many Latin American states.⁵⁴ On June 30, Zelaya appeared before the General Assembly of the United Nations to demand condemnation of the coup, and the Assembly passed a one-page resolution that called for Zelaya's reinstatement and urged UN member-states not to recognize the new regime.⁵⁵ In the first weeks after the coup, the Micheletti regime was not recognized by a single country.⁵⁶ In addition, the World Bank and the Inter-American Development Bank both "paused" loans to Honduras. World Bank President Robert Zoellick said the World Bank was "looking to the OAS to deal with . . . the crisis under its democratic charter. In the process we have put a pause on our lending [to Honduras]."⁵⁷ The total amount of the suspended credits came to at least U.S. \$200 million.⁵⁸

On July 1, the OAS met as a Special General Assembly and issued a resolution "vehemently" condemning the coup and requiring the de facto regime to turn power over

noting that in an extensive discussion via conference call between reporters and State Department officials that took place on June 28, the response of the United States was framed predominantly as action within the framework of the IADC. See "Background Briefing on the Situation in Honduras" at: <http://www.state.gov/r/pa/prs/ps/2009/06a/125453.htm> However, even after State Department officials and President Obama had described the event as a coup, the official U.S. position on whether the displacement was a "coup" was unsettled for several months. See Doug Cassel, "Honduras: Coup d'Etat in Constitutional Clothing?" ASIL Insight. Available at: <http://www.asil.org/insights090729.cfm>; Arshad Mohammed, "US moves to formal cutoff of aid to Honduras." *Reuters News*. August 28, 2009.

⁵⁴ *BBC News*, "World Reaction: Honduran crisis" (June 28, 2009), available at: <http://news.bbc.co.uk/2/hi/americas/8123434.stm>

⁵⁵ United Nations General Assembly, "Situation in Honduras: democracy breakdown" UN Doc A/Res/63/301 (June 30, 2009); Marc Lacey, "After Losing Honduras, Ousted Leader Wins International Support", *The New York Times*, June 30, 2009. Interestingly, Mexico was one of the sponsors of the resolution, suggesting that its foreign policy position had shifted since the time it had refused to accede to the Washington Protocol in 1997.

⁵⁶ Peter J. Meyer, "Honduran Political Crisis, June 2009 – January 2010." *Congressional Research Service*. February 1, 2010.

⁵⁷ *Reuters News*, "World Bank 'pauses' loans to Honduras." June 30, 2009; *Reuters News*, "IADB says pausing loans to Honduras over coup." July 1, 2009.

⁵⁸ Juana Casas, "Isolated Honduras hunkers down; Zelaya vows action" *Reuters News* July 11, 2009.

to Zelaya within 72 hours or face suspension.⁵⁹ When this ultimatum was ignored, the Special General Assembly met again on July 5 and unanimously agreed to a resolution that suspended Honduras from participation in the OAS.⁶⁰ This was the first time the OAS had formally invoked the suspension clause in Article 21 of the IADC.

3. The Post-Coup Struggle for Power

Under pressure from the OAS, the United States, and other regional powers, the Micheletti regime agreed to negotiations with Zelaya beginning July 9. The OAS negotiations centered on a proposal whereby Zelaya would be reinstated as president, but would rule with a unity government until his term ended in January 2010 following the November 2009 elections. Both sides agreed to the basic principles in mid-July, but the agreement broke down almost immediately over the issue of Zelaya's return, specifically what powers he might hold and the applicability of outstanding charges against him for treason, abuse of authority and corruption. Zelaya demanded reinstatement to his full powers and for the charges to be dropped. In response, the Micheletti regime shifted its position to the view that Zelaya could not be reinstated as president under any circumstances, and that the crisis should be resolved by the November elections. The two sides' intransigence on these positions prevented any progress in negotiations until October.

It was only after increased economic pressure and political pressure from the United States that the impasse was broken and the two sides reached an agreement on

⁵⁹ Organization of American States General Assembly, "Resolution on the political crisis in Honduras" AG/RES 1 (XXXVII-E/09).

⁶⁰ Organization of American States General Assembly, "Suspension of the Right of Honduras to Participate in the Organization of American States" AG/RES. 2 (XXXVII – E/09).

October 30, the so-called Tegucigalpa Accord. This agreement provided that Zelaya could return upon a favorable vote from the Honduran Congress and authorization from the Supreme Court.⁶¹ However, the Congress took advantage of the agreement's omission of a deadline for the vote, and put it off for more than a month, after the November 30 elections that selected the de facto regime's favored candidate Porfirio Lobo as president. When Congress held the vote on December 3, they refused to reinstate Zelaya.⁶² On December 9 the U.S. announced it would recognize the Lobo government if Micheletti handed power over to a unity government for the remainder of Zelaya's term (at that point only slightly more than a month) and if a truth and reconciliation commission was created to investigate the coup.⁶³ These conditions were agreed to and the United States recognized the Lobo government in January. However, opposition from Brazil, Venezuela, Ecuador and other states meant that Honduras was not readmitted to the OAS until June of 2011.⁶⁴

4. Influence of the Inter-American Democratic Charter

There are good reasons to believe that the IADC played an important role in the way the post-coup period played out. For example, even though Zelaya's ties to Hugo Chavez set him at odds with the regional hegemon, the United States, U.S. diplomats consistently referenced the IADC in explaining American opposition to the coup. One journalist claimed his sources told him "the golpistas were privately stunned . . . by the firmness of

⁶¹ *Reuters News*, "Honduras Zelaya set to return to power" (October 30, 2009).

⁶² Deborah Charles, "U.S. says disappointed with Honduras vote on Zelaya." *Reuters News*. December 3, 2009.

⁶³ David Alexander, "Clinton says Lobo trying to reconcile Honduras." *Reuters News*. December 9, 2009.

⁶⁴ Deborah Charles, "Honduras readmitted to OAS after coup." *Reuters News*. June 1, 2011.

the U.S. reaction.”⁶⁵ As described above, the international financial institutions also framed their suspensions of Honduran credit in terms of the OAS requirements.

Furthermore, the economic sanctions did appear to have some bite: one report claims prices for some everyday goods increased as much as 30% within Tegucigalpa.⁶⁶ It is difficult to identify precisely what impact the international ostracism had on the Honduran economy (particularly since the global financial crisis occurred at about the same time), but it is worth noting that World Bank World Development Indicators data show per capita income growth slowing to 1.1% in 2009 after averaging 7.9% growth per year for the six years previous. One World Bank official noted that the effects of the public debt the Honduran government accumulated in 2009 alone would probably reduce Honduran growth by 1-2% a year until 2015.⁶⁷ These costs were also affected by a sharp decline in Honduras’s international reserves in July and August, leading Standard and Poor’s to adjust its sovereign debt rating for Honduras from “B+” to “B” in September.⁶⁸

In addition to an increase in government spending as a way to counteract public discontent, it also appears that some members of the Honduran business community agreed to impose a price-freeze on some basic goods to try to keep prices stable.⁶⁹ It is difficult to know what influence these efforts may have had, but they offer some evidence that the de facto regime and its supporters considered the international sanctions serious enough to take costly measures to counter them.

⁶⁵ Finnegan, *supra* note 1. However, he also notes that the same people believed the U.S. reaction would have been different with a Republic administration. This is a useful reminder that the influence of international law on state behavior is probably heavily mediated by domestic politics.

⁶⁶ Juana Casas, “Isolated Honduras hunkers down; Zelaya vows action.” *Reuters News*. July 11, 2009.

⁶⁷ *The Economist*, “The Cost of a Coup: Honduras’s indebted economy.” June 9, 2011.

⁶⁸ Daniel Bases, “S&P cuts Honduras rating to B from B-plus.” *Reuters News*. September 11, 2009.

⁶⁹ Juana Casas, “Isolated Honduras hunkers down; Zelaya vows action.” *Reuters News*. July 11, 2009. Micheletti himself confirmed this arrangement in a press statement he made on July 31, and that they would do so “for as long as necessary.” Mica Rosenberg, “Interview – ‘No one can push Honduras around’ – de facto leader.” *Reuters News*. August 1, 2009.

5. The Coup Coalition

The coup coalition in the Honduran case was broad, including not only the military but also most of the civilian political establishment, the courts, and the business community. While it was the military that seized and exiled President Zelaya, a wide range of actors in the Honduran political establishment directly participated in the actions taken on June 28-30 that transferred power to Micheletti. The Honduran attorney general filed complaints asking for warrants for Zelaya's arrest on June 25 and June 26, and those complaints furthermore asked that the arrest be conducted by the army because of concerns that the police were unduly politicized.⁷⁰ The Supreme Court agreed and issued the warrants, and during the post-coup period the Court made several statements supporting the removal. For example, on the 28th the Supreme Court issued a press release that said "the Supreme Court of Justice ratifies that the orders of the court have been executed and will continue to be executed within the parameters of the Constitution and the law."⁷¹ They furthermore claimed that the military's action was justified as a defense of the Constitution against "those who had publicly spoken out and acted against the Constitution's provisions."⁷² Another statement issued on July 3 said the removal was "contemplated by our laws and followed legal process."⁷³ In addition, the great majority of representatives in the Congress voted for the removal, including three of the four opposition parties and a majority of Zelaya's own Liberal party. The coup also had strong support from the business community and media establishment. Even key leaders

⁷⁰ Feldman et al Report, *supra* note 3, at 16.

⁷¹ *Ibid.*

⁷² Malkin, *supra* note 22.

⁷³ *Ibid.*

of the Catholic Church and Protestant evangelical groups in Honduras offered rhetorical support for the coup after the fact.⁷⁴

This was a broad coalition from across Honduran political life. In the Honduran case we see that the actors who took control of the president, military officers, subsequently shared power with many other actors and in fact were probably junior partners to civilians in the process. Throughout the post-coup period the military did issue statements about the coup, but the message was consistently one of obedience to the Constitution and to their civilian leaders. On July 1 the Honduran army's top lawyer stated that the army was simply enforcing an order from the Supreme Court.⁷⁵ In an interview with *CNN en Español* on July 8, army chief General Vasquez said he was following orders, acting on behalf of an "inter-institutional consensus" and that he had to follow "because the Constitution commands the armed forces to protect the rule of law."⁷⁶ On July 28, General Vasquez gave an interview to the Spanish newspaper *La Vanguardia* in which he repeatedly cited the subordination of the military to civilian authority and claimed that soldiers had simply been carrying out the arrest order of the Supreme Court when they exiled Zelaya.⁷⁷ Speaking to Honduran press the same week, he said "the armed forces are not the ones responsible for this internal division."⁷⁸

The division between the military and the civilian leaders can be seen most clearly in an instance in which a statement by the military regarding the OAS

⁷⁴ Legler 2010, 12.

⁷⁵ Marc Lacey, "Leader's Ouster Not a Coup, Says the Honduran Military" *The New York Times*. July 1, 2009.

⁷⁶ Feldman et al Report, supra note 3, at 17.

⁷⁷ *La Vanguardia*, "General Romeo Vasquez: 'Somos soldados, no asesinos'" July 28, 2009, via *BBC Monitoring Latin America - Political* July 29, 2009 "Spanish daily reports Honduran general's views on president's overthrow".

⁷⁸ Julia Rios, "Honduran military repositions as Zelaya seeks sanctions." *Agence France Presse*. July 26, 2009.

negotiations was at odds with the negotiating position of the Micheletti government at the time. This happened on July 26, when a statement by the Honduran military claimed “unrestricted support” for the OAS-mediated San Jose Accord.⁷⁹ This was at a time when the Micheletti position was rejection of that agreement because it provided for Zelaya’s return to the position of president. A somewhat similar set of differences was observed in press statements made by Vasquez and Micheletti in mid-October on the OAS-led negotiations, with Vasquez expressing hope for a quick resolution and Micheletti reiterating objections to Zelaya’s return.⁸⁰ The picture that emerges from these events is one where the military was much less invested in the consolidation of power than the civilians and more concerned about external pressures from the international community. It was the military leaders who were the softliners in Honduras, and the civilians who were the hardliners.

Vasquez was forced to step down from the military as a result of international pressures associated with Honduras’ attempt to secure recognition from other Latin American states and readmittance to the OAS. When the Honduran Truth and Reconciliation Commission released its report in July 2011, it blamed the army for excessive use of force, but did not otherwise accuse it of improper interference in politics.⁸¹ Vasquez’s response to the report suggests more than a little bitterness with the way civilian politicians acted during the 2009 coup: “[The armed forces] were unfairly

⁷⁹ Rios *ibid.* The San Jose Accord was the agreement providing for Zelaya’s return with limited powers.

⁸⁰ Frank Jack Daniel, “Honduras de facto leader dampens hope of Zelaya deal” *Reuters News*. (October 14, 2009).

⁸¹ Comision de Verdad, April 13, 2010.

the victims of a crisis generated by politicians and we [the military] tried everything we could to have it resolved in the political sphere.”⁸²

The Honduras coup did not follow the theoretical and historical script of those with power using it to secure their own positions. The key coercive actor, the Honduran military, played a subordinate role throughout the coup consolidation phase and appeared to be more willing to give up some power than were the civilians in the Micheletti government. Furthermore, the coup coalition in 2009 included a broad range of Honduran political society. This pattern of behavior offers some support for the hypothesis proposed here that increased international pressure brought on by defense-of-democracy regimes can require unusually broad coup coalitions in order to maintain power.

