


Putting lipstick on a pig: Has the age of coups returned under a pro-democratic guise?

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By Orlando J. Pérez / July 21, 2016 [Click to read this article in Spanish](#) [Click to read this article in English](#)

What do Venezuela 2002, Honduras 2009, Egypt 2013, and Turkey 2016 have in common? All represent either attempted or successful coups in which the military justified their actions by claiming adherence to the constitution. In all those cases, the armed forces—and in some cases their civilian allies—pointed to corrupt or illegal actions by sitting, elected presidents as the justification. Are their arguments little more than a school-yard-like rationale of “well, they did it first,” or can claims of saving a constitution from elected leaders justify the forced removal of a head of state?

At the zenith of the third wave of democracy, analysts and scholars argued that military coups were a thing of the past, and that the strengthening of democratic institutions lessened the threat of military interventions. But in the period 2000-2016, there have been [62 coup attempts](#) and [23 successful coups](#) across the world.

While coup d'états continued to be common occurrences in the least democratic areas of Africa, Southeast Asia and the Middle East, after the wave of democratic transitions of the 1970s and 1980s, Latin America scholars believed the era of coups had finally passed. So scholars turned their attention to longer-term issues of democratic consolidation, such as electoral behavior, political party development and civil society. But the process of democratic consolidation, despite the initial heady days of the democratic third wave, faced deeper challenges ranging from corruption, rising crime rates, imbalances in representation, weak states, lack of accountability, persistent inequality, and economic problems. These problems challenged elected leaders to develop effective mechanisms—legal, partisan and institutional—for policy making.

At the same time, though, the diffusion of power inherent in democratic states hobbled the pursuit of presidential agendas, especially in instances of divided government. The resulting policy gridlock and executive and popular frustration over the lack of government action on pressing issues such as economic growth and political reform, created incentives for political actors to seek ways of pushing agendas the means other than constitutional or legal channels. In this process, both presidents and their opponents often used the military as their tool to break the political gridlock, even when that meant supporting coup d'états.

Coups in historical context

In the past, militaries often acted on their own, deposing presidents to remove an ideological enemy and/or to restore order. In recent, times, however, the self-rationale for military intervention to remove presidents has shifted to supposedly protect democracy, the constitution or the “people” against governments that have violated democratic principles. In many of these cases, the military's ostensible intent is not to take power directly or for long but to restore the constitutional order, often with the support of civilian sectors and some members of the civil society and media.

Events such as the attempted coup against President Erdogan of Turkey in 2016, or the removal of President Hosni Mubarak in 2011 or President Mohamed Morsi in 2013 in Egypt, or the temporary removal of President Hugo Chávez in Venezuela in 2002, or the ouster of President Manuel “Mel” Zelaya in Honduras in 2009, and the quick impeachment of President Fernando Lugo in 2012 in Paraguay give a flavor of these new coup politics. Now the extra-institutional actions of the armed forces or of the civilian opposition are presented as ways of self-correcting autocratic governments or illiberal democracies. In those circumstances, the argument typically goes that [coups serve democracy](#) rather than undermine it.

The term coup d'état was originally defined by the actions of a ruler that sought to illegally concentrate power. It was first used in France to characterize the king's actions to extend his powers under the pretext of securing the state from external or internal enemies. The internal nature of coups (by a sitting executive) led them also to be referred to as "palace coups." It was [Napoleon Bonaparte's coup of 1799](#) that defined the modern concept of a coup d'état. While Napoleon's actions were strictly speaking a "palace coup," his reliance on the armed forces changed the meaning of the concept. By the 20th century, coups became defined primarily as military-led rebellions.

In any of these cases, is a coup constitutional? By definition no. But it's complicated.

The rule of law is a key feature of a constitutional government. Coups, on the other hand, have been defined as the [illegal takeover of power](#) by forces acting outside of the established constitutional order. If a coup is illegal then by [definition it cannot be "constitutional."](#) However, some constitutions contain provisions that suspend key civil and political rights under certain circumstances. In Latin America, for example, constitutions routinely empower presidents with extraordinary authority to declare "[states of exception](#)" when—in the president's view—the national interest is threatened. While some constitutions place limits on the executive's use of this power, often the limits are easily bypassed or manipulated by a determined president. Additionally, many constitutions grant extraordinary powers to the armed forces by giving them the status of a "permanent" institution of the state and the responsibility to act as the "guarantors" of constitutional order. The armed forces take this authority very seriously and seek to defend it against potential encroachment by civilian presidents or parliaments.

