

Third Term Bids and the Risks for Democracy in Sub-Saharan Africa

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During 2020, four African presidents completed (or are about to complete) their final terms in office, according to the constitutions of their countries. However, only two of them – namely, Pierre Nkurunziza in Burundi and Mahamadou Issoufou in Niger – have agreed to step down. Alpha Condé in Guinea and Alassane Ouattara in Côte d'Ivoire will run for **a third term in office**. Presidents challenging term limits are less of a novelty south of the Sahara. In 2015, even Nkurunziza (who suddenly died in June, a few weeks after the electoral victory of his successor Évariste Ndayishimiye) obtained permission to serve an extra third term. Yet who and how many African overstayers are there and what are the risks of term limit violations for democracy on the continent?

Establishing specific rules aimed to limit the number of mandates (typically two)

that a president can serve became **standard practice during the 1990s**, when a majority of sub-Saharan countries introduced multiparty elections. In a continent plagued by decades of post-colonial “big man” politics, presidential term limits were welcomed as key instruments to deter the personalisation of political power and favour government turnover. The institutionalisation of term limits by no means represented a point of arrival for sub-Saharan countries, though. The decision of an incumbent to abide by the rules of the game and step down in due time, or challenge term limits and try to overstay in office, has represented **one of the main crossroads** driving the political development of sub-Saharan electoral regimes during the past three decades.

Figure 1 illustrates the mixed record of term limit compliance and manipulation on the continent. Between 1990 and 2019, 42 presidents from 31 countries completed their legally allowed executive mandates. These leaders stepped down voluntarily **only in 53% of the occasions**. In the remaining cases, they tried to bypass term limits. We can distinguish between three main modes of term limit manipulation. First, aspiring overstayers could remove term limits from the constitution. In the past years, Paul Biya, Idriss Déby, Omar Bongo and Yoweri Museveni pursued this strategy, among others, in Cameroon, Chad, Gabon and Uganda, respectively. Other African presidents sought an extension, either by shifting the limit from two to three terms, as Nkurunziza did in 2015, or by **introducing an additional ad hoc term**, as in the case of Namibia’s first president Sam Nujoma. Alternatively, a president could elude term limits through a constitutional revision that resets the countdown and discards the mandates already served. In fact, this very stratagem will allow both Ouattara and Condé to run for a third term in the upcoming October presidential elections in Côte d’Ivoire and Guinea, as did Rwanda’s Paul Kagame a few years before them.

