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Ups and Downs in Africa's Term Limit Politics

Recent events in Senegal and CAR showcase opposite signals on the consolidation process of term limit compliance across the African continent

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Introduction

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In a long-awaited address to the nation, Senegal's President Macky Sall has just announced his intention **not to run for a third mandate**. An opposite decision most likely awaits the President of the Central African Republic (CAR), Faustin-Archange Touadéra, who scheduled a referendum for July 30th to abolish term limits and thus allow himself to **remain President for life**. Term limit manipulations enabling leaders to overstay in office have been a **primary mode of autocratisation** across Africa. Senegal's and CAR's July events give opposite signals on the consolidation process of term limit compliance across the continent, showing that, in spite of some recent improvements, **there is still a long way to go**.

Why term limit compliance in Senegal matters

On Monday night, July 3rd 2023, more than 70,000 people on Facebook, and likely tens of thousands of others through radio and television, followed Senegal's President Macky Sall's Facebook-live address to the nation. The address had long been awaited because it would finally **dispel the doubts about his intention to run in the February 2024 presidential elections**.

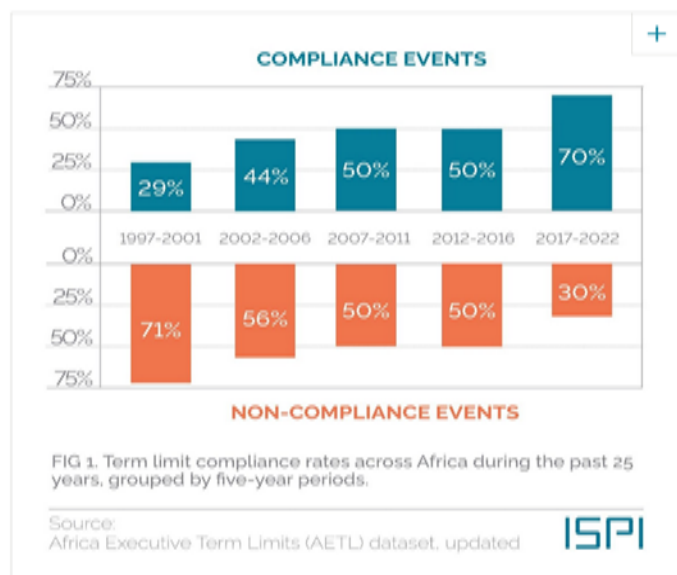
Ruling since April 2012, President Sall has already been elected twice, first with a seven-year mandate (2012-2019), then with a five-year term (2019-2024) following the 2016 constitutional amendment that restored the five-year duration for presidential mandates. That year, the court declared Sall could stay in office until 2019 **to finish his first seven-year term**, but ambiguity surrounded the possibility for this amendment to turn the counter of term limits back to zero, thus allowing the incumbent president to run for two other five-year terms thereafter.

This possibility fuelled tensions across the country over the past few months, especially as the opposition deemed this move unconstitutional. All the doubts were finally dispelled after last week's address to the nation, when President Sall **declared he would not seek a third consecutive mandate**: "ma décision longuement et mûrement réfléchie est de ne pas être candidat à la prochaine élection du 25 février 2024" (**my long and carefully considered decision is not to be a candidate for the next election on February 25, 2024**). Significantly, he assumed that the constitution would allow him to run, **but graciously decided not to**.

Sall still has time to change his mind again – worryingly, in his Monday's speech he also announced. Nonetheless, the news remains meaningful for at least **two good reasons**.

