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The “Constitution-Then-Election” Playbook: Autocratic Legalism and Strategic Transition Engineering in West Africa



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Introduction

Four military governments in West and Central Africa have now run the same sequence to the end of its course, and a fifth is running it in a shortened form. Write a new constitution first, hold a referendum to approve it, let that document strip out the eligibility bar that would have blocked the junta leader from standing, and only then schedule the election the international community has been waiting for. Chad closed the sequence in May 2024. Gabon closed it in April 2025. Guinea closed it in December 2025. Mali adopted the constitution in 2023 and has since dispensed with the election altogether, extending its transitional president's mandate by legislative fiat instead. This is not four unrelated national stories. It is a single, increasingly explicit template, and West Africa's regional bodies have shown no sign of being able to interrupt it once it starts.

This paper sets out that template in five parts. It begins with the underlying mechanism, autocratic legalism, and why constitutional reform followed by an election is a more durable form of power consolidation than a coup left uncorrected. It then examines Chad's 2023 to 2024 transition as the case that supplied the template, before turning to Gabon and Guinea as its most complete replications. It considers Mali as the variant in which the constitutional half of the sequence was retained while the electoral half was quietly abandoned. It closes by examining why the two principal legal instruments meant to prevent exactly this outcome, the ECOWAS Protocol on Democracy and Good Governance and the African Charter on Democracy, Elections and Governance, have proven unable to stop a single one of these transitions from completing.

A Constitution Is a More Durable Coup Than a Coup

The political scientist Javier Corrales coined the term autocratic legalism to describe how Hugo Chávez consolidated power in Venezuela not by suspending the constitution but by rewriting it, and Kim Lane Scheppele later extended the concept to describe a broader family of practices in which incumbents use the ordinary machinery of law, constitutional amendment chief among them, to dismantle the checks that would otherwise constrain them while continuing to claim the legitimacy that comes from operating within a legal order (Scheppele, 2018). The insight that matters here is sequencing. A government that simply suspends elections and rules by decree is legible to the outside world as what it is, and regional and international bodies have reasonably well developed instruments for naming and sanctioning that condition. A government that first rewrites the rulebook and only then holds an election under the new rules presents something much harder to categorise, because the election itself, however predetermined its outcome, is a real event with ballots, polling stations and observers, and it produces a result that can be pointed to as evidence of popular consent.

This is precisely what distinguishes the four transitions examined here from an ordinary incumbency advantage. An elected leader who later amends the constitution to extend their own term is tampering with an existing mandate, and the amendment can be judged against the mandate that preceded it. A military government that writes an entirely new constitution before any election has occurred is doing something different. It is setting the terms of the only contest that will ever test its legitimacy, before that contest exists, and before anyone has standing to object to the terms through an electoral process of their own. By the time voters are asked to ratify the document in a referendum, the alternative, a return to the pre-coup constitutional order under which the junta leader could not stand for office at all, is no longer on the ballot. The choice on offer is between the new rules and continued indefinite military rule, which is not a meaningful choice at all.

The junta transitions examined here are a particularly stark version of a pattern that is not confined to post coup states or to military governments at all. Jain (2026) traces the same underlying mechanism in elected incumbents who amend sitting constitutions to reshape the conditions of their own tenure. She points to Zimbabwe's July 2026 constitutional amendment, which will keep President Emmerson Mnangagwa in office until 2030 by replacing direct presidential election with election by a joint sitting of parliament, and to the Central African Republic's 2023 constitution, which extended presidential terms from five to seven years while abolishing the two term limit outright. Rwanda's 2015 referendum offers a further variant, formally shortening future presidential terms while using transitional provisions to reset the clock for the incumbent and allow him to stand again (Jain, 2026). What unites these cases with Chad, Gabon and Guinea is the use of a constitutional amendment process to redraw the rules of political competition before that competition occurs, whether the amending authority is a transitional military council or a sitting elected government. The junta sequence considered in this article is therefore a specific and unusually visible instance of a wider continental tendency to treat constitutional amendment as an instrument of incumbency rather than a neutral mechanism for institutional reform.

The Template: Chad's Transition as Proof of Concept

Chad supplied the model that the others would follow, and regional commentary identified it as such almost immediately. Mahamat Idriss Déby Itno was installed as transitional president by his fellow generals after his father's death in combat in April 2021, and he soon missed his own promised eighteen-month deadline for a return to civilian rule. A national dialogue process then extended military rule by a further two years and removed the constitutional provision that would have barred Déby from the next election (Henry & Sany, 2023). A constitutional referendum followed on 17 December 2023, approved by 86 percent of voters on a 64 percent turnout amid an opposition boycott, after which a presidential election was held on 6 May 2024 (Al Jazeera, 2023; Agence Anadolu, 2023).