6. Legitimizing Rhetoric

Throughout the coup consolidation period, the Micheletti regime legitimated its actions by claiming that the removal of Zelaya had been done in accordance with Honduras’ constitution. As mentioned above, on June 28 the Congress purported to accept Zelaya’s “resignation” before it voted Micheletti into the President’s office. As President of the Congress, Micheletti was constitutionally next in line for the presidency, but when doubts about the resignation letter proved too great, the de facto regime began putting greater emphasis on its other argument: that Zelaya had violated the constitution and was guilty of impeachable offenses. The Congress issued a communiqué to this effect on July 1,⁸³

⁸² Laurence Allan, “Former Armed Forces’ Chief Reacts to Honduran Truth Commission Report.” *IHS Global Insight*. July 11, 2011.

⁸³ Feldman et al Report, *supra* note 3, at 19.

and it became the standard talking point for the regime thereafter. For example, in a statement describing his decision to participate in the OAS negotiations in San Jose, Micheletti said “[w]e’ll work tirelessly to seek a solution within the framework of the Constitution.”⁸⁴ Many similar statements were made throughout the crisis, emphasizing Zelaya’s refusal to comply with court orders regarding the referendum/poll and corruption allegations. In explaining the refusal to allow Zelaya to be reinstated as president, Liberal Party leader Valentin Suarez pointed to the competence of domestic institutions for interpreting constitutional requirements: “The executive branch, the judiciary and Congress can’t all be wrong. It’s a crazy recommendation for Hondurans.”⁸⁵

However, in addition to claiming constitutional succession, the coup regime also used repression to consolidate its hold on power. Micheletti imposed a curfew on the day of the coup that was periodically renewed throughout the remainder of the year, something Human Rights Watch and the Inter-American Commission on Human Rights pointed out was without basis in the Honduran constitution.⁸⁶ Tight controls were placed on the media as well. Reporters critical of the coup faced harassment, beatings, and murder.⁸⁷ In April 2010, Reporters San Frontieres noted that Honduras had become one of the most dangerous countries in the world for journalists, citing the murders of six journalists critical of government just in the time from January to April of that year.⁸⁸

⁸⁴ Ana Isabel Martinez, “Honduras’ Micheletti wants constitutional solution” *Reuters News*. July 9, 2009.

⁸⁵ Simon Gardner and Esteban Israel, “Honduras resists pressure to allow Zelaya to return.” *Reuters News*. July 23, 2009.

⁸⁶ Human Rights Watch report; Inter-American Commission on Human Rights, “Honduras: Human Rights and the Coup d’Etat.” December 30, 2009.

⁸⁷ Finnegan, *supra* note 1.

⁸⁸ Reporters Without Borders, “Sixth Journalist Killed Since Start of Year; Robbery Ruled Out” April 13, 2010.

7. Honduras as Tentative Evidence for Democracy Clauses

The 2009 coup in Honduras was successful. President Zelaya was removed from power, the Micheletti regime resisted sanctions long enough to conduct elections several months later, and the preferred candidate of that regime won the election and assumed power. However, the coup did not follow the script for military coups that one sees in the theoretical literature. Rather than minimizing the size of the coup coalition to maximize gains to coup conspirators, there was a broad coalition of the great majority of the Honduran political establishment. The military had a minor role to play in the post-coup regime, and made clear it held a subservient role to civilians during the period. Additionally, the top leaders of the Honduran military, including Army chief General Vasquez, were forced out of the military in January 2010 in an attempt to placate international condemnation.⁸⁹ The legitimating rhetoric was consistently that of compliance with the constitution and no attempt was made to scrap or amend the constitution in the immediate post-coup period. These findings offer some support for the theory presented above that international regimes for the defense of democracy can force coup leaders to adopt democratic guise if they want to succeed in seizing power. While these limitations did not ultimately prevent democratic institutions from being subverted in this case, it is possible to conjecture that this coup could not have succeeded without the cooperation of so many different elements of Honduran political society.

The 2009 Honduras coup is the only incident to date where the Inter-American Democratic Charter has been implemented, and it offers some useful lessons. Would-be coup leaders in other American states might well compare the Honduran episode and the Venezuelan case where the coup coalition fell apart because of infighting and decide to

⁸⁹ *Al Jazeera*, "Honduras to try 'coup generals.'" January 15, 2010.

refrain from attempting an overthrow unless they can count on such widespread support as there was in Honduras.

B. The 2012 Coup in Mali

1. The Coup

Prior to March 21, 2012, Mali was sometimes described as a success story of African democracy (e.g. Diamond 2008, 262). Mali democratized after 1991 when long-time ruler Moussa Traore was overthrown in a coup by General Amadou Toumani Toure. Toure gave up power and elections were held in 1992, opening the way for 20 years of formally democratic rule. Toure returned to politics by successfully running for president in 2002 and was approaching the end of his tenure in 2012, as term limits prevented him from running in the presidential elections scheduled for April 29, 2012. Toure was widely unpopular in Mali for being the face of a government with serious corruption problems in one of the poorest countries in Africa and indeed the world.⁹⁰

In late 2011 and early 2012 the country had been destabilized by a rebellion in the northern part of the country. Ethnic Tuaregs had long agitated for autonomy in the northeastern region of Mali, an area Tuaregs call Azawad. Many Tuaregs had participated in the civil war in Libya in 2011, armed and employed by both Muammar Gaddafi and the oppositionist National Transitional Council. When Gaddafi was defeated, Tuaregs with arms and battle experience began returning to Mali in large numbers and an organization called the National Movement for the Liberation of Azawad

⁹⁰ Xan Rice, "Coup Leader Keeps Mali on Edge." *The Financial Times*. June 5, 2012; Par Sidiki Guindo, "Analyse des Resultats de L'Enquete D'Opinion Sur la Crise Malienne." Available at: http://bamakobruce.files.wordpress.com/2012/06/rapport_sondage_crise_malienne11.pdf For a discussion of this poll in English, see: <https://bamakobruce.wordpress.com/2012/06/01/bamakos-lone-pollster-strikes-again/>

(the French acronym is MNLA) was created to advance their separatist claims. Two Islamist organizations, Ansar Dine and Al Qaeda in Mali (AQIM), also benefitted from the influx of arms and soldiers. In early 2012 the three groups created a tacit alliance and handed multiple defeats to the Malian army in the desert regions of the country's northeast.

The Malian military blamed the civilian government for these losses, claiming that they lacked the equipment needed to fight the rebels.⁹¹ By mid-March military personnel were giving interviews to newspaper reporters complaining about corruption, blaming generals and civilian leaders for diverting resources intended for the army into their own pockets.⁹² This dissatisfaction finally bubbled over on March 21, 2012 when the Malian defense minister Sadio Gassama went to the Kati military base near the capital city of Bamako and gave a speech that soldiers there considered derogatory.⁹³ Soldiers shouted down Gassama, took weapons from the base's armory and drove into Bamako toward the presidential palace. The evidence suggests that this was probably not an organized coup attempt at the outset but a mutiny in which the soldiers became increasingly bold as they encountered little resistance from the authorities.⁹⁴ By late on the 21st mutineers controlled the presidential palace, the international airport and the state radio and television station. President Toure abandoned the presidential palace and went into hiding, most likely at the barracks of the "Red Beret" presidential guard. Soldiers

⁹¹ This claim is supported by U.S. State Department assessments revealed in the Wikileaks scandal. WikiLeaks cable | id = 09BAMAKO619. See Julius Cavendish, "Mali's Coup Leader: Interview with an Improbable Strong Man." *Time Magazine*. March 28, 2012.

⁹² "Rébellion touarègue : l'armée malienne dans la tourmente." *Jeuneafrique.com*. March 20, 2012.

⁹³ Rukmini Callimachi, "Amadou Haya Sanogo, Mali Coup Leader, Derails 20 Years of Democracy." *The Associated Press*. July 7, 2012.

⁹⁴ See Section 5(a) below, and Bruce Whitehouse, "Mali's coup leaders: Making it up as they go along." *Bridges from Bamako*. March 25, 2012. At: <http://bamakobruce.wordpress.com/2012/03/27/malis-coup-leaders-making-it-up-as-they-go-along/>

looted the presidential palace and other government buildings and were seen flagging down and seizing civilian cars.⁹⁵

Early on March 22 a group of military officers appeared on state television to announce that the constitution was suspended and that control of the country now belonged to a military committee called the National Committee for Recovering Democracy and Restoring the State (CNRDRE). A military spokesman claimed the coup was motivated by the “incompetence” of the government and a “lack of adequate material to defend the nation.”⁹⁶ Furthermore, he said the coup leadership “solemnly commits to restore power to a democratically elected president as soon as national unity and territorial integrity are re-established.”⁹⁷ The leader of the coup was declared to be Captain Amadou Sanogo, an American-trained English instructor in the Malian army.⁹⁸ Sanogo reiterated that he had no intention of staying in power and would step down as soon as the army received sufficient support to fight the rebels. “We are not here to confiscate any power but we are here to have an army and security forces available to assure the national security. . . . [There is] a lack of equipment, a lack of training and our comrades are dying all the time.”⁹⁹ He went on: “So once this has been fixed, I’ll be able to say, ‘Ok, go for election’ in a short period of time. I promise.”¹⁰⁰

⁹⁵ “Mali president holed up in barracks as junta digs in.” *Agence France Presse*. March 22, 2012.

⁹⁶ “Africa meets to discuss Mali as world condemns coup.” *Agence France Presse*. March 23, 2012.

⁹⁷ *Ibid.*

⁹⁸ Adam Nossiter, “Leaders of Mali’s Military Coup Seem to Have Uncertain Grasp on Power.” *The New York Times*. March 23, 2012. An interesting vignette in the Mali story was uncovered by AP reporter Rukmini Callimachi when he interviewed Sanogo’s parents later in 2012. Reportedly the first they heard of the coup was when Sanogo’s father turned on the television the day after the coup to see Amadou on the national broadcast. He turned to his wife to say “Come see what your imbecile son is doing.” Callimachi, *supra* note 72.

⁹⁹ “Mali coup leader Sanogo ‘will not cling to power’.” *BBC News Africa*, March 23, 2012.

¹⁰⁰ *Ibid.*

2. International Reaction

The international reaction to the Malian coup was one of the most robust repudiations of a coup yet seen, with ECOWAS, the AU, and the larger international community united in their condemnation of the junta. The sanctions imposed by international actors, particularly ECOWAS, outstripped previous such reactions as well.

On March 21, even before the coup was formally announced, the ECOWAS Commission issued a statement strongly condemning the “mutineers”, stating:

The Commission wishes to remind the military of its responsibility under the Constitution, and to reiterate ECOWAS’ policy of “Zero Tolerance” for any attempt to obtain or maintain power by unconstitutional means.¹⁰¹

The AU used similar “zero tolerance” language in a denunciation that was issued on March 22. When it was clear that the coup had successfully displaced Toure, both organizations suspended Mali from membership, the AU on March 23,¹⁰² and ECOWAS on March 27.¹⁰³ Neither organization imposed sanctions right away, preferring to threaten an escalation of sanctions as a negotiating tactic with the coup regime leadership. A communiqué from the ECOWAS summit of heads of state is clear about this, threatening that suspension would be followed by a travel ban and financial embargo on CNRDRE members, and more significant measures if necessary.¹⁰⁴

Condemnation also came from the international community more generally. On March 22, major powers with regional interests China, the EU, France, and the United

¹⁰¹ ECOWAS Commission, “ECOWAS Statement on the Disturbances in Bamako, Mali.” At: <http://www.ecowas.int/publications/en/statement/mali21032012.pdf>

¹⁰² Peace and Security Council of the African Union, Communiqué, PSC/PR/COMM(CCCXV). March 23, 2012.

¹⁰³ Final Communiqué From the Extraordinary Summit of ECOWAS Heads of State and Government, Communiqué 083/2012. March 27, 2012.

¹⁰⁴ Ibid.

States released statements calling for Toure's reinstatement,¹⁰⁵ as did neighbors and regional powers Algeria, Morocco, Niger, Nigeria and South Africa.¹⁰⁶ The United Nations Security Council also weighed in, with Council President Mark Lyall Grant issuing a press statement on March 22 condemning the coup and calling for the restoration of Toure.¹⁰⁷ Furthermore, as in the Honduran case, the World Bank suspended development assistance to Mali, as did the African Development Bank.¹⁰⁸ The European Union suspended development assistance on March 23, followed by the United States on March 26.¹⁰⁹

3. Coup Consolidation and Regional Diplomacy, Part 1

¹⁰⁵ "Africa meets to discuss Mali as world condemns coup." *Agence France Presse*. March 23, 2012.

¹⁰⁶ "International condemnation grows after Mali coup." *Agence France Presse*. March 23, 2012. It is worth noting the prominence of the ECOWAS and AU democratic requirements in the statement from regional power Nigeria:

The Government of the Federal Republic of Nigeria condemns unequivocally this unfortunate development in Mali as it constitutes a gross violation of the ECOWAS Protocol on Democracy and Good Governance to which all the States of the sub-region, including Mali, are parties. The development also violates the Constitutive Act of the African Union prohibiting any unconstitutional change of Government. . . .

