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International law and the reinstitution of military coups in Africa: A political quagmire

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Abstract: The continent of Africa has continued to make the wrong headlines in terms of its governance systems with the upsurge of military coups. While governance systems are guided by international, regional, and domestic laws that prohibit the unconstitutional changes of governments, the reality is that such laws have failed to live up to expectations. In light of these scenarios where laws have failed to keep up with reality, policy research on the African continent is centred on potential solutions to this type of regional conundrum, both in theory and praxis. Against such a backdrop, this study attempts to contribute theoretically towards redressing the unending unconstitutional changes of governments on the continent. Relying on a qualitative approach that uses documentary analysis as its data collection method and content analysis for data analysis, the study examines the limitations of international law in suppressing military coups in Africa. It argues that the contemporary international legal system has to contend with crucial political systems, and this creates complexities in its regulation of military takeovers in Africa. As a way forward, the study advocates a suitable diplomatic model of international law that can be instrumental in stopping or limiting the resurgence of military coups in Africa.

Keywords: Military coups, international law, law, politics, Africa.

1 Introduction

Guns were supposed to be silenced in Africa by 2020, but instead, they have emboldened their legal owners to use them illegally. Cicala (2023) observes that ten years after the declaration, the sound of guns has become more audible on the African continent since several countries are ravaged by armed conflicts. Countries leading the perk include Burkina Faso, Burundi, Cameroon, the Central African Republic (CAR), the Republic of Chad, the Democratic Republic of the Congo (DRC), Ethiopia, Kenya, Mali, Mozambique, Niger, Nigeria, Somalia, South Sudan, and Sudan. The African continent's predicament is undermining the individual and collective goals and aspirations of its people. Mlambo, Thusi, and Ndlovand (2022), for instance, referring to Agenda 2063 by the African Union, which calls for a peaceful and stable Africa, asserts that it essentially reflects the need to put an end to violence and establish peace and stability across the continent. However, such a masterplan meant to transform Africa into a global powerhouse may now seem like a pipe dream due to the violent coups that have become common throughout the African continent (Matlosa 2022). At this point in African history, it is plausible to argue that coups have grown to be one of the continent's most significant problems.

While conceding that several variables have contributed to the continent's coup upsurge, this study contends that international law has played a role in deterring them. It is critical to acknowledge that the success of Agenda 2063, the continent's long-term development plan, depends on the extent to which international law and transitional justice may serve as the common thread linking Africans in their quest for democracy and peace. The military takeovers that have occurred on the continent for a long time but have garnered the most attention since 2017 demonstrate that the law ought to be the driving force behind constitutional changes of government in African states, but this has not been the case.

It is pertinent to acknowledge that politics and law interact to shape African governance practices, but literature on the idea of the complementarity between law and politics, particularly regarding Africa, has remained sporadic and accidental. As a result, investigations that add nuance to the African setting have become necessary. The broad swathe of literature available has neglected the contestations between law and politics in Africa. Studies by Nyathi and Ncube (2020), Amoateng (2022), Mwai (2023), Devermont (2021), Akinola and Makombe (2022) have focused on military

coups in Africa. In the same way, some scholars have written on international law, law, or international criminal law without focusing on the resurgence of coups in Africa. Examples are Murithi (2019), Slomanson (2011), Hirsh (2012), and Raube (2023). In this regard, this study argues for and complements available literature on law and politics by exploring the limitations of international law in the season of military coups in the African political systems. It also advocates a suitable diplomatic model of international law that can be instrumental in stopping or limiting the resurgence of military coups in Africa.