For example, Article 142 of the Brazilian Constitution establishes that one of the missions of the military is to "guarantee constitutional powers." Article 217 of the Colombian Constitution mandates the armed forces to defend the "constitutional order." Article 244 of the Bolivian Constitution grants the military the responsibility for securing the rule of the Constitution and guaranteeing the stability of the established Government. Article 252 of the Constitution of the Dominican Republic gives the nation's military the mission to defend "... the Constitution and the institutions of the Republic." Article 272 of the Honduran Constitution goes even further by including among missions of the armed forces the defense of "... public order and the rule of the Constitution, the principles of free suffrage and alternation of the Presidency of the Republic." Similar provisions are a standard part of [constitutions](#) across other countries in Latin America and the Caribbean.

Those constitutional powers have been applied in a number of ways in recent years in Latin America all under the seeming contradiction of a "constitutional coup:"

In 2009, the Honduran armed forces, acting with the support of the Honduran Congress and a decision by the Supreme Court (after holding a hearing in which he was not present), removed President Zelaya from office (and even from the country, sending him on a military plane to Costa Rica) all for the purpose of "protecting" the constitution from a president allegedly intent on violating it to run for an unconstitutional third term;

In December 2010, the Venezuelan National Assembly granted President Hugo Chávez an "enabling law," allowing him to govern by decree (effectively without congressional input or approval) for a period of 18 months—over the objections of the opposition and much to the consternation of a number of human rights and civil society groups; and

In Ecuador, President Correa used extraordinary powers to push through constitutional reforms that lifted any limits to presidential re-election and consolidated executive power over the media, Congress and civil society. Additionally, in 2010, after a labor dispute erupted into protests by police, President Correa used a "state of emergency" to curtail political opposition.

In some form or another, the actions above were sanctioned under the countries' constitution. If a constitution mandates that the military or president (or for that matter parliaments) can exercise absolute power under certain circumstances, is it then reasonable to define these interventions as "constitutional" coups?

In those cases, what happens when the military topples a dictatorial government? For example, in 2011 during the aftermath of the protests and subsequent ouster of Egyptian President Hosni Mubarak, President [Obama praised the](#)

[Egyptian military](#) for “serving patriotically and responsibly as a caretaker to the state” and expressed confidence the military would “ensure a transition that is credible in the eyes of the Egyptian people.” The Obama Administration did not label the overthrow of Mubarak a coup so that it did not have to trigger the provisions of law that would have mandated cutting off assistance to the Egyptian military.

If not a coup, then how do we define the armed forces’ actions when: (1) the military responds to popular opposition against a regime that behaves in an authoritarian manner; (2) an elected leader moves to consolidate power beyond the established constitutional norms; and (3) the military returns power to civilians rather than keeping it for itself, holding elections and transferring powers to democratically elected leaders?

Throughout the developing world, elections have brought to power leaders that have sought to transform the politics of their country in ways that can be characterized as authoritarian. At the same time, according to public opinion polls such as the Vanderbilt University’s Latin American Public Opinion Project ([LAPOP](#)) the armed forces remain among the most trusted and respected institutions in most countries in the region. It does not take a large imaginative leap then to believe that the armed forces, faced with popular pressure and an increasingly autocratic elected leader, would feel they could—indeed *should*—act either alone or in collusion with other state actors or civilians to restore democracy. In those moments, are they defending or breaking—or even undermining over the long term—democratic governance and constitutional order?

The answer to this question has far reaching implications for U.S. policy toward the developing world. Legal restrictions prohibit the United States from recognizing or providing assistance to regimes that achieve power through extra-constitutional means, but if military action is deemed a defense of the constitution then those restrictions on assistance (if the argument is accepted that there is such a thing as a “constitutional coup”) might undermine the rule of law rather than promoting it. In those moments, recently, we have watched the spectacle of U.S. officials, such as in the case of Honduras and Egypt, twisting the meaning of words or refusing to use the term “coup” in order to stay within the letter of the law.

One possible, partial exit from this definitional, historical and legalistic thicket is to “re-define” coup, back toward its original intent: the consolidation of power under a sitting executive. By focusing on more than just the military aspect—added later to the definition—observers and policymakers may also gain a finer grained understanding of what undermines democracy and expand the scope for policy making. In the end, there may be a justification for arguing a military coup can be constitutional. Because we also need to understand that a sitting executive—even an elected government—can engage in his or her own coup, without the military. The question for scholars and policy makers is, how do we determine when that civilian, “palace” coup occurs?

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