

Democracy in Africa

Power alternation and presidential term limits

SUMMARY

The democratic landscape in Africa is complex, featuring a mixture of examples of progress, in some areas, and regression in others. While some countries have continuously come closer to high democratic standards, considerably strengthening their democratic systems, others have seen their democratic credentials worsen. A pervasive feature of political systems on the African continent has been the fact that the incumbent presidents and ruling parties tend to win elections, whether fair or not. Since independence, few African states have experienced transfer of presidential and parliamentary power as a result of elections.

At the beginning of the 1990s, during the democratisation wave that swept the continent, most African countries introduced constitutional term limits for their presidents. However, ultimately many of these limits were short-lived, as the leaders who initiated them were often themselves later responsible for spearheading constitutional amendments in order to extend their position in power. In several cases, strong opposition from civil society, but also from political actors, was successful in upholding constitutional rules. In others, however, popular opposition was repressed and the will of the heads of state concerned prevailed, sometimes at the cost of prolonged turmoil. In this context the question arises: how essential and useful to democracy are presidential term limits? While the US under the Obama administration has been vocal in defending term limits in Africa, the EU has not taken sides on the issue as such, focusing instead on the respect of constitutional processes when revisions occur.



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Background

At the beginning of the 1990s many African countries were swept by a democratisation wave, as a result of the end of the Cold War which took a heavy toll on the continent, fuelling many conflicts and dictatorial regimes. Former one-party states opened their systems to multi-party elections. With very few exceptions,¹ regular elections have become the norm. In many cases, however, elections have not led either to power alternation or to improvements in economic and political governance. Before democratisation, many African countries were characterised by the 'Big man' rule – a highly personalised political system where power was concentrated in the president, who was little constrained by formal rules and other institutions – causing oppression, conflict and persistent under-development. In order to provide protection against this, [33](#) of the 48 African constitutions enacted in the 1990s included constitutional term limits for their heads of state, compared to only six before 1990. However, many of the leaders who supported the introduction of term limits in their countries' constitutions subsequently back-tracked when the time came for them to leave office, driving through constitutional amendments which often encountered massive popular opposition. Some of these constitutional changes were successfully blocked (Zambia 2001, Malawi 2002/2003, Nigeria 2006, Burkina Faso 2014), while many others succeeded; in a few cases limits were suppressed but later restored (Niger, Tunisia).

Democracy can be conceptualised as 'electoral democracy' or 'liberal democracy'. For example, [Freedom House](#) assigns the designation 'electoral democracy' to countries that have met certain minimum standards concerning the holding of free and fair elections, but also political rights in general. 'Liberal democracy' implies, in addition, the presence of substantial civil liberties. The number of electoral democracies in Africa is greater than that of liberal democracies.

Electoral and liberal democratic progress in Africa has been unequal. According to Freedom House, Africa's political landscape today ranges from one of the most illiberal regimes in the world (Eritrea), to some successful liberal democracies (the island states of Cape Verde, Mauritius and São Tomé and Príncipe, as well as mainland states Benin, Botswana, Ghana, Namibia, Senegal and South Africa).² In order to emerge as fully-fledged liberal democracies, other countries that have experienced recent electoral successes have to overcome important security challenges and improve their human rights situation (Tunisia and [Nigeria](#)). The recent successful democratic elections in Burkina Faso and [Central African Republic](#), which put an end to a difficult political transition in both countries, show that democratisation can succeed even under the most difficult conditions. Despite the diversity of political situations on the continent, a widespread feature of African political systems, including the more democratic ones, is that alternation of power proves difficult and the opposition struggle to win elections.

Serving long in power

The incumbency advantage in Africa

In spring 2015, Africa witnessed an important power hand-over following free and fair elections at both presidential and parliamentary levels in its most populous nation, Nigeria. Hailed as a success for democracy at national (the EU considered the elections to be [historic](#)), and [African](#) levels, given the resulting potential for the advancement of democracy on the continent, this particular transfer of power should not, however, mask the fact that it is more the exception than the rule on the continent as a whole.

15 current African presidents have ruled their country for more than 12 years: Teodoro Obiang Nguema Mbasogo in Equatorial Guinea (since 1979), José Eduardo dos Santos in Angola (since 1979), Paul Biya in Cameroon (since 1982), Denis Sassou-Nguesso in the Republic of the Congo (1979- 1992 and again since 1997), Yoweri Museveni in Uganda (since 1986), Robert Mugabe in Zimbabwe (since 1987), Omar al-Bahsir in Sudan (since 1989), Idriss Déby in Chad (since 1990), Isaias Afwerki in Eritrea (since 1991), Yahya Jammeh in Gambia (since 1991), Manuel Pinto da Costa in São Tomé and Príncipe (1975-1991 and again since 2011), Ismaïl Omar Guelleh in Djibuti (since 1999), Abdelaziz Bouteflika in Algeria (since 1999), Paul Kagame in Rwanda (since 2000) and Joseph Kabila in RDC (since 2001).