2 Historical overview of military coups in Africa

Several states on the African continent have recently had coups. There have been military takeovers in Burkina Faso (January 2002 and August 2022), Mali (August 2020 and May 2021), Gabon and Niger (2023), Guinea (September 2022), and Chad (April 2021). Though it is not unique to the continent, West Africa has long been at the forefront of the military coups problem. According to Dan Suleiman and Onapajo (2022), for instance, West Africa was responsible for 44.4% of all coups in the continent in each of the decades between 1958 and 2008. In the post-2010 era as well, West Africa has been at the forefront of coup occurrences. Since 2010, there have been over 40 coups and attempted coups in Africa, with 22 of them taking place in the Sahel (which includes Chad) and West Africa. The fact that there have been nine coup attempts in Africa since 2019, seven of which have been successful and two of which have failed, maybe the continent's biggest worry. The majority of African coups between 1958 and 2008, as well as 7 of the 9 since 2019, took place in former French colonies (Dan Suleiman and Onapajo 2022). In a similar vein, the subregion has seen 15 of the 20 coups that have happened there since 2010.

Sudan has had the most coups and attempted takeovers amounting to 16-six of them successful. According to Mwai (2023), Nigeria had a reputation for military coups in the years following independence, with eight occurring between January 1966 and Gen Sani Abach's takeover in 1993. However, since 1999, Africa's most populous nation has been governed by democratic elections. Mwai (2023) points out that Burundi's history has been distinguished by eleven different coups, most of which were fuelled by tensions between the Hutu and Tutsi communities. Sierra Leone was also the site of three coups between 1967 and 1968, as well as another in 1971. Mwai (2023) further notes that there were five further coup attempts between 1992

and 1997. Ghana has also experienced eight military coups in the last two decades. The first was in 1966, when Kwame Nkrumah was deposed, and the second was an unsuccessful effort by junior army commanders the following year. In total, Africa has had more coups than any other continent. With the exception of Myanmar in 2021, every coup reported globally since 2017 has occurred in Africa. The above depiction reveals how prevalent coups have been in Africa. This is evident, although states across the continent are required by international, regional, and domestic regulations to change governments in accordance with the law.

3 Law and political prisms

Shaw (2021) denotes that there can never be a 100 percent separation between law and politics. No matter what theory of law and political philosophy is professed, it is necessary to acknowledge the unbreakable links that connect law and politics. The political branch is responsible for passing laws and for developing the legal system in the first place. The states, who both create the norms and interpret and apply them, are ultimately the arbiters of the global order. Compared to how it is perceived within national legal systems and in positions of power, politics is far more integrated into the system. Government and international authorities may exhibit an international legal habit, but the required infrastructure to codify this is lacking. Power politics emphasises rivalry, conflict, and supremacy and accepts struggle and influence as its main principles. This lack of complementarity between law and politics has influenced the recurrence of coups in Africa.

There are real and perceived political repercussions on international law practice, which will damage its perceived legitimacy and viability. Henkin (1995) argues that “law is politics, the law is made by political actors, through political methods, for political goals.” According to Van der Merwe, “neither politics nor law is fully immune from the other’s impact.” Murithi (2019) quotes, Sparrow-Botero and Lambertz, who observed that “international laws are... instruments of justice, like any other court... but at the same time... they are subject to power politics, political influences, and international bargaining.” Bachmann, Ristić, and Kemp (2019) wonder if there are “additional objectives that the international law institutions are supposed to achieve” and if they “belong to the legal, juridical, or political realm.” It is critical to understand that each given international relations scenario can be viewed from a legal or political viewpoint. Criminals are often the commanders of state armies or non-state militias,

and they are essential to the peacebuilding process, according to a political viewpoint. Through a legal lens, those who are most criminally responsible should be prosecuted for orchestrating the mass atrocities, which challenge the conscience of humanity. Murithi (2019) argues that, in the field of international politics the critical question has been, "which process between the legal and the political one should proceed first, or whether both can proceed in tandem, is the vital question?"

The social contract theory states that politics and law emanated from the social contract when humanity came together to find a solution to its nutsy, brutish, short life in the state of nature. Traldi (2023) believes that the state of nature is a state of humanity without law, in such a state of nature, there is anarchy, survival of the fittest and life is unpredictable. Phillips and Johnson-Cramer (2006), is of the view that men need security from each other and the socioeconomic dividends of a secure society, thus they come together and make a social contract that limits their freedoms in exchange for security. The government is thus formed to provide this security and implement the social contract to prevent chaos and anarchy. The social contract becomes the first law of this civil community and the government becomes the custodian of law.