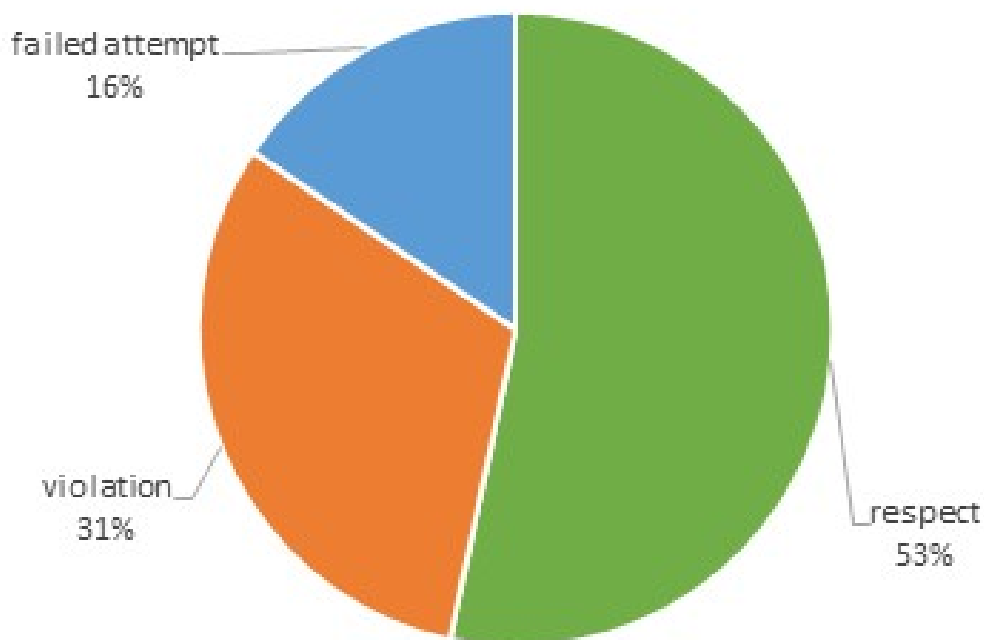


Figure 1 – Term limit compliance and manipulation in sub-Saharan Africa, 1990-2019

Source: Africa Executive Term Limits dataset (Cassani, 2020)

We should note that not all of Africa's aspiring overstayers obtained a third term, as Figure 1 clarifies. In Zambia (2001), Malawi (2002) and Nigeria (2006), the national assembly blocked a term limit revision. In turn, the army ousted Mamadou Tandja in Niger (2009) and Blaise Compaoré in Burkina Faso (2014). Finally, while Senegal's Abdou Diouf and Abdoulaye Wade were able to run for an additional term, both were eventually defeated at the polls, which leads us to **a second issue that needs attention**: why should we care if African presidents want to run in elections again? After all, limiting their possibility to be re-elected to some extent also restricts the freedom of choice for citizens, who remain able to vote these leaders out of office if they want to, as the Senegalese people repeatedly demonstrated. Isn't this democracy in its essence?

The argument is fallacious in at least two aspects.

First, the act itself of tampering with the constitution to bypass term limits is **harmful for democracy**, as it implies the weakening of the main accountability

agents that should check and counterbalance the power of the chief executive, including the parliament, the judiciary and civil society. Term limit manipulation is typically pursued in three main ways. Some aspiring overstayers simply “asked” the constitutional court’s permission, taking advantage of some constitutional loopholes, including Wade in Senegal and Nkurunziza in Burundi. Others submitted constitutional amendments to parliamentary vote, as in Cameroon, Djibouti, Togo and Uganda, for instance. Finally, leaders such as Déby, Kagame and Denis Sassou Nguesso (Republic of the Congo) called a referendum to approve new constitutions. Despite their formally legal nature, these procedures conceal a great deal of court co-optation, legislative vote buying and biased electoral procedures.

Second, permitting incumbent presidents to seek additional terms impoverishes competition in future elections. To understand why this is the case, we should first consider the benefits of **enforcing these institutional arrangements**, and then discuss the implications of their deactivation. Simply put, by periodically preventing incumbents from appearing in the candidate list of an election, term limits increase the likelihood of opposition victories. It happened in Ghana (2000 and 2008), Mali (2002), Kenya (2002 and 2013), Malawi (2004), Benin (2006 and 2016), Sierra Leone (2007 and 2018) and Liberia (2017). The term limit alternation effect derives from the fact that, especially in presidential systems (i.e. Africa’s most common form of government), elections are highly centred on political leaders, and on the poorer performance of ruling parties when they run elections with a new candidate. In practice, they remove **the so-called “incumbency advantage”**, which stems from a president’s control over the political agenda and the public budget, a better media exposure, and voters’ preference for the “evil they know”. Hence, the removal or relaxation of term limits helps incumbents consolidate their advantage over opposition parties at the polls.

African presidents manipulating the constitution to seek third terms put democracy at risk in their countries. However, to conclude with a more positive note, while term limit manipulation spread during the 2000s, the trend seems to have reversed. Between 2010 and 2019, two-thirds of the presidents that reached term limits abided by the rules, including several leaders of countries in which

respect for term limits is now routine, even if democracy is not necessarily consolidated, such as Benin, Kenya, Mozambique, Namibia, Sierra Leone.

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