The role of the Armed Forces of the Member-States of ECOWAS, as provided for in the ECOWAS Protocol on Democracy and Good Governance, is to be non-partisan, loyal to civilian authority and defend the independence and territorial integrity of the State and its democratic institutions. Nigeria expects no less from the Armed Forces of the Republic of Mali, in the interest of peace and security for the people of Mali.

¹⁰⁷ UN Security Council, Security Council Press Statement on Mali Crisis. SC/10590. March 22, 2012.

This view was reiterated in a statement released following a meeting of the Security Council on the Malian crisis held March 26. UN Security Council, Statement by the President of the Council. S/PRST/2012/7. March 26, 2012.

¹⁰⁸ "International condemnation grows after Mali coup." *Agence France Presse*. March 23, 2012.

¹⁰⁹ Celeste Hicks, "Mali coup draws wide condemnation." *The Guardian*. March 23, 2012. "US suspends Mali aid after coup." *Agence France Presse*. March 26, 2012. The EU temporarily suspended Mali's access to a US \$770 million development aid package, while US military and development assistance suspended amounted to almost \$70 million.

In the first days after the coup, the CNRDRE junta¹¹⁰ held domestic power unchallenged. Stores in Bamako remained closed and the city was relatively quiet, while military leaders appeared on national television to broadcast appeals to soldiers to cease looting.¹¹¹ There were some protests against the coup, but they were small and dwarfed by pro-junta protests that attracted several thousand people.¹¹² However, despite the lack of a robust domestic opposition, this section will show that the coup leadership's actions suggest they were struggling to find ways to legitimate their rule. The evidence shows that it was the international response, particularly that of ECOWAS, that complicated post-coup consolidation of power.

On March 28, one week after the coup, the junta announced the end of the curfew and the creation of a new constitution. The AU and ECOWAS rejected the constitution and a joint meeting of ECOWAS heads of state declared that the junta must step down or they would impose a long list of sanctions against the Malian government. In addition to suspension from ECOWAS, all ECOWAS ambassadors would be recalled, all ECOWAS members were to seal their borders with Mali (except for humanitarian purposes) and deny Mali access to their seaports, Malian accounts at the Central Bank of West African States (BCEAO) were to be frozen,¹¹³ financial assistance through the West African Bank

¹¹⁰ In the section above on Honduras, this essay avoided the use of the word "junta" as it would have been misleading given the predominantly civilian character of the post-coup regime. In the Malian case, as will be shown, the post-coup regime consisted overwhelmingly of military officers and more closely fits the connotations of the word "junta."

¹¹¹ "After Mali's coup, fear empties streets of capital." *Agence France Presse*. March 25, 2012. Adam Nossiter, "Coup Leaders in Mali Struggle to Assert Their Control." *The New York Times*. March 25, 2012.

¹¹² Adam Nossiter, "Pressed on All Sides, Coup Leader in Mali is Digging In." *The New York Times*. March 31, 2012. "La tension monte a Bamako." *Le Monde.fr*. March 29, 2012.

¹¹³ This is potentially a powerful sanction as the BCEAO acts as the central bank for all countries that use the CFA franc.

for Development and the ECOWAS Bank for Investment and Development suspended, and Mali would be suspended from all sporting and cultural events in ECOWAS states.¹¹⁴

On April 1, hours before the ECOWAS ultimatum was to go into effect, Sanogo held a press conference to announce the restoration of the 1992 constitution. However, he refused to allow Toure to regain the presidency, claiming he was guilty of crimes of corruption and treason. The ECOWAS heads of state found this position unsatisfactory and imposed the sanctions threatened in the March 30 declaration. They further signaled their resolve by placing the regional military organization ECOMOG on standby. The AU Peace and Security Council subsequently issued a statement supporting the ECOWAS sanctions, imposing their own travel ban and asset freeze, and calling on AU member states to support them in their bilateral relations with Mali.

Sanogo and the coup leadership responded on April 3 by calling for a national conference, to be held two days later, to choose a new president.¹¹⁵ The junta appeared to be searching for some mechanism by which they could satisfy the international community's demands for a restoration of democracy without reinstating Toure. However, on April 4 a coalition of political parties and prominent civil society organizations announced they would not attend such a conference, and Sanogo was forced to call it off. Meanwhile, the sanctions started to take their toll.¹¹⁶ By April 4, there were long lines at banks as depositors tried to withdraw cash, and also at gas stations.¹¹⁷ By April 5, state utility companies were rationing electricity and water, one

¹¹⁴ Emergency Mini-Summit of ECOWAS Heads of State and Government on the Situation in Mali. 092/2012. March 30, 2012.

¹¹⁵ "Mali junta calls national meeting, threatens to charge Toure." *Agence France Presse*. April 3, 2012.

¹¹⁶ "Anti-junta coalition rejects national meeting." *Agence France Presse*. April 4, 2012.

¹¹⁷ Bruce Whitehouse, "Heading for the exits." *Bridges from Bamako*. April 4, 2012. At: <http://bamakobruce.wordpress.com/2012/04/04/heading-for-the-exits/>

large bank had closed, and the prices of basic goods, particularly food and fuel, had started to rise.¹¹⁸

The next day ECOWAS and the CNRDRE announced an agreement had been reached in which the junta would step down and Toure agreed to resign. The vacancy in the presidency would trigger the succession rules of the Malian constitution, which call for the speaker of the parliament to serve as interim president for a period of forty days while an election would be held to determine a new president.¹¹⁹ Toure agreed to this and resigned on April 10, opening the way for Speaker of the Parliament Diouncounda Traore to be sworn in as interim president on April 12.¹²⁰

An important element in these negotiations was that the situation in the north had gone from bad to disastrous in the days after the coup. Rebels successfully took the major northern cities of Kidal, Gao and Timbuktu, giving them control of two-thirds of the country by April 4. That day the MNLA and Ansar Dine jointly announced the end of the offensive, and on April 6 they declared the new and independent state of Azawad.¹²¹ Statements from the AU Commission,¹²² AU Peace and Security Council,¹²³ the ECOWAS heads of state,¹²⁴ and UN Security Council¹²⁵ show that the international

¹¹⁸ Bruce Whitehouse, "Brief update for Thursday, April 5." *Bridges from Bamako*. April 5, 2012. At: <http://bamakobruce.wordpress.com/2012/04/05/brief-update-for-thursday-april-5/>; "West Africa leaders hit Mali with sanctions." *Agence France Presse*. April 3, 2012; Lydia Polgreen and Fabien Offner, "Junta in Mali to Step Down." *The New York Times*. April 8, 2012. Interestingly, Whitehouse notes that the Senegal border may have never been closed and price increases may have been driven as much by speculation as by actual shortages.

¹¹⁹ "Mali junta to stand down under deal with W. African bloc." *Agence France Presse*. April 7, 2012.

¹²⁰ "African Union hails Mali power handover." *Agence France Presse*. April 12, 2012.

¹²¹ "Mali junta, ECOWAS confirm transition deal." *Agence France Presse*. April 7, 2012.

¹²² Chairman of the Commission of the African Union, "The African Union welcomes the signing of the Framework Agreement of Bamako and the prospects for the restoration of constitutional order in Mali." Press Release. April 7, 2012.

¹²³ African Union Peace and Security Council, Communique. PSC/PR/COMM.(CCCXVI). April 3, 2012.

¹²⁴ Economic Community of West African States, "Statement by H. E. Alassane Ouattara, Chairman of the Authority of ECOWAS Heads of State and Government on the Positive Development in the Political Situation in Mali." April 6, 2012.

community was very concerned about the success of the rebels. There were several different concerns: diffusion of instability through the region, the ties between the rebels and groups like Al Qaeda in Mali, human rights violations in the occupied region because of looting and the imposition of a rigid conception of sharia, and what appeared to be an impending humanitarian emergency from lack of food and medicine for the 200,000 refugees that had fled their homes since the rebel offensive began in early March.¹²⁶

One might consider it a puzzle why the regional and international community were willing to impose such heavy sanctions on Mali for abrogating the democratic constitution, but also willing to accept less than full restoration of the previous order. The most likely reason is that they were balancing two competing interests: a desire to punish the coup leaders and a desire to keep the rebels in check and the Malian state intact. As circumstances in the north progressively deteriorated, ECOWAS and the AU likely became more willing to accept an agreement that satisfied a lesser standard of democratic restoration than they would have if the rebellion had not complicated matters. This is an interesting case where the traditional foreign policy interests of regional states were weighed against their interests in seeing the democracy clause enforced. It might well have been in regional states' interests to see a new chief executive come to power who was more committed to fighting the insurgency; this is one reason sometimes given for the support the United States gave to Latin American coup leaders during the Cold War (see Farcau 1994; Thyne 2010). However, in the Malian case the balancing

¹²⁵ United Nations Security Council, Statement by the President of the Security Council. S/PRST/2012/9. April 4, 2012.

¹²⁶ E.g. "Mali junta denounces 'rights violations' by rebels." *Agence France Presse*. April 5, 2012; Lydia Polgreen and Alan Cowell, "After Seizing Land, Rebels in Mali Declare Cease-Fire." *The New York Times*. April 6, 2012; "Mali junta to stand down under deal with W. African bloc." *Agence France Presse*. April 7, 2012.

demonstrated by the April 6 agreement shows that interests embedded in the democracy clause were valued by regional actors (not to mention other relevant actors that were probably involved in the negotiations like France and the United States) sufficiently that these conventional security interests were not the sole determining factor in how they responded to the coup.

4. Coup Consolidation and Regional Diplomacy, Part 2

Traore's ascension to the interim presidency was not the end of the military's intervention in Malian politics. Given the disorder in the north elections could not feasibly be conducted within forty days as required by the constitution. In the days after the handover, it became clear that Sanogo and ECOWAS were at odds over what would happen at the end of the interim period. In essence it was ECOWAS's position that Traore would remain interim president until elections, whenever that might be, while the junta believed that a new president must be chosen. Furthermore, the junta sought to entrench its position in the new government assembled by Traore and his selection for the new prime minister, Cheick Modibo Diarra. The junta kept a garrison at the state radio and television station throughout this period, and indeed into June.¹²⁷ Moreover, soldiers arrested twenty prominent officials in the week before Diarra announced his cabinet on April 25. All those arrested were released in short order, but one observer believes this gambit paid off when junta members were named to three top jobs in the cabinet: the

¹²⁷ "Mali junta withdraws from TV building." *Agence France Presse*. June 8, 2012.

ministries of defense, interior, and civil protection.¹²⁸ It was clear to actors both domestic and international that the junta was not willing to walk away from politics.

ECOWAS met to discuss the issue on April 26 in Abidjan, where the heads of state decided that Traore's tenure as interim president would be one year, and that ECOMOG soldiers would be sent to Mali "to assist Mali in regaining its unity and territorial integrity."¹²⁹ The decision was made without consulting the junta, angering Sanogo and his supporters. He stated ECOWAS soldiers could enter Mali only with permission (implying that it was his permission that mattered), and that he would succeed Traore on May 22. Tensions only increased when the loyalist Red Beret paratroopers launched a counter-coup on April 30. The junta stifled the attempt; at least 14 people were killed in the fighting, 40 were wounded, and hundreds were imprisoned on suspicion of being involved. By the next week an impasse had been reached in which the CNRDRE was determined to retake power after the forty-day period was over,¹³⁰ and ECOWAS threatened new sanctions.

On May 20 the junta caved into ECOWAS demands and accepted that Traore would serve a one-year term as interim president, after which elections would be held. It is unclear what finally tipped the balance, but it is worth noting that the Malian parliament passed an amnesty for coup participants on May 18, and that as part of the ECOWAS deal Sanogo himself was given the status of a former head of state, complete with free housing and a pension of US \$9,000 per month, fifty times greater than his

¹²⁸ "Mali's interim PM forms government." *Agence France Presse*. April 25, 2012; Bruce Whitehouse, "Catch and Release." *Bridges from Bamako*. April 20, 2012. At: <https://bamakobruce.wordpress.com/2012/04/20/catch-and-release/>; "Hail the newcomers." At: <https://bamakobruce.wordpress.com/2012/04/26/hail-the-newcomers/>

¹²⁹ Final Communique of the Extraordinary Summit of ECOWAS Heads of State and Government. April 26, 2012.

¹³⁰ "Mali coup leader who stood aside now wants power back" *Reuters News*. May 10, 2012.

army salary. The next day a large crowd of CNRDRE supporters gathered at the presidential palace, with some shouting the agreement was a betrayal and that Sanogo had committed treason by accepting it.¹³¹ The demonstration turned violent and some participants evaded presidential guards to break into Traore's office, where they beat him unconscious.¹³² Traore was taken to a hospital and initially believed to have minor injuries. However, he was flown to Paris for medical tests, where he remained until late July.

Malian politics then appeared to be in stasis for the next few months, as Traore governed, but Sanogo continued to exercise significant informal power from his seat at Kati army base outside Bamako. Tensions between them escalated in late 2012, and on December 10 Sanogo's soldiers arrested Traore's prime minister Cheick Modibo Diarra as he was preparing for a flight to Paris. The military appeared to be trying to exert control over the state without seizing the formal offices of government. The situation was not resolved at the time of this writing.