The social contract is made up of two major parts. According to Neidleman (2012), the first is a pre-political situation known as a "state of nature" and the "original position." In this first condition, everyone is equal, everyone is symmetrically situated relative to everyone else, and everyone has some incentive to abandon the first arrangement in favour of some relative benefit gained by admittance into civil society. According to Neidleman (2012), the second component is a normative description of the contract's parties. The parties are described as (1) self-interested, (2) concerned for the well-being of others and driven by altruism, and (3) logical or reasonable in their grasp of their own and others' interests, as well as the just or moral standards that should guide their pursuit of those interests.

According to Shaw (2021), the business-oriented philosophy, which emphasised the importance of contract as the legal underpinning of an agreement freely entered into by both or all states, was established in the 19th and influenced the theory of consent. Given that states are independent, free agents, they can only be confined with their assent. An extreme example of this approach is the doctrine of auto limitation, sometimes known as self-limitation, which argued that governments could

only be obliged to follow international legal norms if they first chose to do so. In no way, shape, or form can it be argued that the more than 100 states that entered into existence after the end of World War II have agreed to every rule of international law established before its foundation? Shaw (2021) states that by recognising their independence, it may seem that states assent to all laws now in place. However, adopting this position reduces consent to the status of a fictitious concept. According to Shaw (2021), this theory also falls short of providing a sufficient justification for the existence of the international legal system because it fails to take into account the phenomenal expansion of international institutions and their network of rules and regulations that has occurred over the last generation.

4 Wither pertinent regional instruments to prevents unconstitutional change of government

International law has been burden by the critic that it is not really law but rather international morality. This has raised questions on the efficacy of African International legal systems. Eastern Community of West African States (ECOWAS) relies on its Protocol on Democracy and Good Governance. The African Union has its Constitutive Act, Peace and Security Protocol, the Lomé Declaration and the African Charter on Democracy, Elections, and Good Governance as international legal mechanisms to thwart unconstitutional change of governments in Africa. The African Charter on Democracy, Elections, and Good Governance Chapter 3 Article 3 (10) condemns and rejects the unconstitutional changes of government in Africa.

The African Union's Democracy, Elections, and Governance Chapter 8 on Sanctions in Cases of Unconstitutional Changes of Government, Article 28 concur that the following illegal methods of gaining or retaining power, among others, constitute an unconstitutional change of government and will be subject to appropriate Union sanctions: any attempted overthrow of an elected government by force, any mercenary incursion to overthrow a democratically elected administration; when armed rebels or dissidents overthrow a democratically elected government; when an incumbent government refuses to hand over power to the party or candidate that wins in free, transparent, and fair elections and Any amendment or revision of the constitution or legal instruments that is an infringement on the principles of democratic change of government. Chapter 4, Article 5 of the African Union, Elections, and Governance emphasises that state parties are required to take all

necessary steps to ensure constitutional rule, particularly concerning the transfer of power.

Chapter 6 Article 14 of the African Union, Elections and Governance demands that to ensure the consolidation of democracy and constitutional order, state parties shall strengthen and institutionalise constitutional civilian authority over the armed and security forces to ensure that individuals who attempt to overthrow an elected government through illegal means are dealt with legally; state parties shall implement legislative and regulatory measures; and state parties will work together to make sure that anyone trying to overthrow an elected government by means that are against the law is dealt with legally.

The African Union, Elections, and Governance's Chapter 6, Article 15, emphasises that State Parties shall establish public institutions that promote and support democracy and constitutional order; State Parties shall ensure that the independence or autonomy of the said institutions is guaranteed by the constitution; State Parties shall ensure that these institutions are accountable to competent national organs; and State Parties shall provide the above-mentioned institutions with resources to perform their assigned missions efficiently and effectively. Article 1(b): Every accession to power must be accompanied by free, fair, and transparent elections. Article 1(c): There is no tolerance for obtaining or maintaining power through unconstitutional means. Article 1(e): The armed forces must be apolitical and must be led by a constitutionally established political authority; no serving member of the armed forces may aspire for elective political office. Article 20(1): The armed forces, police, and other security agencies are subject to legally formed civilian authorities.