Déby's leading rival and cousin, Yaya Dillo Djerou, was shot dead by soldiers three months before the vote, and Déby was declared the winner in the first round with 61.03 percent against 18.53 percent for his own prime minister, Succès Masra, who alleged the results had been fabricated (AFP, 2024). An Al Jazeera headline at the time captured the pattern with more precision than most subsequent analysis managed to, describing the outcome as a new constitution, old playbook (Al Jazeera, 2023).

What makes Chad's transition the template rather than simply the first instance is what happened next at the level of regional diplomacy. The African Union Peace and Security Council had suspended Chad from AU activities after Déby senior's death produced an unconstitutional transfer of power, and Article 25(4) of the African Charter on Democracy, Elections and Governance explicitly bars the perpetrator of an unconstitutional change of government from participating in any election intended to restore constitutional order (Eastleigh Voice, 2025). Déby stood in that election anyway, won it, and the Peace and Security Council subsequently listed Chad among the states that had successfully held elections in the first half of 2024 and issued a communique congratulating the country, a decision one analysis described as effectively disregarding the Council's own standing suspension and the clear terms of Article 25(4) (Eastleigh Voice, 2025). The lesson transmitted to every other junta watching was unambiguous. The African Union's own rule against coup leaders contesting restoration elections carries no enforcement mechanism once the election has actually occurred and produced a result, and a continental body under pressure to recognise some endpoint to a transition will generally choose recognition over consistency.

Export to Gabon and Guinea: Replication at Scale

Gabon followed the Chadian sequence within eighteen months, and did so with even less ambiguity about what the transition was for. Brice Oligui Nguema seized power in August 2023, ending the Bongo family's fifty-five year hold on the presidency, and a transitional charter committed the military government to restoring constitutional order within two years (World Bank, 2026). A new constitution, establishing a seven year presidential term renewable once and abolishing the office of prime minister, was approved by referendum on 16 November 2024 with roughly 91 percent support (Xinhua, 2025). A presidential election followed on 12 April 2025, in which Oligui Nguema stood as a candidate and was declared the winner with a vote share reported between 90 and 95 percent depending on the source, against token opposition (International IDEA, 2026). The African Union's Peace and Security Council, at its 1,277th meeting on 30 April 2025, lifted Gabon's suspension, finding the transition generally successful and citing Article 26 of the African Charter on Democracy, Elections and Governance as the basis for readmission, the same instrument whose Article 25(4) had, on its face, barred Oligui Nguema's own candidacy (African Union Peace and Security Council, 2025).

Guinea completed the same sequence at the end of 2025, and its junta's own international advisers described the resemblance to Chad as deliberate rather than coincidental. Mamady Doumbouya, who seized power from Guinea's first democratically elected president in September 2021, missed a self imposed deadline of 31 December 2024 for a return to civilian rule before setting a constitutional referendum for 21 September 2025 (Reuters, 2025). That referendum, held after the junta had dissolved several political parties and suspended the three largest opposition parties, passed with roughly 90 percent support on a turnout above 90 percent, and removed the provision barring transitional authorities from contesting elections while extending the presidential term from five to seven years, renewable (AllAfrica, 2025). A presidential election followed on 28 December 2025, in which Doumbouya was declared the winner with 86.72 percent of the vote (Reuters, 2025). The Africa Center for Strategic Studies, a research institution affiliated with the United States Department of Defense, described Guinea's approach plainly before the vote even took place. It stated that the junta appeared to be following the blueprint developed by General Mahamat Déby in Chad, who oversaw a highly orchestrated national dialogue, a constitutional referendum allowing junta leaders to run, and then a perfunctory election (Africa Center for Strategic Studies, 2026). Both ECOWAS and the African Union lifted their respective sanctions on Guinea following the election, citing the completed transition to democracy (African Union Commission, 2026; Tasamba, 2026).

The Aborted Variant: Mali's Constitution Without an Election

Mali shows what happens when a junta decides it does not need the second half of the sequence at all. A new constitution was approved by referendum on 18 June 2023 with a reported 97 percent support, concentrating policy making authority in the presidency and granting amnesty for actions taken in connection with the 2020 and 2021 coups, and was promulgated by transitional president Assimi Goïta on 22 July 2023 (Africanews, 2023; Le Soleil, 2025). Under the transition roadmap then in force, this was meant to be the first of several steps culminating in a presidential election in February 2024. That election never happened. The transition originally due to end in March 2024 was postponed indefinitely and unilaterally, without debate inside the transitional government itself, according to its own then prime minister (GlobalSecurity.org, 2024). In June 2025, Mali's Council of Ministers went further and adopted draft legislation revising the Transition Charter to grant Goïta a renewable five year presidential mandate beginning in 2025, a measure explicitly framed by the government as implementing recommendations from a national consultation and as aligning Mali with the practice of its peers in the Alliance of Sahel States confederation (Le Soleil, 2025).