5. Legitimation Strategies

The Malian coup presents an interesting test of the hypothesis advanced here regarding legitimation strategies because the coup was probably not planned. The tactics of coup consolidation appear to have been improvised by the CNRDRE as they extemporaneously identified their own political goals and the constraints, domestic and international, that influenced their ability to achieve them. The tactics thus provide "real-time" insight into the thinking of the coup participants as they assessed their political

¹³¹ "Mali leader attacked as anger erupts over transition deal." *Agence France Presse*. May 21, 2012.

¹³² *Ibid.*

context and updated those assessments as domestic and international actors reacted to the junta.

a. The coup coalition

The coup coalition in this case was consistently narrow. The CNRDRE was a classic junta composed of military officers and the coup coalition never expanded beyond the original cadre. It is interesting to note that the CNRDRE leadership were mostly junior officers. Sanogo was a captain, CNRDRE chief spokesman Amadou Konare was a lieutenant, and the highest-ranking members were colonels. The group never incorporated more senior military officers, and indeed it arrested many former generals during the week before Diarra announced his government, and in the week after the counter-coup. This pattern probably flowed from widespread dissatisfaction within the rank and file because of what was perceived as corruption, ineptitude and indifference in the top brass and the civilian leadership, particularly regarding the war against the rebels in the north.

If the coup had been planned by a small group of officers aiming to take power for themselves it would have been evidence that the conspirators discounted the influence of regional democracy clauses. Here, however, the coup appears to have evolved out of a mutiny, and the leadership that emerged during that mutiny adopted its tactics on the fly.

In Captain Sanogo's first interview on Malian television, he said:

I salute these non-commissioned officers and troops around me. The initiative came from them. Following unsatisfied requests and demands, their meeting with the defense minister went awry, they took up arms and munitions to defend themselves. . . . I said to

myself, with a few colleagues, why not profit from the situation and not let these men act on their own, because enough is enough. That's what led us to this coup.¹³³

In the first days the CNRDRE tried to keep power for itself, as evidenced by the promulgation of the new constitution, but they were forced to rescind it and reintroduce the 1992 constitution on April 1, the day ECOWAS sanctions were to take effect if democracy was not restored. They then were conscribed in their powers by the combined influence of other actors: their influence over the media was constrained, Sanogo was denied the presidency, and CNRDRE members were limited to only three ministries in the interim government. To be sure, the defense, interior and civil protection ministries were the most important to the junta, but it is worth noting that they were not able to secure more portfolios, even when they were the dominant coercive power in the country.

The two failed attempts at national conferences are also instructive. The junta called for a national conference to legitimate their rule in early April while under international sanctions, but when the Malian political establishment refused to participate, the CNRDRE was forced to accept the ECOWAS-brokered deal that made Traore the interim president. The junta apparently could not (or would not) offer sufficient incentives to bring other domestic actors to this conference and thereby expand their coup coalition. The same is true of the CNRDRE's failed call for a conference to choose a successor to Traore in mid-May.

Why this occurred is unanswerable given the evidence available, but there are only a few likely explanations. One is that the junta leadership made the decision not to expand their coup coalition, and the result was that they found their political role

¹³³ Reported and translated by Bruce Whitehouse, "Mali's coup leaders: Making it up as they go along." *Bridges from Bamako*. March 25, 2012. At: <http://bamakobruce.wordpress.com/2012/03/27/malis-coup-leaders-making-it-up-as-they-go-along/>

increasingly circumscribed. Another is that they did reach out and attempt to bring other actors into the coup coalition through these conferences but failed. Whether the failure to expand the coup coalition was intentional or not, the result was an increasingly difficult political position for the junta. Given the relative weakness of other domestic actors, the most likely cause of the CNRDRE's failure to hold on to executive power is the pressure placed on Mali by the international community, led by ECOWAS and the AU.

b. Legitimizing Rhetoric

In the early days of the coup, the CNRDRE framed their actions in terms of saving the state from the incompetence and corruption of the previous leadership, and made no pretense about acting within the parameters of the Malian constitution. In other words, they preferred a frame of "performance legitimacy" (Diamond 1999) to one of constitutional legitimacy. In the junta's first public statement, they said the coup was undertaken because of a "lack of adequate material to defend the nation," and democracy would be restored only after "national unity and territorial integrity are re-established."¹³⁴ On March 24, Captain Sanogo made the same point in an interview, "When a state is already 50 years old, and unfortunately the armed forces and security operate under minimal conditions to defend its territory, this is a failure."¹³⁵

However, it is interesting to note that while the junta did not frame their actions in constitutional terms, they did consistently claim that their goal was an eventual restoration of democracy. Sanogo claimed that the old regime was rotten and had to be

¹³⁴ "Africa meets to discuss Mali as world condemns coup." *Agence France Presse*. March 23, 2012.

¹³⁵ "Mali's isolated junta clamps down in bid to assert control." *Agence France Presse*. March 24, 2012.

entirely replaced. One sees this in interviews of Sanogo¹³⁶ and in the announcement of the national conference to be held in early April.¹³⁷ The short-lived constitution of March 28 to April 1 is further evidence of this, which provided for a democratic government and specifically barred members of the CNRDRE from standing in future elections.

Speculating on the motivation for this, it seems likely to have been one of three things: 1) the coup leaders did not believe they could maintain power because of democratic expectations of the Malian people, 2) the coup leaders did not believe they could maintain power because of the democratic expectations of the international community, or 3) the coup leaders themselves did not desire to assume autocratic power because of a ideational preference for democratic government. Hints at all three of these motivations can be seen in Sanogo's interviews. With more certainty, one can say that Sanogo did not tailor his language to the requirements of ECOWAS or AU democracy requirements.

6. Conclusion to Malian coup analysis

The facts of this case do not fit squarely within the expectations set out by the hypotheses regarding legitimation strategies, and yet we see stronger evidence of the influence of democracy clauses here than in the Honduran case. In the early days the CNRDRE leaders tried to conduct this coup in the Cold War mode, keeping power within the junta and basing their legitimacy on appeals to performance and nationalism. However, the CNRDRE's moves to consolidate power were repeatedly thwarted by the pressure from

¹³⁶ E.g. Julius Cavendish, "Mali's Coup Leader: Interview with an Improbable Strong Man." *Time Magazine*. March 28, 2012; "Mali Uprising Proves No Threat to Junta Leader's Vision of Authority." *The New York Times*. May 2, 2012; "Exclusive: Interview with Mali coup leader Amadou Sanogo." *Al Jazeera English*. March 27, 2012. At: <http://www.youtube.com/watch?v=VklmSF0kiCM> ; "Interview du Capitaine Sanogo" *La Republicain (Bamako)*. April 4, 2012; "Amadou Haya Sonogo: "Si on lui en donnait les moyens, l'armee malienne reprendrait le Nord en quelques jours." *Jeune Afrique*. June 6, 2012.

¹³⁷ "Mali junta calls national meeting, threatens to charge Toure." *Agence France Presse*. April 3, 2012.

ECOWAS. The sanctions imposed had real effects on the Malian economy: on June 12, 2012, the Malian Minister of Economy and Finance estimated that the coup had cost the Malian economy more than US \$1.1 billion.¹³⁸ In interviews, when Sanogo discussed international pressure, he consistently referred to it in terms of ECOWAS and AU sanctions, indicating that, at least from his perception, it was their efforts that had the greatest influence on Mali.¹³⁹ These effects forced the junta to try to expand their coalition in the failed attempts at national conferences, and eventually forced them to accept ECOWAS's demands that Traore ultimately would be head of state and organize elections rather than CNRDRE members. To be sure, the CNRDRE was not completely thwarted and they were able to retain an elevated position in Malian politics. However, when it comes to the core hypothesis advanced in this dissertation that regional regimes for the defense of democracy have the potential to significantly influence coups d'état, the Malian case is far more supportive than nullifying.

¹³⁸ "La Banque mondiale effectue une mission d'évaluation au Mali." *Xinhua News Service*. June 12, 2012. Malian newspaper *L'Aurore* put the estimate even higher at US \$3 billion. "Coup d'état du 22 mars et le désastre financier." *L'Aurore*. June 19, 2012. I am indebted to Bruce Whitehouse for pointing out this article to me.

¹³⁹ See e.g. the interviews cited in note 115, above.

C. The Thai Coup of 2006

1. The Coup

From 1932 to 1991 Thailand experienced 18 coups, 10 of which succeeded in taking power. However, this cycle appeared to be broken with the establishment of a new democratic government in 1992. The army had been embarrassed the year before when its use of force against civilians in a coup d'état was widely condemned in Thai society, including by the highly influential King Bhumipol Adulyadej, and the generals retreated to the barracks. It was hoped that the new constitution created in 1997 set the conditions for a stable Thai democracy. But that was not to be the case.

The seed of the 2006 coup was planted with the 2001 electoral victory of the populist Thai Rak Thai (Thais Love Thais) party, led by media mogul Thaksin Shinawatra. Thaksin quickly became an extraordinarily powerful politician based on his popularity in the populous and under-developed north. His policies of universal healthcare and expanded access to credit, combined with what was probably an extensive patronage scheme, made him the first real challenger to the network of military officers, bureaucrats and palace insiders that had informally ruled Thailand for decades.¹⁴⁰

Thaksin's popularity led to another electoral victory in 2005, but he faced increasing criticism, particularly in Bangkok, for a range of abuses of power. Corruption was a serious problem in Thaksin's government, and there were allegations that the TRT intervened in the courts to protect allies and pressured the media for favorable coverage.¹⁴¹ Thaksin directed anti-corruption bodies to investigate his political opponents, and packed the supposedly independent electoral commission with

¹⁴⁰ Connors 2008; McCargo 2005; Chambers 2010.

¹⁴¹ Ockey 2007.

supporters.¹⁴² In 2003 he launched a “War on Drugs” that used extrajudicial executions as a policy tool, giving provincial authorities quotas of minimum numbers of drug dealers to kill. This led to the deaths of many people on the basis of little more than hearsay or unfounded accusation.¹⁴³ Furthermore, a harsh crackdown on separatists in the predominantly Muslim south resulted in a violent insurgency in which more than 1,700 people died in 2005 and 2006.¹⁴⁴

Matters came to a head in January of 2006 when Thaksin sold his family’s stake in the Thai media conglomerate Shin Corp. to a Singaporean company for US \$1.9 billion, and the media reported that he had arranged the sale so that he paid no taxes on the windfall.¹⁴⁵ Large protests led by a group called the People for the Advancement of Democracy (PAD) called for Thaksin’s resignation. Instead, Thaksin called snap elections in April. Opposition parties refused to participate, and the TRT actually strengthened its hold on government. However, the judiciary set the vote aside because of procedural irregularities and new elections were scheduled for October 2006. Furthermore, the king privately asked Thaksin to step down, which he agreed to do after a new prime minister was chosen in the October elections. However, by every indication the TRT appeared to be using all its tools, legitimate and less so, to ensure an October win. It is interesting to note that a Gallup poll conducted in June and July of 2006 showed that only 34% of surveyed Thais were confident in “the honesty of the election system,” but that 86% expressed confidence in the military.¹⁴⁶

¹⁴² Ibid.

¹⁴³ Bertil Lintner, “The Battle for Thailand: Can Democracy Survive?” *Foreign Affairs*. July/August 2008. 109. Connors (2008, 483) notes that at least 1,000 people were executed per this policy.

¹⁴⁴ Jonathan Mann and Dan Rivers, “Coup in Thailand.” *CNN International: Insight*. September 25, 2006.

¹⁴⁵ Pongsudhirak 2008.

¹⁴⁶ Rajesh Srinivasan, “Coup in Thailand: Insights from the Gallup World Poll.” *Gallup Poll News Service*. October 9, 2006.

On September 19 Thaksin was in New York for the annual meeting of the United Nations General Assembly when the Thai military launched the coup d'état. Tanks and infantry occupied intersections and key buildings in Bangkok and other cities, and national broadcasters switched from their normal schedule to show pictures of the royal family and to play patriotic songs. International broadcasters such as CNN and the BBC had their transmissions blocked.¹⁴⁷ That evening General Sonthi Boonyaratklin appeared on national television to announce that Thaksin and the parliament were dismissed, that the constitution was suspended, and that the military was imposing martial law.¹⁴⁸ A junta spokesman said a new constitution would be drafted under military auspices and elections would be held sometime the next year. Two days later, the king gave his blessing to the coup in a ceremony broadcast on national television.¹⁴⁹

The public reaction to the coup was muted. Reporters noted that Bangkok was quiet in the days after the coup and life went on pretty much as usual.¹⁵⁰ One academic noted that an unpublished poll taken that week showed broad support for the coup (Ockey 2007, 6). Several weeks later there were small demonstrations against the coup, but they attracted nearly as many journalists as protestors.¹⁵¹ The first big protest occurred on October 14 when about 500 people gathered in Bangkok, but they were protesting not the coup but the continuation of martial law.¹⁵²

¹⁴⁷ Larry Jagan, "Thailand: Army Removes Thakin in 'Silk Coup.'" *Inter Press Service*. September 20, 2006.

¹⁴⁸ Ibid.

¹⁴⁹ Thomas Fuller, Uamdao Noikorn and Patcharin Areewong, "City or country, Thais favor coup." *The International Herald Tribune*. September 23, 2006.

¹⁵⁰ Ibid.; Jagan, *supra*.

¹⁵¹ Thomas Fuller, "Democracy, Thai style: Ban the politicians; After Thaksin, skepticism abounds." *The International Herald Tribune*. October 7, 2006.