The ECOWAS Protocol on Democracy and Good Governance (2001) Article 45(1) emphasises that if democracy is abruptly ended by any means or there is widespread violation of human rights in a Member State, ECOWAS may impose sanctions on that state. Article 45(2) of the same protocol points out that the authority may impose punishments in descending order of severity. A case in point is when the ECOWAS sanctions on Niger meant that Nigeria cut power supply to the country on the 80-megawatt Birnin-Kebbi line, while Ivory Coast suspended imports and exports of Nigerien goods. West Africa's regional central bank, the BCEAO, shut down its branches in Niger, citing risks to operations. Chioma (2023) notes that, due to the Kainji dam's substantial contribution to Nigeria's energy production in the past, there

is a legal agreement between Nigeria and the Niger Republic for the provision of electricity. By cutting the electricity to Niger, Nigeria violated the agreement at the expense of national interests.

The Constitutive Act of the African Union, in Article 4, condemns and rejects the unconstitutional changes of government in Africa and notes that the African Union has the right to intervene in a member state according to a decision of the Assembly in respect of grave circumstances, namely war crime, genocide, and crime against humanity. The African Union prohibits the use of force or the threat of use of force among member states, and it is also against interference by any other state in the internal affairs of another. According to Devermont (2021), the removal of President Alpha Condé by the Guinean military as a result of autocratic overreach, poor economic management, and deteriorating democratic norms indicates the inability of regional organisations and international allies to foresee and react to an emerging coup playbook. Alpha Condé was overthrown on September 5 by Colonel Mamady Doumbouya, who said that “the duty of a soldier is to save the country.” The military takeover was the country’s third coup since becoming independent in 1958.

The Protocol Relating to the Establishment of the Peace and Security Council of the African Union’s (2002) Article 3, emphasises the following; Promotion of peace and stability in Africa, as well as conflict anticipation and prevention. If a conflict has occurred, the African Union Peace and Security Council should be responsible for undertaking peace-making and peace-building functions for the resolution of these conflicts. The Union should also promote and carry out peace-building and post-conflict reconstruction initiatives to solidify peace and prevent violence from resuming. As part of its efforts to avert conflicts, the Union should also promote and foster democratic practices, good governance and the rule of law, the preservation of human rights and fundamental freedoms, the sanctity of human life, and international humanitarian law. Article 4 of the same Protocol demands that there should be an early response to contain crises to prevent them from developing into full-blown conflicts, non-interference by any member state in the internal affairs of another, and sovereign quality and interdependence of member states. In many of the African military coups, the regional block and its sub-regional blocks were blamed for delays in responding to military takeovers, despite the existence of international laws that demand these blocks do so.

5 Precinct of international law and military resurgence in Africa

Law is the component that pinions the subjects of society collectively in their observance of acknowledged moral ethics. Shaw (2003), argues that , it is both liberal in permitting the subjects of the community to institute their legal affairs with rights and duties that should be obeyed and those which infringe the laws to be punished. In what is termed international law the prime subjects are nation-states, not individual citizens. International law governs state-to-state relations in all their numerous forms and standardises the functions of international organisations. Shaw (2003) emphasises that international law may be universal or general, and subjects ideologically and practically acknowledges special rules applying only to them.

The first question that is always posed in international law debates is its legal quality. In disputes, subjects of international law may claim legal justification actions, a situation that could be exacerbated by the fact that in international politics there is no governing autonomous institution able to determine the interactions of states. Identification marks of law are the existence of a body that legislates laws, the court system's structure of mandatory jurisdiction to issue and give final decisions in times of dispute, and an accepted system of enforcing the laws. It should be noted that where there is no legislature, executive, or judiciary, there is no legal order. International law does not fit the model of law above, thus diluting the idea that international law is the law. This means international law is too fragile to determine the interactions of its subjects.