Mali demonstrates that the constitutional half of the template does useful work on its own, independent of whatever electoral theatre might eventually follow it. The 2023 constitution

gave Goïta's government the amnesty provisions and the concentrated presidential authority it needed, and once Mali, Burkina Faso and Niger had exited ECOWAS and lost any stake in the African Union's readmission process, the incentive to complete the sequence with an actual election largely disappeared. Burkina Faso illustrates the same logic in cruder form. Ibrahim Traoré's transitional charter was amended to extend military rule to 2029 without even the intermediate step of a referendum, relying instead on the ongoing security crisis as sufficient justification on its own (Al Jazeera, 2026). Where Chad, Gabon and Guinea needed the full sequence because they still wanted to be readmitted to institutions whose approval depended on holding a recognisable election, Mali and Burkina Faso no longer need that approval, and the sequence has accordingly been truncated to keep only the part that concentrates domestic power.

Why the Regional Legal Architecture Cannot Catch It

The instrument most directly aimed at exactly this kind of manipulation is Article 2(1) of the ECOWAS Supplementary Protocol on Democracy and Good Governance, which provides that no substantial modification shall be made to the electoral laws in the last six months before an election, except with the consent of a majority of political actors (Economic Community of West African States, 2001). The provision is built around a specific and narrow danger, an incumbent altering the rules of an already scheduled contest at the last minute, and it simply has no purchase on a transitional government that rewrites the entire constitution more than a year before any election has even been announced, let alone scheduled. A Foreign Policy analysis of the Protocol's repeated failures put the underlying mechanism bluntly, observing that a leader who undertakes a constitutional amendment, or forces the judiciary's hand to remain in office, may subsequently be treated as a democratically mandated leader simply by winning the election that follows (Foreign Policy, 2024). The six month rule was written to police the final stretch of a race whose starting line was never in dispute. It has nothing to say about a government that moves the starting line itself before the race has been called.

The African Charter on Democracy, Elections and Governance ought, in principle, to close that gap, since Article 25(4) is drafted specifically to bar the perpetrator of an unconstitutional change of government from contesting the election meant to end the resulting suspension (Eastleigh Voice, 2025). What Chad, Gabon and Guinea have demonstrated in sequence is that this provision functions as a standard the African Union's own Peace and Security Council is willing to abandon the moment an election has actually taken place and produced a declared winner. In each case, the Council's institutional preference for recognising a completed, internationally observed process overrode its own prior finding that the very individual on the ballot was constitutionally barred from being there. This is not a hidden inconsistency. The Council's communique on Chad explicitly listed the country among states that had successfully held elections

without reconciling that finding against Article 25(4), and analysts tracking the pattern have described the Gabon decision in nearly identical terms (Eastleigh Voice, 2025). Once that precedent existed twice, Guinea's junta had every reason to expect a third.

Conclusion : What This Pattern Signals Going Forward

The practical consequence is that the region now has two distinct, co-existing versions of this playbook, distinguished by whether the government running it still wants anything from ECOWAS and the African Union. Chad, Gabon and Guinea ran the complete sequence precisely because readmission and the lifting of sanctions were worth the trouble of staging a credible looking election at the end of it, and in each case the strategy delivered exactly that outcome within weeks of the vote. Mali and Burkina Faso, having already exited or been pushed to the margins of those institutions, have kept only the constitutional entrenchment stage and dispensed with the costly, logistically demanding election that the other three considered essential. This split suggests the template is not static. It is adapting to whatever the junta in question still needs from the outside world, which means the next transitional government to adopt a new constitution ahead of an uncertain or indefinitely deferred election should be read not as a unique national development but as a data point in a pattern with an increasingly well documented set of prior cases to learn from. Guinea's own path, explicitly described by regional analysts as following Chad's blueprint before Guinea had even held its referendum, is the clearest evidence that this learning is already happening in real time, and nothing in ECOWAS's or the African Union's current instruments gives either body a way to interrupt the sequence before it reaches the point of producing a result they feel compelled to recognise.

There is also a stability cost to the pattern that the readmission decisions do not account for. Each completed sequence removes the external leverage that sanctions and suspension were supposed to supply during the most volatile stretch of a transition, precisely because the leverage disappears the moment the government in question judges that staging an election is worth more to it than continued isolation. Chad's own election produced a political assassination of the incumbent's leading rival three months before the vote, and Guinea's referendum was conducted after the dissolution of major parties and the imprisonment of opposition figures, facts that the eventual readmission decisions did not revisit once the vote count was in (AFP, 2024; AllAfrica, 2025). A regional body that rewards the finished product of a transition without weighing the conditions under which the preceding referendum and election were actually conducted is signalling to the next transitional government that the coercive groundwork laid before the vote carries no cost, provided the vote itself is eventually held and produces a plausible winner. That signal reaches governments still weighing whether completing the

sequence is worth the expense, and it reaches them well before any single case reaches its own election day.

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