¹⁵² Apiradde Treerutkuarkul, "About 500 protest Thai coup, urge lifting of martial law." *Bangkok Post (via BBC Monitoring Asia Pacific)*. October 15, 2006.

Consolidation of the coup was therefore never in difficulty. The junta appointed an interim parliament composed of military officers, bureaucrats and academics, led by the interim prime minister General Surayud Chulanont. The junta also created a body called the Council for National Security (CNS) composed of junta members to share rule with the interim government, and retained the power to dismiss the interim government at the CNS's discretion. As CNS spokesman Krit Garnjana-Goonchorn said it was "a partnership rather than a hierarchical relationship. . . . The power is there in reserve. If things do not work out, the Council for National Security would not have to resort to non-peaceful means to effect change."¹⁵³ General Phasit Sonthikan later explained it was necessary for the military to retain a role in politics because "otherwise the country cannot escape from coups."¹⁵⁴

The CNS appointed a group to write a new constitution and this document was approved in a referendum in August 2007. Furthermore in May 2007 a newly-created Constitutional Tribunal dissolved the TRT and banned more than 100 of its top members from participating in politics for five years.¹⁵⁵ Former TRT members created a new party called the Phak Palong Prachachon (People's Power Party; PPP) to contest the election in December 2007. Based on Thaksin's continuing popularity in the north and Surayud's lackluster tenure as prime minister the PPP seized a commanding majority in the parliament.¹⁵⁶ However, the judiciary again stepped in to dissolve the PPP in 2008 for alleged electoral fraud. Power then shifted to the Democrat Party (PD), a party with ties

¹⁵³ Seth Mydans and Thomas Fuller, "Thai junta plans to step back, with limits: Military retains right to oust government after it is appointed." *The International Herald Tribune*. September 30, 2006.

¹⁵⁴ Anucha Charoenpo, "CNS: It's the only way to prevent coups." *Bangkok Post*. August 5, 2007. Quoted in Ockey 2007, 14.

¹⁵⁵ Connors 2008, 486.

¹⁵⁶ Pongsudhirak 2008, 142.

to the CNS, PAD, and palace insiders. It is worth noting that under the PD the military's budget more than doubled over what it was in 2006.¹⁵⁷

In 2009 and 2010 Thailand was rocked by large demonstrations of both pro- and anti-Thaksin groups. Thaksin's younger sister Yingluck Shinawatra was elected prime minister in August 2011, but tensions between the two factions remain high and Thailand remains politically unstable as of this writing in early 2013.¹⁵⁸

2. International Reaction

The international reaction to the Thai coup was strikingly different from that observed in the cases of Honduras and Mali. The tone of the reaction was diplomatically-stated dismay rather than condemnation. UN Secretary-General Kofi Annan's response was to say that the coup d'état was "not a practice to be encouraged."¹⁵⁹ Finnish Prime Minister Matti Vanhanen, speaking for the European Union, said the coup was "highly regrettable,"¹⁶⁰ language echoed by the official statements from the foreign ministers of Japan and South Korea.¹⁶¹ The harshest language used came from Australia and New Zealand, using terms more similar to what was observed in the cases of Honduras and Mali; both states condemned the takeover and claimed that the coup was unacceptable.¹⁶²

¹⁵⁷ Chambers 2010, 850.

¹⁵⁸ "Looking for peace and love: Attempts at reconciliation lead only to more recrimination." *The Economist*. April 14, 2012; Ferrara 2011.

¹⁵⁹ "International community reacts to military coup in Thailand." *Xinhua General News Service*. September 20, 2006.

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² Ibid. It is worth noting, however, a comment from an Australian defense analyst with Jane's Defence Weekly to the Melbourne newspaper "The Age":

"The real reflection of government views lies in their actions. The statements out of Canberra are painting by number: this is what we are supposed to say if there is a military coup."

Connie Levett, "Thais put their trust in the military." *The Age (Melbourne, Australia)*. September 23, 2006.

Regional actors Indonesia¹⁶³ and the Philippines¹⁶⁴ called for a return of democracy and a quick end to martial law, but otherwise accepted the outcome.

It is worth noting the responses of China and the United States given their strong ties with Thailand and their relative strength – attributes that gave them the most outside leverage on the domestic politics of Thailand and thus would be of most concern to the coup leaders. China immediately recognized the CNS regime and pledged cooperation with the new government, stating “[w]hat happened in Thailand is its own internal affair. The Chinese government has always upheld the principle of non-interference.”¹⁶⁵ Furthermore, in the next year that support was forthcoming, with China providing \$40 million in new military aid in 2007.¹⁶⁶ A WikiLeaks cable from 2007 shows that China’s ambassador to Thailand told his American counterpart that China viewed the coup as an “aberration” in Thai politics and not something to be concerned about in the long term.¹⁶⁷

These responses by the Chinese government probably influenced the response of the United States. The United States had (and continues to have) close relations with Thailand. Thailand is home to the US’s fifth largest diplomatic mission, it serves as the regional base for US agencies like the DEA and CIA, and every year the two countries hold the largest annual joint military exercises in Asia, known as “Cobra Gold.”¹⁶⁸ Concern for maintaining those ties, and preventing a closer relationship between Thailand and China, probably played a role in how the U.S. thought about the coup.

¹⁶³ “International community reacts to military coup in Thailand.” *Xinhua General News Service*. September 20, 2006.

¹⁶⁴ “Post-coup Thai PM vows return to democracy.” *Agence France Presse*. October 23, 2006.

¹⁶⁵ Rowan Callick, “China won’t go barging in on coup crisis.” *The Australian*. September 25, 2006.

¹⁶⁶ McCargo 2008, 351.

¹⁶⁷ WikiLeaks cable | id = 07Beijing1448.

¹⁶⁸ Leslie Lopez, “US faces delicate situation in Thailand; It condemns coup but harsh actions may push Bangkok closer to Beijing.” *The Straits Times (Singapore)*. October 23, 2006.

The first statement of the US on the coup came from US Assistant Secretary of State Christopher Hill in an interview with the Associated Press:

Obviously we want to see what this military has in mind. Any time you get news of military coups, one has to pay attention. . . . [However] it's really too early to form any hardened judgments. . . . It's very early in the process to be evaluating the state of democracy. I'd rather reserve judgment at this point.¹⁶⁹

This is a clearly different tone than the US used to respond to the Honduran and Malian cases. One can see this again in a statement made by US Ambassador to Thailand Ralph Boyce after he met with the new Prime Minister Surayud on October 2:

“We had a very good discussion. I think it's very well known that the United States urges a speedy return to a democratically elected government and protection of civil liberties during the interim, and the prime minister assured this would be the case.”¹⁷⁰

That Boyce met with Surayud at all shows the United States was not interested in isolating the new regime and represents another distinction in the international response to the Thai case compared to Honduras and Mali. The United States did impose a sanction on Thailand, suspending US \$24 million in military aid until the return of elections.¹⁷¹ However, the US continued its counter-terrorism support and the May 2007 iteration of the Cobra Gold joint exercises went ahead as previously scheduled.¹⁷²

McCargo (2008, 350) relates that there was “considerable quiet American sympathy for the coup,” and in fact a WikiLeaks cable from September 2006 shows that the US may have been aware of the coup plot before it occurred.¹⁷³ In the cable Ambassador Boyce relates a discussion he had with junta leader General Sonthi on the

¹⁶⁹ Foster Klug, “U.S. concerned about Thai coup but not rushing judgment.” *Associated Press Worldstream*. September 20, 2006.

¹⁷⁰ Denis D. Gray, “Central bank governor accepts post in Thailand's interim Cabinet.” *Associated Press*. October 2, 2006. A similar statement was made the next day by White House spokeswoman Dana Perino. Rungrawee C. Pinyrat, “Thailand's civilian government lineup to be finalized by weekend.” *Associated Press Worldstream*. October 4, 2006.

¹⁷¹ Pinyrat, *ibid*.

¹⁷² McCargo 2008, 351.

¹⁷³ WikiLeaks cable | id = 06Bangkok5811

day after the coup, in which Boyce claims to have reminded Sonthi of a previous conversation in August about the automatic nature of U.S. sanctions in the event of a coup, and that Boyce counseled Sonthi to hold new elections soon in order to regularize relations. In the same cable Boyce claims that communications with the CNS were good, but that

“Meanwhile, a coup is a coup is a coup and we believe a strong U.S. statement announcing the suspension of assistance and a call for an early return to civilian rule and eventually elections is entirely warranted....”¹⁷⁴

3. Legitimation Strategies

a. The coup coalition

The evidence available shows that the coup coalition was a classic military junta, and that this group did not reach out to other actors to strengthen their position, with the important exception of securing the blessing of the king. As would be predicted from the Cold War pattern of coups, the coup conspiracy consisted of a small group of military officers and a bandwagon effect pulled the rest of the military in line when it was clear that power had shifted. Even Supreme Commander General Ruangroj Mahasaraon, a Thaksin appointee, joined the junta the night of the coup though it appears he had no role in planning it.¹⁷⁵

The role of King Bhumipol is not clear. The king gave his blessing to the coup in a televised ceremony three days after the coup. He also gave his approval to the interim government and the new constitution. Whether he supported the coup beforehand or only afterwards is not known. However, one interesting piece of evidence in this regard is the September 20 WikiLeaks cable in which US Ambassador Boyce relates the contents of

¹⁷⁴ Ibid.

¹⁷⁵ Connie Levett, “Thais put their trust in the military.” *The Age (Melbourne, Australia)*. September 23, 2006.

his discussion with General Sonthi the day after the coup.¹⁷⁶ Sonthi told him that the previous evening the king had held an audience for himself, other top military officers, and the leader of the king's Privy Council, former General Prem Tinsulanonda. This supports the view that at least Prem was involved in planning or assisting the coup. Regardless of direct involvement, the audience appeared to have been a turning point as Thaksin ended his attempts to rally military support against the coup when he learned of it.¹⁷⁷

Beyond the possible involvement of the palace, the CNS junta did not reach out to other political actors, even the aligned PD, in constructing the interim government that held power until the December 2007 elections. The interim parliament was composed of junta members and technocrats. Prime Minister Surayud was himself a general, and the CNS controlled the choice of delegates to the committee that drafted the 2007 constitution. Moreover the CNS retained the power to dismiss the interim government and appoint a new one at their discretion. To summarize this analysis of the coup coalition in Thailand, this was not a case of shared power. The coup leaders never felt the need to seek out domestic partners to withstand international pressure to restore democratic rule.

b. Justifications

Even stronger evidence exists that the junta never acted under any pretense that their actions were consistent with the existing constitution or democratic institutions. They were clear in their intention to sweep away the previous constitutional order and replace

¹⁷⁶ WikiLeaks cable | id = 06Bangkok5811

¹⁷⁷ WikiLeaks cable | id = 06Bangkok5811

it with a new one, and that the basis for this lay not in any violation by Thaksin of constitutional rules, but because the military simply preferred a different political order.

The first public statement by the junta regarding the coup was a televised address by General Sonthi that was aired on national television the night of September 19. In that speech Sonthi said:

We have seized power because the caretaker prime minister has caused an unprecedented rift in society, widespread corruption and nepotism, and interfered with the country's independent agencies, crippling them so that they could not longer function properly.¹⁷⁸

Speaking to the Times of London several days later, junta spokesman Major General Thawip Netyonom was even more blunt. When asked whether the coup was legal, he said:

It is against the law. If I say it's not against the law, I shouldn't be here...But sometimes, to break the deadlock, someone has to do something. Just like when your computer is hung up and you cannot do anything about it, what you're going to do is push the reset button or unplug it, and that's the only way to solve it.¹⁷⁹

Throughout the post-coup period the CNS reiterated the non-constitutional justifications that Thaksin's government was corrupt and that his leadership had divided the country, and furthermore claimed that the coup was justified because Thaksin and his followers had not demonstrated proper respect for the king.¹⁸⁰

The CNS took a similar approach to legitimating their continued oversight role in the post-coup government. In a press conference on September 26, Sonthi claimed the CNS would not control the cabinet but would continue to provide their "expertise" because "there are still concerns about security issues, since we don't know yet what will

¹⁷⁸ Larry Jagan, "Thailand: Army Removes Thakin in 'Silk Coup.'" *Inter Press Service*. September 2, 2006.

¹⁷⁹ "Thai generals will seek Thaksin's return." *United Press International*. September 25, 2006.

¹⁸⁰ E.g. George Wehrfritz, Sonia Kolesnikov-Jessop and Joe Cochrane, "The Quiet Coup." *Newsweek*. October 2, 2006; Sutin Wannabovorn, "Thailand's new leaders embark on post-coup damage control with diplomats." *Associated Press Worldstream*. October 12, 2006; "Thai coup leader plans PR blitz over anti-graft probes." *Agence France Presse*. October 30, 2006.

happen.”¹⁸¹ As described above, junta spokesmen claimed it was necessary for the CNS to retain a role in politics to prevent the interim government from succumbing to corruption; “so that there is no loophole for the executive branch” as Sonthi put it in a newspaper interview.¹⁸² Even more revealing is the Orwellian claim that maintaining the military’s role was necessary to prevent future coups.¹⁸³

These statements show that junta leaders and their spokesmen felt no need to cloak their actions with constitutional forms, probably because there was no pro-democratic force, domestic or international, with sufficient power or will to require it of them. This is what was predicted by the hypothesis proposed at the outset of this chapter: in the absence of a democracy clause, coup leaders will make claims of legitimacy based on national unity and performance criteria rather than claims based on constitutional procedure. There was no pretense about compliance with the 1997 constitution, and the junta immediately set about forming a committee to create a new constitution that had no connection to the old one and was more favorable to their interests. This provides some evidence of the underlying balance of power in Thailand at the time of the coup. If pro-democratic forces would have had greater leverage it would have been necessary for the coup leaders to attempt to legitimize their acts by claiming congruence with the existing constitutional order, something more akin to what was seen in Honduras or the later days of the Malian coup. The fact that they did not shows the free hand the Thai junta had in conducting the coup and consolidating their regime afterwards – at least for the next few years.