ECOWAS might utilise the Lomé Protocol’s Article 25(e) as a justification for an armed intervention. The destabilisation of a democratically elected administration criteria of Article 25(e) may be met in any of the West African countries that have gone through an unconstitutional change of government and the halting of Niger’s ECOWAS candidature does not absolve Niger of its treaty obligations that existed before the suspension. However, if the military junta had taken control of Niger as the country’s government and thus the body with the power to approve or reject the use of force, the legal analysis would have to be dramatically altered. Raube (2023) notes that Article 25 of the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of the Economic Community of West African States (the Lome Protocol), ECOWAS nations have authorised ECOWAS to act militarily in several member states in some situations, including “in

the event of the overthrow or attempted overthrow of a democratically elected government." Raube (2023) observes that because there would be no impromptu invitation and the military junta in Niger would have arguably revoked any expected consent accommodated in the Lomé Protocol, the threat to use force by ECOWAS in this scenario would appear to lack legal justification. This is because the junta has repeatedly stated that It opposes any type of military intervention

The Eurocentric international law framework provides an effective intrusion system. As Fanon remarked, the national leadership of postcolonial countries aspires to "be a part of the racket." They are brainwashed into thinking irrationally about international law, and they research, comprehend, and absorb legal frameworks that depict non-Western people as uncivilised, especially in their quest to avoid being bound by the rule of law. They serve as judicial imperialistic brokers, endorsing and sponsoring the operations of a worldwide system of supremacy under the cover of international law. They feel that outside support is required to help them address the challenges that they face in their postcolonial governments.

The Europeanised model of international regulations has been thrust into the world stage as the legal structure acceptable to all civilisations. Other cultures and states that failed to comply with certain criteria of Europeanised international law were seen as uncivilised and susceptible to subjugation. Criminal acts in Africa are usually inevitably political or ideological. Committing crimes of the magnitude that are specified in the Rome Statute frequently necessitates the exploitation of a state or its facilities. As a result, those responsible function from a position of power and use partisan logic when they commit crimes.

Europe-focused international laws and African traditions and principles lack of ontological richness or interconnections. This explains why international laws have failed to thwart the recurrence of coups in Africa. The nexus between Eurocentric values and African values lacks essential metaphysical ideas such as specificity and universality, generality and tangibleness, or inevitability and need. Hofweber (2020) alludes to the that, these disagreements within ontology are often about whether entities belonging to a certain category exist and, if so, how they are related to other entities. Africa's leaders talk of establishing a continent-wide safety and tranquillity instrument, but they refuse to fund it with funds from their national defence budgets. When a crisis arises, they further kneel and beg their former imperial rulers to come

and rescue them from misery. This tendency is also not limited to military and security operations. African lawyers, legal scholars, and jurists are among the most vociferous supporters of the international criminal justice system (Murithi 2019). Paradoxically, they have generally gained their expertise via knowledge systems, even those cantered in Africa, that have been imbued with Western concepts of the law.

Political realism, a subset of international relations sciences, emphasises the importance of nation-state self-interest in defining how the world system functions. Political realists are sceptical of international law, viewing it as a highly Risky morality' and a utopian attempt to regulate the conduct of nations in an anarchical system . This study suggests that the idea that legality worldwide hinges on global politics and such influence is impossible to refute completely. The recurrence of coups in Africa indicates that international laws are politically negotiated and supported (or not).

International law has no policing or enforcement powers and is heavily reliant on states and a large measure of political backing, international law would be largely toothless. Devermont (2021) highlights that in August 2020, the Special Forces veteran and Colonel Assimi Gota of Mali deposed President Ibrahim Boubacar. While the United States secretly implemented aid limits connected to the coup and ECOWAS suspended Mali from the regional organisation, France's terrorism prevention activities continued, and ECOWAS consented to an interim period of 18 months spearheaded by a veteran retired general. Gota deposed the civilian changeover leadership in Mali a year later and proclaimed himself acting president. Gota's administration did not appear eager to step down. It repeatedly missed deadlines and failed to turn forward a draft constitution and register voters. There has not been any international protest or anxiety regarding this inescapable postponement, indicating the weakness of international law in the regulation of constitutionalism in Africa.

