

Niger: When Is a Coup Not a Coup? When the US Says So.

The Pentagon refuses to call the overthrow of Niger's president a coup — a move that could affect military assistance and a U.S. drone base.

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Global Research, August 22, 2023

The Intercept 19 August 2023

Region: <u>sub-Saharan Africa</u>, <u>USA</u>

Theme: Intelligence

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Not long ago, President Joe Biden <u>vowed</u> that the U.S. would "counter democratic backsliding by imposing costs for coups" in Africa. But three weeks after a <u>military mutiny</u> in Africa involving <u>U.S.-trained officers</u>, the Pentagon refuses to call the takeover in Niger a coup d'état.

After a Nigerien junta, which calls itself the National Council for the Safeguarding of the Fatherland, seized power on July 26 and detained the democratically elected president, Mohamed Bazoum, France and the European Union immediately called it a coup. But weeks later, in public statements and responses to The Intercept, Pentagon officials have repeatedly stopped short of using that word.

"Not calling a coup a coup not only undermines our credibility but harms our long-term interests in these states," said Elizabeth Shackelford, a senior fellow at the Chicago Council on Global Affairs and lead author on a <u>forthcoming report on U.S. military aid in Africa</u>. "We have legal prohibitions on providing security assistance to juntas for a reason. It's not in our long-term national interest to do so."

U.S. coup legislation, specifically <u>Section 7008</u> of the Consolidated Appropriations Act, specifies that any country whose "duly elected head of government is deposed by a military coup d'état or decree" will be automatically prohibited from receiving a broad package of congressionally appropriated foreign assistance. The Pentagon's reluctance to call a coup a coup may be aimed at preserving the ability to continue providing security assistance to military-ruled Niger.

Deputy Pentagon Press Secretary Sabrina Singh <u>was pressed</u> earlier this week about why the United States has not called the takeover a coup.

"It certainly looks like an attempted coup here," she said. "We have assets and interests in the region, and our main priority is protecting those interests and protecting those of our allies. So a designation like what you're suggesting certainly changes what we'd be able to do in the region and how we'd be able to partner with Nigerien military."

While calling a three-week-old coup no more than an attempt, Singh was clear about why the U.S. might be reticent to sever relations with the junta.

"Niger is a partner and we don't want to see that partnership go," <u>she said</u>. "We've invested, you know, hundreds of millions of dollars into bases there, trained with the military there."

Since 2012, U.S. taxpayers have spent more than \$500 million on that partnership, making it one of the largest security assistance programs in sub-Saharan Africa. Niger hosts one of the largest and most expensive drone bases run by the U.S. military. Built in the northern city of Agadez at a price tag of more than \$110 million and maintained to the tune of \$20 to \$30 million each year, Air Base 201 is a surveillance hub and the linchpin of an archipelago of U.S. outposts in West Africa. It is home to Space Force personnel, a Joint Special Operations Air Detachment, and a fleet of drones, including armed MQ-9 Reapers.

In the month prior to the coup, the drone outpost was the site of a meeting between Brig. Gen. Moussa Salaou Barmou, the U.S.-trained chief of Nigerien Special Forces and Lt. Gen. Jonathan Braga, head of U.S. Army Special Operations Command. Within weeks, Barmou helped topple Bazoum and, according to a U.S. government official, conveyed a threat to Acting Deputy Secretary of State Victoria Nuland to execute the deposed president if neighboring countries attempted a military intervention.

When asked if Singh was equivocating to avoid calling Bazoum's overthrow a coup, a Pentagon spokesperson passed the buck to the State Department.

"The DoD does not make the determination whether the situation in Niger is a coup," Maj. Pete Nguyen told The Intercept. "The State Department will make the determination as to whether the situation in Niger is a coup."

Sarah Harrison, who served four years as an associate general counsel in the Pentagon's Office of General Counsel, including providing guidance on U.S. activities in Africa, says that there is a popular misunderstanding that failing to call a military takeover a "coup" means that the U.S. government does not have to restrict access. "The Biden administration handwringing over saying 'coup' is absurd. The law requires no formal designation and is in force regardless of what officials choose to label events," says Harrison.

Elias Yousif, a research analyst with the Stimson Center's Conventional Defense Program, sees the Pentagon equivocations as a "political gesture" of dubious use. "By calling it an 'attempted coup,' it implicitly suggests that there is going to be a reversal of it and denies the facts on the ground that the president is under strict house arrest and the military junta is running the show," he told The Intercept. "There has been a coup in Niger. This is the reality."

Earlier this month, Secretary of State Antony Blinken <u>announced</u> that the "U.S. government is pausing certain foreign assistance programs benefiting the government of Niger." But the

State Department did not respond to The Intercept's questions about exactly which programs have been paused and if security aid continues to flow to the junta. Just prior to Blinken's declaration, a State Department spokesperson told The Intercept that there had "been no determination on security assistance at this time."

U.S. coup restrictions were first imposed in 1984 when the Reagan White House and Congress battled over military assistance to El Salvador. The next year, Congress passed a law that applied the coup restriction to all other countries. Similar restrictions have been included in every State Department annual appropriations bill since. The U.S. has, however, often employed loopholes, workarounds, and exceptionally strict or selective readings of the law to keep military aid flowing when heads of state are deposed, including in Egypt in 2013, Burkina Faso in 2014, and Chad in 2021. Even when aid has been restricted following coups, alternate funding channels have kept U.S. tax dollars trickling into the coffers of juntas. According to State Department responses to questions from The Intercept, security assistance also continues to fund juntas in Mali, which had coups in 2020 and 2021, Guinea (2021), and Burkina Faso (two in 2022).

"We have laws in place to ensure we don't help prop up those who undermine democracy," says Shackelford, who formerly served as a foreign service officer in multiple posts in Africa. "When we find ways around enforcing those laws whenever it's inconvenient, we undermine our own influence and the stability those laws are meant to promote."

Indeed, Biden has decried Russia's creation of a "propaganda ecosystem" that "creates and spreads false narratives to strategically advance the Kremlin's policy goals." He added, "There is truth and there are lies. And each of us has a duty and responsibility, as citizens, as Americans, and especially as leaders — leaders who have pledged to honor our Constitution and protect our nation — to defend the truth and to defeat the lies."

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