¹⁸¹ “Thai junta to keep grip on power.” *Agence France Presse*. September 26, 2006.

¹⁸² Griffin Shea, “Doubts over Thai junta’s pledge to restore democracy.” *Agence France Presse*. September 27, 2006.

¹⁸³ Seth Mydans and Thomas Fuller, “Thai junta plans to step back, with limits: Military retains right to oust government after it is appointed.” *The International Herald Tribune*. September 30, 2006.

Conclusion to Chapter 6

The picture that emerges from these case studies is murky but modestly supportive of the hypotheses proposed. In Honduras the coup coalition was about as large as can be conceived, encompassing most of the government and business community. Moreover, the Micheletti government was adamant that Zelaya's removal was constitutional. In Mali the coup coalition began small but the CNRDRE quickly reached out to others in their failed bid for a national conference, and were shortly thereafter forced to reinstate the previous constitution and allow for an interim government according to that constitution's provisions. However, the justifications offered by Sanogo and other junta members were not legal; they stuck to a narrative about corruption and restoring the state. This cuts against this dissertation's hypotheses, unless one considers attaching a limiting principle to them that they are less likely to be effective when a coup is as spontaneous or "accidental" as the Malian coup. Finally, Thailand very closely followed the script described by the Cold War coup theorists described in the literature review. The coup coalition was narrow, consisting of military officers and the blessing of the king. Furthermore, they were never unclear that they were acting outside the constitution and that their intent was to remake the political order to more closely suit their preferences.

Clearly, no three cases can definitively settle the question of whether regional democracy treaties are contributing to democratic lock-in in their member states. As alluded to by the Tolstoy quote that opened this chapter, different countries tend to fall apart in different ways. However, as cases that are typical of the OAS, AU/ECOWAS, and states not subject to democracy clauses, they allow for some inferences about what

might be occurring within the democracy clause class more generally. Coup leaders' tactics do appear to be influenced by international pressure brought under democracy clauses, and this change could affect the prospects for democracy in these countries by creating more inclusive governments and elevating the status of constitutionalism over time.

CHAPTER 7: CONCLUSION

In the last thirty years a huge proportion of the world's population has experienced a change in how they are governed. Prior to the Third Wave of Democracy, authoritarian leaders ruled over the vast majority of the states in the world. By the 2000s autocratic regimes were in the minority. Figures 1 and 2 visualize this change. Figure 1 shows the total number of countries labeled as democratic and not democratic using the Cheibub, Gandhi and Vreeland (2011) criteria for democratic government. This change observed here is not merely an artifact of the increased number of states in the international system – Figure 2 shows the percentage of states in the international system with each regime type. As can be seen, the change is impressive.

Figure 1: Total Number of Democracies and Autocracies, 1950-2010

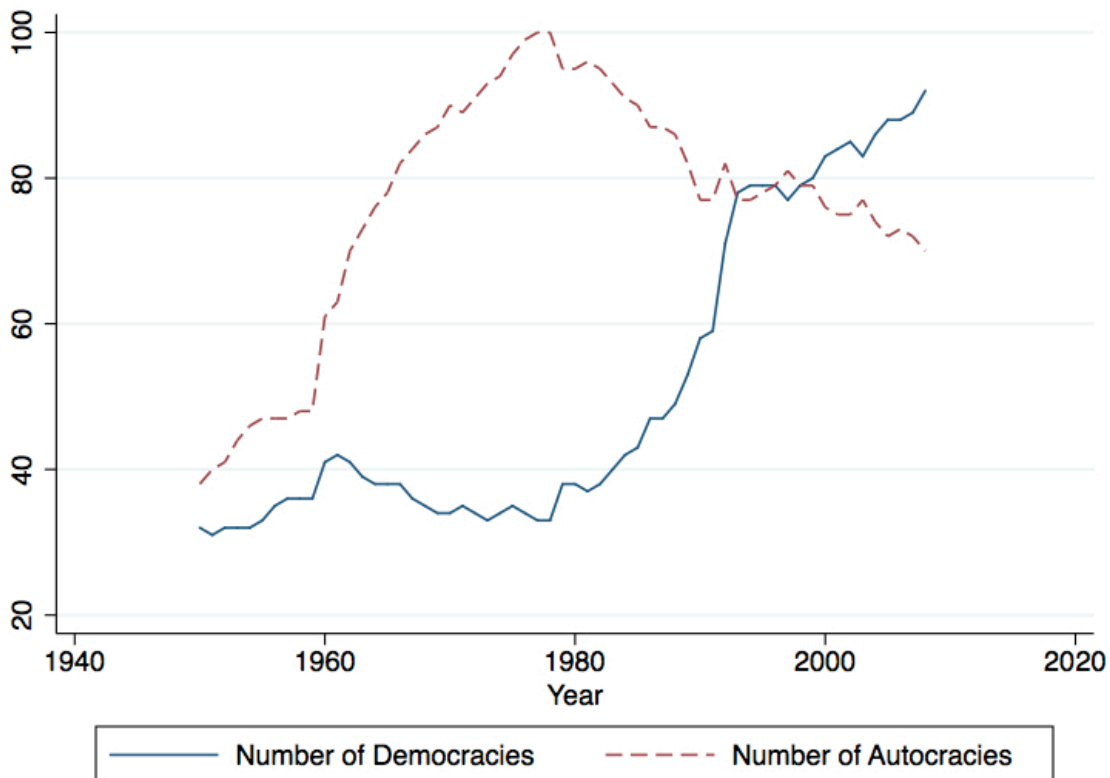
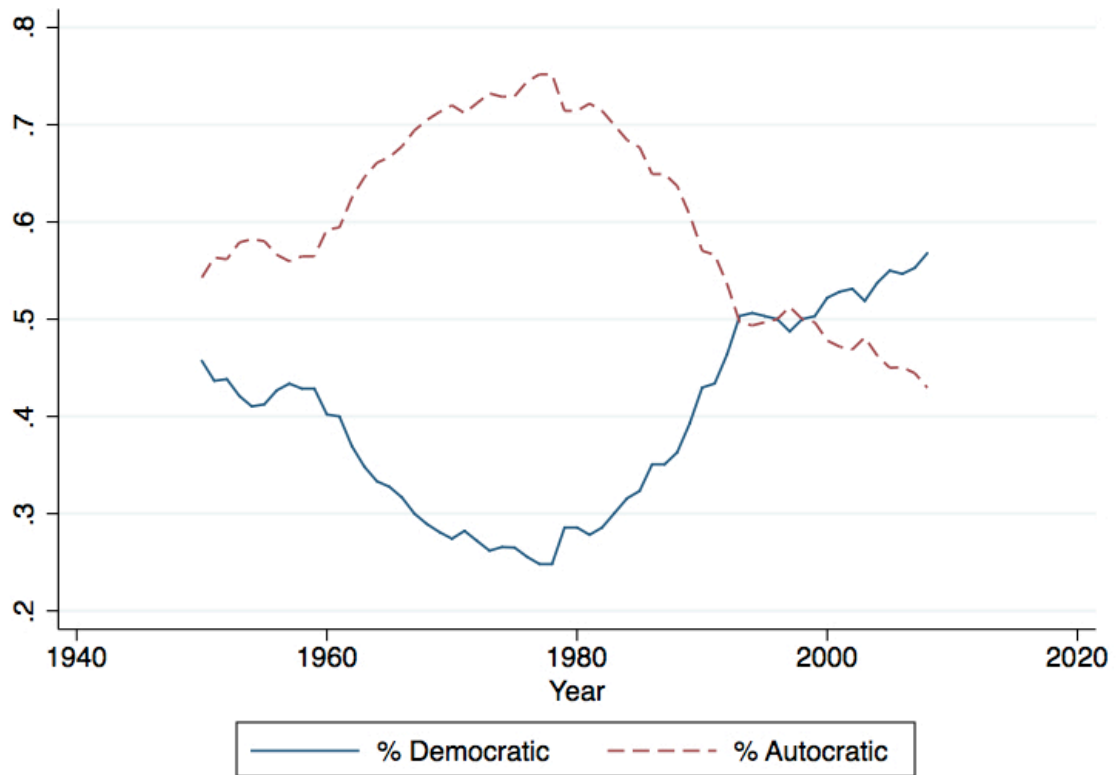


Figure 2: % of States that are Democracies and Autocracies, 1950-2010

The change is dramatic not only in scale but in import. Research in international relations and comparative politics increasingly supports the view that democracy matters for many of the social outcomes that we most value. Democratic regimes are less likely, on average, to engage in international wars, at least with other democracies (e.g. Russett and Oneal 1999), and they experience fewer civil wars than autocracies (Hegre et al 2001). Democracies do a far better job of protecting human rights than do autocratic regimes (Davenport and Armstrong 2004; Davenport 2007).¹⁸⁴ Democratic institutions are more effective at preventing systematic corruption and encouraging long run economic growth (Acemoglu and Robinson 2006b; North, Wallis and Weingast 2009)

¹⁸⁴ It should be noted that this is only true of fully democratic regimes. “Mixed” regimes do no better than autocracies on human rights protections.

while at the same time doing better than autocracies at protecting the environment (Farzin and Bond 2004). In Pinker's (2011) description of the astonishing decline in global violence over the last four hundred years, one of the key explanations he points to is the increasing prevalence of democratic governments (Pinker 2011, 278-94). Even setting aside democracy's intrinsic merits, the evidence shows that a more democratic world is likely to be a better world.

However, the persistence of the democratic governments that have been established in the Third Wave is no sure thing. Kapstein and Converse (2008) showed that about half of the states that democratized between 1950 and 2004 reverted to authoritarianism at some point. Moreover, Freedom House (2012) has shown that the average level of democracy in the world has declined again in their latest analysis, the fifth year in a row this has been the case. This is a particularly striking assessment given that the Arab Spring overturned several long-standing autocracies during that time period.¹⁸⁵ The fragility of nascent democracy creates good reason to look for means by which democratic institutions can be supported against backsliding.

Unfortunately, such means are not easily at hand. Research on democratic consolidation has identified a variety of important influences on the survival of democratic regimes, including most importantly levels of economic development and equality, economic growth, institutions like parliamentarism and federalism, historical legacies of the previous autocratic regime, and having democratic neighbors (see Chapter 1). The difficulty is that these are characteristics that new democracies have little or no control over. A state cannot change its history, its region, or its baseline level of

¹⁸⁵ Though it might also be the case that, more than any other recent events, the difficulties in achieving democratic governments in Egypt, Tunisia and Libya demonstrate how difficult that process is.

economic development. That economic growth is desirable does not mean it is easily achievable, a fact for which one can find evidence from every country on the globe. Finally, leaders in new democracies rarely have the luxury of taking the long view when making choices about institutions like parliamentarism versus majoritarianism or federalism versus unitary government because of the distributional politics of creating a new regime (Frye 1997). Briefly put, constitutions usually reflect the distribution of political power at the time of their drafting. Furthermore, reform afterwards is difficult because of entrenched interests. All in all, the extant scholarship has identified many factors that bear on the likelihood of democratic survival, but few ways that political actors can actively try to achieve it.

However, within the theoretical literature on democracy there are some indications as to where we might look for strategies that could shore up democracy. Of particular interest is Przeworski's (2006) highly influential theory that institutions are endogenous to the balance of political forces in a polity. Przeworski showed that a democratic constitution must act as a self-enforcing contract if it is to persist over time, i.e. that democracy lasts only so long as relevant social groups continue to see democratic participation as in their interests. This self-enforcing contract has some inherent weaknesses. The lack of a third-party enforcer creates both the temptation and opportunity for actors to overthrow the constitutional order and install themselves as rulers. If one could find a plausible third-party enforcer to the constitutional contract, the likelihood of overthrow would thus be reduced. While he does not phrase it in contractual language, Diamond (1999) proposes that the mass public can play a third party role between contending elites if democratic culture is strong enough, but in a new

democracy that is unlikely to be the case. Pointing to political culture as a cure for consolidation problems in newly created democracies is the political science equivalent of assuming a can opener.¹⁸⁶

One of the main reasons democracy clauses are interesting is because they are explicitly designed to serve the role of third-party enforcer to the democratic regimes of their member states. They are targeted directly at one of the most important weaknesses of democratic regimes. If a domestic faction oversteps its bounds and attempts to overthrow the constitution, the regional community is formally committing to use its combined weight to punish the usurpers. The idea has been analogized to collective defense pacts between states against international aggression (e.g. Farer 1996; Parish and Peceny 2002). The logic is the same, except that democracy clauses are aimed at dissuading aggression at the domestic level instead of the international.