Politics is a recurring characteristic of international law and justice since it is influenced by the priorities of the state's actors, both globally and nationally. Politics will always jeopardise international law's legitimacy. As a result, rather than rejecting the presence of politics in international law, attorneys, jurists, and legal academics must recognise that their work is politicised, even beyond their capabilities to shield it

from outside manipulations. Therefore, international laws in particular are political and should be partisan, and their goals in politics must be as open as their legal agenda. Shaw (2021) pointed out that, because nations sign agreements and act in a way they may or may not consider to be legally obligated, it would seem that international law is made up of a set of guidelines from which states are free to choose and not choose. They may opt to follow or disregard the corpus of world standards (at their discretion).

Murithi (2019) notes international law is political, and the divide between the two is only partially true. Law is the prescriptive expression of a system of politics and is created by political participants utilising legislative processes for the sake of politics. To understand the nature of international law and its relationship to the international political system, it is useful to use domestic law as an approximation (albeit with prudence). The law of a country reflects an internal political hierarchy in a home civilisation. Similarly, international law is the result of a specific civilisation and system of power. However, the members of global society are not individuals but political institutions such as states. In the majority of cases in Africa, juntas have gone to great lengths to portray their coups as popular and have given the impression that they have the support of the national assemblies, but in actuality, they are under decree. The Military governments' instabilities are likely to continue in the lack of constitutional frameworks, military oversight, or a clear strategy for tackling security challenges in Africa.

Slomanson (2011) questions whether anyone name a system of laws that is truly politically a neutral value, given that some are less discretionary in their grasp of the law than others? Law in the transnational arrangement, as in municipal cultures, is inherently political. That is, while the legal norms produced by civilisations may have some hedonistic significance to everyone involved, they generally reflect the preferences of the sections of society that possess the most assets to influence the procedure for creating rules. Slomanson (2011) believes that there is an extensive history of cynicism regarding international law's authenticity; it is a collection of political and philosophical constructions that are solid or fail in their strengths. Any other categorisation is little more than "theological thought and mysticism" disguised as legislation. Slomanson (2011) also reflects that those nations have always had problems with transforming their factual power into legal superiority, which leaves

them discontented with international law as a tool of foreign policy. Shaw (2021) believes that the international system, is comprised of approximately 190 self-governing nations and has equal status in the theory of law in that all of them exhibit autonomy attributes and acknowledge no one as having control over them, is symmetrical as opposed to all but the most primitive civilisations, where the system of law is horizontal and leadership is vertical. In the African system, international law is inconsequential and belongs in the bubble of international morality because it consists of opinions and emotions that are more moral than legal. In Africa, law and order are not explicable because the African system just like the global system lacks a sovereign government that could create and enforce the law. This limitation has promoted the resurgence of military takeovers in the present weak African legal order.

An absence of legislature is another weakness of the African International legal system. Paradoxically, the legal tradition was created by universal practice rather than by any policymaker or legislative power, any leader, sovereign, or ruler. States act as legislators by creating transcontinental customs and signing treaties that are legally obligatory on their members. However, in politics, a struggle for supremacy dominates and defines the law. According to Morgenthau (1979), universal law is the most inadequate and primordial form of enforcement of laws. Its fragmented composition makes it analogous to the law that prevailed in preliterate tribal communities. According to Morgenthau (1979), no state may be coerced to abide by a worldwide tribunal's ruling, rendering legislation useless and discretionary. International law is also un-policed, making it deficient to agencies for enforcement. Regional organisations like African Union and its Regional Economic Communities (RECs), the Southern African Development Community (SADC), and ECOWAS lacks a system of compliance and assessment, and the organisations are crippled when it comes to the inspection, auditing, or compelling countries to adopt international law principles thus making international law a weak instrument in fighting the unconstitutional changes of governments in Africa.