First, in past decades term limits have been one of the **main targets of the autocratisation strategies of several African leaders** who have tried to extend their stay in office and revive personal rule, often successfully. Against this backdrop, Sall's decision to comply with term limits shows how the legacies of the past and civil society's ability to voice dissent can act as **powerful deterrents against term limit manipulation**. Senegal's recent history presents two failed attempts to overstay which likely influenced Sall's decision to renounce a bid for a third term. Both President Abdou Diouf and Abdoulaye Wade tampered with term limits, respectively in 2000 and 2012, but neither was able to hang on to power because both were **voted out of office at the next election by disappointed citizens**. A scenario not so unlikely to recur if we consider that Sall's announcement followed **weeks of deadly protests** fuelled by the controversial sentencing of Ousmane Sonko, leader of the main opposition party Pastef and one of the most vocal critics of Sall's third term bid.

Second, respect for term limits in Senegal can have positive cross-border returns and contribute to consolidating term limits as a standard in the Economic Community of West African States (ECOWAS, the regional economic community Senegal is part of) and [African Union](#)'s normative frameworks on democratic governance. ECOWAS, in particular, has long tried to ensure not only a **better enforcement of the anti-coup norm** (upheld also by the African Union, albeit not always consistently) but also the creation of a **term limits compliance norm**. An amendment to its Protocol on Democracy and Good Governance (the legal authority for the imposition of ECOWAS' diplomatic and economic sanctions) is also in the works. It aims to **limit presidential terms to two** and to prevent member states from modifying the electoral law within the six months preceding elections. Although it has not been approved yet – Senegal was one of the three countries (together with Togo and Côte d'Ivoire) who **refused to sign it last year** – Sall's decision can help break the stalemate.



Still many challenges ahead

At first glance, the case of Senegal seems to confirm and consolidate the still modest but meaningful **advances compliance with term limits has recently made in the African continent**, as depicted in Figure 1. Specifically, over the past five years (2017-22) incumbent presidents stepped down 70% of the times in which they had reached the end of the mandates allowed by the constitution, with compliance events, for once, **outnumbering attempted violations**. Recent cases of term limit compliance included, for the first time ever, Burundi (2020, if only after Pierre Nkurunziza's third controversial term), the Democratic Republic of the Congo (2018, albeit after elections were postponed for two years), Mauritania (2019) and Niger (2020).

Unfortunately, other events **do not augur well for the future of democracy in the African continent**.

First, as anticipated, although Senegal has stronger-than-average democratic tradition in the African context, the competitiveness of the political arena has recently been threatened **by the conviction of opposition leader Sonko**, which will make him ineligible to run in next year's presidential elections. Sall's launch of a national dialogue initiative in June aimed at defusing the political tensions fuelled by Sonko's conviction saw the participation of **only a few opposition parties**. Tensions with the major opposition coalition Yewwi Askan Wi, which Sonko's Pastef is part of, remain high. Sall's announcement of forthcoming electoral reforms resulting from the discussions held only with the participants in the national dialogue **is unlikely to defuse them**, in spite of the welcome decision to renounce the third term bid.

Second, despite the above-mentioned recent improvements, term limits in Africa remain under threat, as demonstrated by the **referendum planned for late July in the Central African Republic** on a new constitution that will likely allow president Faustin-Archange Touadéra **to seek an extra term in 2025**. Unlike Senegal, CAR has virtually no previous experience with term limits and much stronger repression of civil liberties and political rights. Touadéra's party first proposed to amend the constitutional provisions related to executive term limits in May 2022, on the basis that they were uncommon in many neighbouring states. In September 2022, to the surprise of many in light of the **CAR's notoriously weak judicial constrains** on the executive, the **Constitutional Court nullified the presidential decrees** on the establishment of the constitution drafting committee. This landmark decision thwarted Touadéra's plans only temporarily, though, as the next month he removed the president of the Constitutional Court, Danièle Darlan, clearing the way for a new attempt to amend the constitution and remain in power. In January 2023, under a new head, the Constitutional Court **reversed its decision and eventually approved the referendum on the proposed changes**, which will take place **on July 30**. Given pro-government groups' activism in garnering popular support for this referendum, **including violently**, no one is holding their breath for its outcome anymore. But in a country with a recent history rife with armed violence, the **army** should never be ruled out too soon.