If these treaties were to work, they could substantially change the power dynamics of unstable countries. As Alexander (2002) showed in his case study of the destabilization and fall of Spanish democracy in the early 1930s, for democracy to be the “only game in town” means that actors must commit to pursuing their political aims through institutional means. When extra-institutional means remain on the table – i.e. when actors believe that they can achieve their aims by ignoring the constitution and using force, *or* when they believe that other actors believe this – this creates a security

¹⁸⁶ An engineer, a chemist and an economist are stranded on a deserted island. Luckily they find a pile of canned foods that washed up on shore, and they begin talking about how they will open the cans. The engineer does some quick calculations in the sand and says “If we have a rock of 8 pounds and drop it from a height of 5 feet it will convey enough force to split these cans open.” The chemist says “That is a terrible idea; the food will splatter and some of it will be wasted. I have a better idea: we’ll sprinkle sea water around the lids and the salt will corrode through, making it possible to get to the food.” The engineer and the economist both object that this will take too long and they would be likely to starve in the interim. Then the chemist turns to the economist and asks if he has any ideas. The economist furrows his brow for a bit and then lights up with a satisfied look on his face: “Assume a can opener...”

dilemma between political factions that in turn creates a strong temptation to divert some political resources into preparing for contingencies requiring forceful seizure of the state (Alexander 2002).¹⁸⁷ Like other security dilemmas, this dynamic can be self-fulfilling. However, if the security dilemma is alleviated by the promise of third-party intervention from a regional organization, factions have incentives to devote a greater percentage of their resources to pursuing their political aims through institutional channels. At some point it becomes inefficient and politically imprudent to devote resources to maintaining coercive capacity because of the opportunity costs involved – those resources would be more likely to result in desired political outcomes if they were devoted to more conventional democratic politics. If that happens, then democracy really does become “the only game in town,” factions commit to pursuing their goals through democratic politics, and democracy is consolidated.

Moreover, it should be noted that these treaties could produce politically significant changes in autocracies as well as democracies because they have been enforced without regard to academic distinctions of regime type. Coups have been more common in autocratic states than democratic states during the post-Cold War period, a fact that holds up regardless of which dataset one uses to count coups or democratic governments. However, regional IGOs do not enforce democracy clauses only when “democracy” (as defined by scholars) is overthrown. The history of democracy clause enforcement shows that regional organizations have enforced these treaties in all or nearly all cases in which a member state experienced a coup (see Chapter 2). Indeed, one of the criticisms Omorogbe (2011) makes of the African regimes is that they are enforced

¹⁸⁷ Examples of how factions do this would include maintaining private armies, militias, violent youth groups or developing ties to sympathetic military officers.

too stringently; they sometimes punish “noble coups” that remove long-standing autocrats, such as was the case in Guinea-Bissau in 2003 and Niger in 2010.

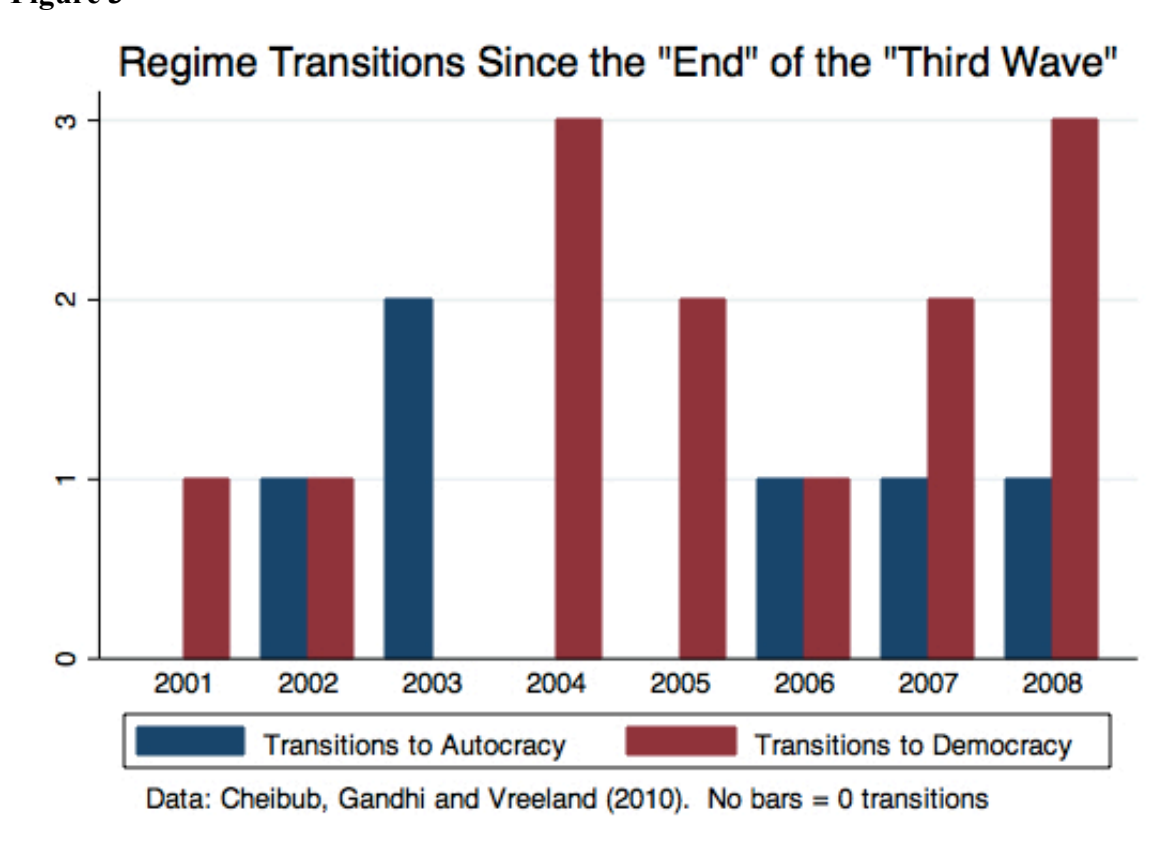
The reason for this consistency in enforcement is probably that state leaders think about these treaties as mutual protection pacts for themselves – incumbents – more than they think about them in terms of protecting a regime *type*. This helps explain why state leaders have been so willing to accept the extraordinary sovereignty costs of allowing international organizations to have a say in the legitimacy of domestic successions. The cynic, or the realist, might argue that the emphasis on “democracy” in these treaties may be more window dressing than substance. It is after all not uncommon in politics for high-minded language to be attached to less than high-minded policies.

In the case of both democracies and autocracies we would therefore expect to see a decline in the number of coup attempts and coup successes when a regional democracy clause is enacted. Some might question whether this is a net gain for democracy. Goemans and Marinov (under review) make the case that, since the early 1990s, a coup has been more likely to lead to a transition from autocracy to democracy than a transition from democracy to autocracy, at least when the regime is examined two years after the coup. In other words, the coup d’etat has become a means by which authoritarian states democratize. Could it be that the advent of incumbent-protecting “democracy” clauses are actually stifling democracy rather than protecting it?

The opinion of this author is that this unlikely to be the case, for two reasons. First, one has to balance the potential good of protecting unconsolidated democracies against the good of encouraging democratic transitions. It is difficult to measure whether a democracy is “consolidated” or not (see e.g. Svobik 2009), but it is probably the case

that there are currently more weak democracies in the world than there are autocratic regimes, even after the slippage of the last several years. Second, long-term trends distinct from the spread of democracy clauses continue to favor democratic transitions, at least in the short to medium term. The globalization of economic activity and of norms about human rights and democracy undergird this trend and they continue to exert pressure on autocratic states today. As can be seen in Figure 3, even since the “end”

Figure 3



of the Third Wave of Democracy around the turn of the century (Diamond 2008), the number of democratic transitions in the world continues to exceed the number of reversals in most years. A comparison of the Powell and Thyne (2010) coups data with

this transitions data shows that only a minority of these transitions occurred via coup.¹⁸⁸ Autocracies continue to exist, and they continue to oppress people in egregious ways, but global trends favor democratic transitions for now. The continued democratization of the world's states may come to a screeching halt with the rise of China (see Boix 2011), but currently it appears that the most important work in democratization is not in overthrowing established dictators but in identifying ways for new democracies to avoid slipping back into authoritarianism or languishing in unstable “mixed” regimes. In other words, even if democracy clauses prevent some coups against dictators, if they help commit political actors in fragile democracies to constitutional politics, that is likely to be a net gain for global democracy.

Theoretical Debates and Gaps

These hopeful prospects presume that democracy clauses work. As shown in Chapters 2 and 3, there is an interesting divergence of expectations within the academic literature on this question. The general literature on international law would lead one to be skeptical. International law's strongest enforcement mechanisms are in reciprocity, retaliation and reputation (Guzman 2008), and none of those apply cleanly to regional democracy treaties. If a party to a democracy regime violates the treaty by undergoing a coup, another party cannot punish that breach by undergoing a coup itself. The legal process theories (e.g. Chayes and Chayes 1995; Koh 1997) are no more promising because they are premised on the actions of domestic governmental institutions that are by definition up-ended in a coup. Moreover, constructivist theories (e.g. Checkel 1999) are not

¹⁸⁸ The Cheibub, Gandhi and Vreeland (2010) data is not fine-grained enough to describe precisely how transitions occur – I can only tell that most of these transitions do not correspond with observations for coups.

promising because the persons that would need to undergo an ideational change for democracy clauses to work – would-be authoritarians – are probably in that portion of the population least amenable to identity change by way of exposure to international norms. Scholars of international law would likely anticipate little effect from democracy clauses because of the absence of recognized mechanisms in the literature that could explain how they work.

However, in the literature looking specifically at democracy clauses (Chapter 2) we see opinions that range from cautious to unambiguous optimism. Scholars that have looked at the implementation of the OAS and AU regimes in particular cases see plenty of problems, especially when democratic usurpations are attempted by incumbent executives (e.g. Cooper and Legler 2006; Arceneaux and Pion-Berlin 2007), but on the whole they appear to work at least in preventing coups (e.g. Boniface 2007). The most optimistic finding comes from the only quantitative cross-national study currently published, which finds that both regimes cut the likelihood of coups in half in each of their respective regions (Powell and Lasley 2011). The promise in these findings warrants further study, particularly given the stakes outlined above.

In order to do so, however, it was first necessary to fill in the gap in the international law literature regarding mechanisms of efficacy – the assertion of a causal relationship requires a causal mechanism. This required a foray into the literature on the dependent variable, the coup d'état. The theory here takes inspiration from Jon Pevehouse (2005) and Beth Simmons (2009) and considers the way international law can impact the calculations of domestic actors in their competitions with each other. This dissertation proposes that democracy clauses could influence coups in two principle

ways: by making it more difficult to assemble minimally sufficient coup coalitions, and by making consolidation of power over the state in the days immediately after a coup more difficult (see Chapter 3). If this theory is true, then three empirical implications should follow: that states subject to democracy clauses ought to experience fewer coup attempts, that coup attempts in such states ought to be less likely to succeed, and that when coups do occur in member states, coup leaders may try to legitimate their rule by taking measures to counter the influence of democracy clauses. These measures would include broadening the size of their coup coalitions and attempting to legitimate their power-grabs by emphasizing constitutional procedures (constitutional legitimacy) rather than emphasizing patriotism or effectiveness (performance legitimacy). Chapters 4, 5, and 6 tested these hypotheses. The findings that emerge are not dispositive but offer support to the view of “cautious optimism.”

Summary of Findings

Democracy Clauses and Coup Attempts

Chapter 4 asked whether states that were subject to democracy clauses were less likely to experience coup attempts than were states not subject to such treaties. Looking at the period of 1991-2008, I found that democracy clauses were negatively correlated with coup attempts, even after controlling for the most likely alternative predictors. In the simplest model, the presence of a democracy clause reduced the likelihood of a coup attempt by about 18%. Comparable effect sizes were found in a variety of models using two different measures of coup attempts and several different sets of control variables. This is a substantially smaller effect than that found by Powell and Lasley (2011), which

is probably do to the inclusion here of variables to account for global and regional diffusion effects. A reasonable inference is that a significant portion of the effect that Powell and Lasley found was misattributed to democracy clauses but actually flowed from international democratic pressures that helped lead the creation of these treaties in the first place.

It needs to be noted that the confidence intervals around the estimates in Chapter 4 were large, and the correlations in the models run there did not meet conventional standards of significance. I address this issue below in the section entitled “What is the Significance of Statistical Significance?”

Democracy Clauses and Coup Outcomes

Chapter 5 examined the impact of democracy clauses on coup outcomes. The research question asked was: when a coup occurs in a state subject to a democracy clause, is that coup more likely to fail than if no such treaty had been in effect? It turns out that it is: in one dataset of coups (Powell and Thyne 2011) democracy clauses were associated with a 44% decrease in the likelihood of a coup success, while in another dataset (Marshall and Marshall 2009) a 24% decrease was observed on average. However, once again the confidence intervals around these estimates were very large, i.e. they were not statistically significant.

This is the first time this dependent variable has been studied in a cross-national quantitative way, and thus provides a baseline from which future study can occur. As addressed in greater detail below the lack of statistical significance shows that the effect is not consistent, but the average size shows a substantively significant effect, and must

be considered seriously when there are relatively few cases to base an inference on, and when there are so few other options identified in the literature for how to reduce the likelihood of overthrow by coup.