According to Dougherty and Pfaltzgraff (1981), the global arrangement becomes distinctive by ongoing conflicts for supremacy by one player or a variety of entities as a result of the state systems' chaotic framework and the disparate goals of all parties. The absence of authority superior to independent states has worked as a stumbling

block to the success of international law in curbing military coups in Africa. A worrying scenario that does exist in international law is that the politically superior is the one who commands laws to the politically inferior, just like Nigeria did by cutting electricity power supplies to Niger despite the existing agreement between the two countries. The second worrying factor is that rules only can be recognised as laws when they are granted authorisation by a specific statutory authority and executed through observable penalties. The above constraints in international law point out that the existence of a central power or superior governing body over states and rules put in application to them by that authority should be the internal laws of a federation because that does not give room to international law. This is so because international law is in contradiction with municipal law and consists of the cooperation of equals and not the subordination of others to one superior power. This is confirmed in Article 2(1) of the United Nations Charter, which holds that no state is subordinate to any other state. States observe the principle of international law called *par in parem non-habet imperium.* This means that there is no supreme authority among equals. International law is a questionable net of faint obligations. International legal instruments are enforceable only by acquiescent states. The conjecture of anarchism creates illogicality for agreements to be obeyed or honoured by parties' signatories to them. In world politics, impartiality is a key weapon for upholding agreements. The member states are liable for regulating conformity.

National interests are characterised in terms of strength and with the objectives of societal law being rooted in human nature, it remains to be seen if these very national interests cannot affect cooperation and mutuality among states. Chioma (2023) notes that cooperation exists when there are no clashing interests, the absence of that may lead to enmity. Accomplishment is the pinnacle of any strategy in foreign policy, plus achievement can be defined as maintaining and fortifying the state. The accountability system in international law is scrawny to the extent that states pursue their national interests without answerability and impunity. Countries may choose to obey international law and guidelines because states deem international law as an amalgamated system of rules that radiate from their political will. Global legislation as it already exists is an unambiguous fact that should be separated from law as it ought to be. Political realities in the African international System expose international law as something that necessitates stringent legal weighting monitors and ignores any extra-

legal variables. Devemont (2021) indicates that, based on the region's and the world's haphazard responses to unconstitutional actions in Mali and Chad, Doumbouya likely concluded that the region's and world's efforts to resist the coup would be insufficient. In dissimilarities to earlier decades of principled reactions to unconstitutional takeovers, the regional blocks and the international communities have been reluctant to impose serious punishments in recent years.

International organisations and international law have limited power in the international system; they are simply epiphenomenons or expansions of state power and interests, and for that reason, they are too weak to control state behaviour. The recurrent increase in destructiveness and misdemeanour of international law purportedly echoes the non-subsistence of international law as a legal, well-founded system of legislation. The number of military coups in Africa indicates that global law is so articulate in books but deafeningly mute in practice. Only in the technical sense of the term should international law be considered law.

The problem of sovereignty is exceedingly broad because sovereignty is a corollary of international law. It should be highlighted that all law is based on the desertion of sovereignty. International law and sovereignty are tied up in concert, inseparably. It means that law can only survive where there is the sovereignty of states; thus, law confirms sovereignty. It should be noted that states create international law in an objectively binding form when their mutual interests deem it necessary to limit their own will. This political union ship is connected to the political realities of international relations. The problem is that the whole structure is built upon the fundamentals of sovereignty. It is because of the physiological connection underlying sovereignty and equality, as well as the execution of global law, that there is a problem with equal treatment of states within global affairs. A state can only be used as a state to the extent of asserting its sovereignty. Sovereignty is exclusive control of its territory, retuning the legitimate use of force. International law has encroached on the sovereignty of the states, and this could be the reason why the law has failed to account for the reinstitution of military coups in Africa.

Foreign influence and tactical rivalry enhance the chances of coups. Throughout the first forty years of self-determination, coups intersected with the complexities of the Cold War as the Soviet Union (Russia) and the United States grappled over Africa. Recent overthrows in West Africa, like others in the after-independence era, exhibit

foreign fingerprints. According to Dan Suleiman and Onapajo (2022), Russia was implicated in the aforementioned 2021 and 2020 coups in Mali, as well as the newest coup in Burkina Faso. According to Dan Suleiman and Onapajo (2022), Assimi Gota, the leader of both coups in Mali, got US training and aid. Devermont (2021) notes that , Former French legionnaire Colonel Doumbouya, is in charge of the nation's most prestigious Special Forces Group. He has participated in training exercises with the US special forces and got instruction from France, Israel, Senegal, and Gabon. He additionally served in Afghanistan, Côte d'Ivoire, the CAR, and Djibouti. As an illustration, Mahamat Déby's clandestine coup in Chad drew backing from Paris. China, like Russia, helped Russia stop France, who had the backing of the United States and the European Union, from gaining the authorisation of the United Nations Security Council for commercial and border sanctions on Mali. In actuality, while China applauded the putsch in Guinea, it maintained mute on Mali's.

Thus, in the twenty-first century, foreign countries' drive for geopolitical influence and benefit in Africa has led to coups across the continent. Local politics and totalitarianism are acceptable as long as their political value is served. France 24 (2021) states that France condemned the 2021 mutiny in Mali and proposed EU sanctions, with French Foreign Minister Jean Yves Le Drian declaring, "France denounce the act of violence that took place in Mali with the utmost severity." France proceeded by suspending joint operations with the Mali government as well as national advice. France had to resume military operations after recognising that Russia was now a threat to its strategic interests in Mali. Agency France Press (2021) reported on January 7, 2022, that Malian army officials were claiming that Russian military advisers had arrived in the country with 400 Russian military personnel operating in the Sahel state. The presence of the competing superpowers in Mali threatened the importance of the application of international laws in resolving the Malian crisis but rather turned Mali into a political battleground for the two UNSC permanent members pursuing their strategic interests in Africa. Foreign influences have also made African international laws useless in their quest to end unconstitutional government change.

6 Policy Suggestions

- Encourage the utilisation of traditional-based justice systems to be considered as core pillars of the international law and international relations system rather

than as less satisfactory, for example, by taking a leaf from the Gacaca System that was used during the Rwandan transition and reconciliation exercise after the genocide.

- There is a need to redefine and re-conceptualise African international laws and politics as an organised intellectual, institutional, and academic inquiry that is initialised. African laws and politics should be defined by their concerns about Africa, African peoples, and African societies.
- When addressing military coups, the African Union and its recognised RECs should regularly apply the tools it has set in place, including the Lome Declaration of 2000 and the Charter of Democracy and Governance of 2007. Military coups ought to be regarded as an anomaly and in opposition to the region's efforts to achieve stability and development. Regional and continental organisations like ECOWAS and the African Union should apply the same sanctions to all sorts of forcible power grabs or overthrows of democratically elected governments.
- The constitutions of African nations should include term limitations and make attempts at tenure extension illegal. African supranational entities should assist their constituent nations by enacting a rule prohibiting incumbent presidents from serving a third term.
- The Western governments have failed to provide Africa with the necessary support systems, and African states should be careful of new non-African allies. Akinola and Makombe (2022) suggest that Economic concerns are the primary drivers of the struggle for the souls of African states, from the Horn of Africa to the Sahel because international relations are solely driven by the interests of states.
- Governmental structures must be more diverse and open to participation from civil society, accepting ideas from the military and other industries as well. Akinola and Makombe (2022) advise that the first goal for African civilian governments must be the depoliticisation of the military and the implementation of comprehensive security reform. To keep the military out of power, this is a crucial corollary.
- The peer view process on states needs to be more critical of the levels of governance within African states. The AU has a decisive role to play.

- African governments need to foster rapid economic transformation that works for the people, by the people, and is owned by the people.

7 Conclusion

The research looks at the limitations of the law in political scenarios such as the military coups that have plagued Africa. The manuscript goes beyond positive legal analysis to investigate the constraints of normative concepts that influence interpretation, application, and development during military takeovers in Africa. The study's emerging new areas for future research include decolonising international law, decolonising international relations, decolonising African politics, decolonising African international institutions, and decolonising conflict prevention mechanisms in Africa. A future study may also propose a diplomatic paradigm for early warning systems as well as other approaches for preventing unconstitutional government changes in Africa.

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