Democracy Clauses and Coup Tactics

The question pursued in Chapter 6 was whether democracy clauses changed the way that coup leaders attempt to consolidate their rule. The size of coup coalitions and the choice of legitimating rhetoric are interesting dependent variables because they are strategic choices that give us some insight into what aspects of the political environment coup leaders believe are most threatening and/or most likely to stymie their bids for power. In the Honduran coup of 2009, subject to the OAS democracy regime, we saw a very broad coup coalition and consistent resort of constitutionalism as a way of justifying the coup. The coup in Thailand in 2006, without a democracy clause, was led by a coup coalition consistently narrow and consisted of top military officers with the support of the monarchy. Furthermore, the legitimating rhetoric explicitly rejected constitutionalism and was based on references to performance legitimacy. The Honduran and Thai cases thus map well onto the hypotheses presented here.

The Malian case of 2012 is more complicated. The coup was probably unplanned, and in the first days the CNRDRE junta tried to keep their coup coalition small and create a new constitution, claiming that the old regime was corrupt and incompetent. However, within weeks they were forced to accept the reinstatement of the pre-coup constitution and of some pre-coup officials. The CNRDRE retained a prominent role in Malian politics, even up until the day of this writing, but they were not

able to secure as much power as they initially desired. This is important because the domestic balance of power did not favor the incumbent regime. The most likely explanation for the junta's moderation was pressure from ECOWAS. This result in turn probably would not have been the case prior to the creation of the regional democracy regime.

The Malian case is an interesting test of my hypotheses because the junta did not take either of the actions of broadening their coup coalition or adopting constitutional rhetoric, at least, not right away. However, I argue this actually supports my theory because the CNRDRE's failure to undertake these "rational" strategies resulted in them squandering a significant political advantage and thereby losing their dominant position to an internationally-supported interim government. The failure to broaden their coalition and legitimate their actions with constitutional rhetoric heightened their exposure to international pressure. This in turn supports that part the fundamental theory offered here that democracy clauses make it more difficult for coup leaders to consolidate their control over a country in the days and weeks immediately after a coup.

What is the Significance of Statistical Significance?

Several times I have made clear that the lack of statistical significance for the analyses of coup attempts and outcomes should not be taken as conclusive evidence that these treaties do not work. Statistical significance is a particular kind of test of data that serves some purposes and not others. Specifically, it is a way of estimating whether a pattern observed in a sample drawn from a larger population is likely to be observed in that larger population. There are two reasons this is not a dispositive test when it comes to the

analyses conducted in this dissertation. The analyses in Chapters 4 and 5 were conducted on populations, not samples. The models in those chapters included all country-years for which data were available, which added up to more than 88% of all country-years for both kinds of tests. As populations, the patterns observed are ipso facto “true;” here there is no process of inference from sample to population that requires estimates of a likely probability of being true. It is true that without statistical significance it is highly problematic to make conclusive inferences outside the time period sampled, but this widely known to be the case for time-series data anyway, even when statistical significance is observed (e.g. Pedhazur 1997).

Moreover, statistical significance does not equal substantive significance. McCloskey and Ziliak (1996) and Gelman and Hill (2007, 26) argue that large effect sizes in the context of large standard errors have to be taken seriously because even though they may turn out to be false positives, their potential consequence requires further study. An 18% decrease the likelihood of coup attempts, and 20-40% drop in the likelihood of coup successes seems to fit that standard, especially when we consider there are few alternatives available. Regional organizations and their member states should not give up on democracy clauses yet. We do not know if the pattern will become clearer as more of the picture is revealed, or if more observations will just reveal more static.

Contributions and Implications

These findings contribute to four different academic literatures: the literature on democracy clauses themselves, the literature on democratic consolidation, the literature on coups, and the literature on international human rights law.

The Literature on Democracy Clauses

First, this dissertation adds to the literature on democracy clauses. Dozens of book chapters and journal articles have examined various aspects of democracy clauses (see Chapter 2), but to date only Powell and Lasley (2011) have attempted a cross-national test of their effectiveness at preventing coups. The test provided in Chapter 4 shows that Powell and Lasley's findings that democracy clauses cut coup attempts by 50% are probably over-stated due to lack of several important control variables. However, the general trend within the democracy clause literature is borne out. Even in the more demanding statistical test conducted in this study, democracy clauses continue to be correlated with a reduced likelihood of coup attempts in the post-Cold War era. Moreover, this dissertation presents the first analyses of the influences of democracy treaties on coup outcomes and coup tactics, and these also offer tentative support for the optimistic view.

These findings contribute to the literature on democracy clauses in two ways. First, they contribute to an accumulation of evidence on the general influence of these regional treaties. The use of cross-national quantitative analysis in Chapters 4 and 5 provides a different kind of evidence than is usually used in this area of scholarly inquiry and helps triangulate and flesh out findings in an area that has mostly been studied qualitatively.

Second, this work expands the number of dependent variables considered in the study of democracy clauses. The bulk of previous work looks at the influence of democracy clauses on democratic reversals as an undifferentiated concept. I argue that

this approach threatens to significantly obscure our understanding, specifically because reversals can happen in different ways, and these different pathways have different causes, accelerants and inhibitors. This is an insight increasingly accepted within the literature on democratic consolidation (e.g. Geddes 2009) that can be applied fruitfully in this area. Coups are different social processes from executive reversals, impeachment coups, or rebellions (Maeda 2010, Ulfelder 2010). When scholars examine regional democracy treaties and simply make a judgment as whether they protect democracy as a regime type they only scratch the surface of what we could know about their operation. This dissertation attempts to go deeper than previous work by focusing on one specific pathway that regimes can be overthrown, coups d'etat, and then considering several different dimensions of this dependent variable: the likelihood of attempts, the likelihood of successes, and the tactics used to seize and consolidate power. This approach and the resulting findings add considerable nuance over what was previously available in the democracy clause literature. It also can hopefully serve as an example of the benefits of digging deeper into the dependent variable and consider *multiple* potential implications of the adoption of these treaties.

The Literature on Democratic Consolidation

The study of democratic consolidation has come a very long way since Linz and Stepan initiated the field in 1978 with their book series entitled *The Breakdown of Democratic Regimes*. For the first two decades of consolidation research the predominant focus of scholars was on domestic determinants of regime survival: levels of economic development and inequality, the nature of democratic institutions, and the like. More

recently, however, research by Whitehead (1996), Boix (2003; 2011) Pevehouse (2005), Vachudova (2005), Gleditsch and Ward (2006), Brinks and Coppedge (2006), Ulfelder (2008) and others has shown that international forces bear on the consolidation process in many different ways.

It is interesting to note, however, that these authors for the most part are describing the influence of structural international forces, especially diffusion effects and the weight of global hegemonies. Even Pevehouse, with his discussion of the role of inter-governmental organizations, posits that their democratizing influence is mostly as a conduit for diffusion effects, rather than an independent influence exerted by the organization itself. This focus on structural factors is understandable, but there are also actors in the international arena that are intentionally trying to influence the likelihood of democratic consolidation. Steven, Perez-Linan, and Seligson (2006), for example, have shown that foreign aid conditioned on democratic government does appear to reduce the likelihood of democratic reversals.

This study adds to this literature by looking at another kind of conditionality, not only conditionality on foreign aid but also conditionality on foreign relations. The findings presented here show that democracy clauses are silver bullets to the problem of authoritarian reversals, but that they work at all, however weakly, provides an interesting addition to the growing literature on international dimensions of domestic order.

The Literature of Coups d'Etat

This dissertation is primarily about the effectiveness of treaties, but in order to be able to make any kind of pronouncement on that question here required that I develop an

understanding of the thing to be affected, the dependent variable here, the coup d'état. Unfortunately, there is very little scholarly work on how coups occur. It is the case that the study of coups has enjoyed a small renaissance in recent years as scholars have come to appreciate the importance of different pathways of democratic reversal (Maeda 2010; Ulfelder 2010; Geddes 2009). Scholars like Belkin and Schofer (2003), Thyne (2010), Powell (2012), Heins and Goemans (under review) and Powell and Thyne (2012b) have outlined the causes and consequences of coups in the Post-Cold War era. However, there has been almost no published work since Farcau (1994) on the way that coups occur. The exceptions to this are the game theoretic model of Sutter (2000) and the discussion of collective action problems in Powell (2012).

The theory provided in Chapter 3 contributes to this literature by providing a novel theory of the way coups work, or, more precisely, on the ways coups may fail. My theory is based on the work of Luttwak (1969) and Farcau (1994), but goes beyond them by clarifying the distinct stages of the coup conspiracy and post-coup consolidation as the key inflection points of the coup process, and by making clear that these stages can be and should be understood separately if we want to know why coups occur (or do not) and succeed (or do not). Identifying these mechanisms can point the way for deeper understanding of the coup process.

The Literature on International Human Rights Law

Finally, the findings from this research have implications that speak to an emerging debate in the study of international human rights law. When we talk about how international human rights law works, there are essentially two ways that violators can be

brought into accord with their treaty obligations: either some domestic actor causes the state to come into compliance or some international actor causes the state to come into compliance. Enforcement from international actors has received the lion's share of attention over the years, and this pathway of enforcement takes prominence in the major academic overviews of international human rights (e.g. Forsythe 2012; Donnelly 2013), and is the principle motivating recent innovations in international law like the creation of international criminal courts and the promulgation of the doctrine of a Responsibility to Protect. The idea is theoretically clear: when states enter a treaty, other states should punish them if they fail to meet their obligations. However, the practice of this mechanism of enforcement is highly problematic (Forsythe 2012; Gibney 2008).

There is another view, however, that the most important driver of the enforcement of international human rights law occurs at the domestic level. Henkin (1979) discusses this, and it has received its most influential recent descriptions in Koh's (1997) theory of vertical legal process and Simmons's theory of domestic mobilization (2009). Vertical legal process describes the way that domestic courts and administrators use international human rights law to make decisions about domestic issues, not because other states are forcing them to do so, but because the norms themselves are useful and/or attractive to those decision-makers. The domestic mobilization perspective posits that international norms can provide "intangible resources" to domestic actors advocating liberal reforms by exposing contrary government policies to claims of hypocrisy, by providing focal points for reform efforts, and by providing assurance that the rights demanded are legitimate claims to make on a government (see Simmons 2009, Chapter 4). Simmons takes direct aim at the inter-state enforcement theorists when she says:

International human rights treaties have a singularly unusual property: They are negotiated internationally but create stakeholders almost exclusively domestically (Simmons 2009, 126).

and:

Peers cannot act as reliable enforcers of the regime. They have incentives to ignore violations, either because they are essentially unaffected by practice elsewhere, or because other foreign policy objectives swamp the concerns they have in a particular case, or because they hope that someone else will pay the costs of enforcement. *The real politics of change is likely to occur at the domestic level* (Simmons 2009, 126. Emphasis in the original).

Whether international human rights law is enforced primarily internationally or domestically is a question worth answering. It is important to both scholars that wish to understand human rights and to practitioners in governments and NGOs that try to achieve human rights gains. If we want international human rights law to work, we want to figure out how best to use the strategies available for effective gains and avoid the opportunity costs of putting a disproportionate amount of effort into relatively ineffectual means of enforcement.

The findings presented in this dissertation can speak to this debate because of unique properties of democracy clauses. On the one hand, democracy clauses share the reciprocity problem of human rights treaties. State A cannot punish State B's breach by refusing to comply with State A's obligations. On the other hand, democracy clauses do implicate the self-interest of state *leaders*¹⁸⁹ to the extent that they are mutual protection pacts for incumbents. A state leader may be indifferent to whether an international civil rights regime is effective because freedom of speech or association in another country do not have much influence on his welfare. That same leader may, however, be very interested in the effectiveness of an incumbent-protection regime if he is at all worried

¹⁸⁹ Not state interests, but state leaders' interests.

about being deposed in a coup. In other words, democracy clauses are like human rights treaties in that they can only be enforced by interrupting cooperation in some policy area outside the scope of the treaty, but different from human rights treaties in that state leaders are relatively highly motivated to see them succeed.

That they do not perform any better than they do thus has important implications for the inter-state model of human rights enforcement. As discussed above, from 1990-2008 regional democracy regimes reduced the likelihood of coup attempts, they reduced the likelihood of coup successes, and they appear to have required a shift in coup tactics by would-be usurpers. However, the inconsistency of these effects, reflected by the wide confidence intervals in the quantitative studies and by the fact that the Honduran and Malian coup leaders managed to hold on to power even after the implementation of unprecedented sanctions against them, casts serious doubt on how effective we can expect inter-state enforcement to be. Democracy clauses probably represent the upper bound of effectiveness for inter-state enforcement. When state leaders have even fewer interests in seeing an enforcement effort succeed, as would be the case with most international human rights treaties, we would expect less success. In fact, we should probably anticipate far less success.

This finding therefore supports the view that both scholars and practitioners should be putting more emphasis on domestic mechanisms of international human rights law enforcement. There may not yet be clear evidence that the domestic mechanism works either, but for now it is worth knowing that international mechanisms are highly unlikely to produce the significant gains that are desired by those of us interested in learning how human rights can be protected and achieved.

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