Since independence, only **18** African heads of state³ have lost re-election – a small proportion on a continent with 54 states. Some tried to cling to power (including by force, such as in Côte d'Ivoire in 2011). The 18 unsuccessful presidents came from 11 states, which subsequently followed a diverging political path. In six of these states (Benin, Senegal, Côte d'Ivoire, Zambia, Malawi, Madagascar), the experience was repeated once more (in Madagascar, even twice); all of them, with the exception of Côte d'Ivoire, are considered today to be [electoral democracies](#). Nigeria is a new entrant to this group of countries, so has had no time to repeat. The Central African Republic and Somalia (which experienced electoral presidential defeats in 1993 and 1967 respectively) went through a stage of state failure later in their history and still struggle to restore state functionality and democracy today; two others have reverted to long-serving presidents (Republic of the Congo and Burundi). Electoral defeats of incumbents are therefore only partly indicative that a country will become a sustainable electoral democracy (five countries did so, four failed, two have good prospects).

Since the beginning of 2015, with the exception of transitional elections in Burkina Faso and Central African Republic, where transitional heads of state stepped down as provided for under transitional arrangements, the incumbents (whether presidents or ruling parties) won elections almost everywhere: in Côte d'Ivoire (presidential), Tanzania (general), Guinea (presidential), Burundi (parliamentary and presidential), Egypt ([parliamentary](#))⁴ Ethiopia (general), Togo (presidential), Sudan (general), Uganda (general), Zambia (presidential), while in parliamentary elections in [Lesotho](#) and [Benin](#) there was no outright winner, but the ruling party was well-placed. A new president was elected in Tanzania and Zambia (both from the ruling party), but, contrary to Nigeria, this happened because the former incumbents were not able to contest the election, in Tanzania due to presidential term limits, and in Zambia because the incumbent died in office. In a break with this trend, 21 March 2016 saw two clear victories by the opposition: in Cape Verde the opposition won the majority of seats in Parliament, and in Benin the opposition candidate won the presidential election.

Elections as a springboard for incumbents

Globally, incumbent leaders and ruling parties tend to win elections, but this appears more pronounced in Africa, and can be explained by a multiplicity of factors. Of course, rapid economic growth since 2000 in most Sub-Saharan countries has favoured incumbents, although widespread poverty, poor public service provision and insecurity still remain undeniable realities. Among the drivers of long incumbency, biased elections may play a central role in some cases. Thus, in 2015, elections in Burundi (where the EU withdrew its election observation mission before the elections), [Ethiopia](#) or [Sudan](#) were considered [flawed](#) from the start. The [Electoral Integrity Project](#), which surveys perceptions of electoral integrity around the world, looking at elections organised between 2012 and 2015, finds that Sub-Saharan Africa has the lowest

electoral credibility of all world regions. During this period, more than half (22 out of 38) of the organised elections in Africa were considered flawed or failed.

Even if they are not rigged, elections in Africa suffer from many shortcomings, creating scope for suspicions of manipulation. Technical problems are almost generalised, sometimes leading to the postponement of elections. Among them, voter registration, voter card distribution, and recognition on voting day feature prominently (e.g. Nigeria, Benin). In Sub-Saharan African countries, [more than half](#) of the population has no official identification record, making voter registration difficult. Voter participation in regions known to favour incumbents is often unusually high, raising suspicions.

The electoral bias in favour of existing power is also manifest in the abuse of state resources. Candidates access to public television and radio tends to be unbalanced, since incumbents receive significantly wider coverage, as documented by the EU Electoral Observation Mission reports (e.g. in [Malawi](#), [Guinea](#), [Nigeria](#)). Electoral commissions are often controlled by incumbent presidents, who nominate their members. Their independence is thus crucial for fair and free elections, as was the case in Nigeria. The judicial and the security forces often work hand in hand with those in power. Harassment of opposition candidates or of civil society representatives by security forces or by the judiciary, including their arrest, is also common practice (as in [Uganda](#) and [Niger](#) where the main opposition candidates were arrested before the recent elections on questionable grounds, or [Tanzania](#), where election observers from civil society were arrested while trying to produce independent voting estimates). Courts rarely find in favour of complainants regarding election results.

The neopatrimonial state

Neopatrimonialism is defined⁵ as 'a system whereby rulers use state resources for personal benefit and to secure the loyalty of clients in the general population'. Although not limited to Africa, 'the African neopatrimonial state has become a global prototype of the anti-developmental state'. In most parts of Africa, access to power has, in many cases, been tantamount to access to economic resources and security. This has rendered politics a zero-sum game, fostering a 'winner takes all' mentality that foils searches for compromise and encourages clinging to power. It also strengthens a tendency for elites to support a strong leader in order to share in the benefits of power and to avoid being held accountable for corruption.⁶

Ethnic based politics

The neopatrimonial state has had a close relation with ethnic politics. After independence, the leadership of many African states was associated with particular ethnic groups, which largely benefit from state largesse, while other ethnic groups were excluded and marginalised. Ethnic groups closely associated with government have a clear interest in preserving the status quo. The 1990s democratisation wave has increased the tendency of political polarisation along ethnic lines, with the [introduction](#) of multiparty systems [leading](#) sometimes to violent conflict, especially in connection with disputed electoral competitions (Ethiopia 2005, Kenya 2007, Nigeria 2011). Some states have made considerable progress in eliminating historical ethnic domination by associating previously disadvantaged groups with power (Kenya); introducing legal safeguards against ethnic-based politics (Rwanda, Burundi); or prohibiting ethnic parties (Kenya, Nigeria).

Historical charisma

The popular charisma of leaders associated with liberation battles and struggle against tyranny can contribute to an extended stay in power: as in Zimbabwe, Uganda or Rwanda, while in Namibia and South Africa this pattern only applies to the ruling party; here, national liberation leaders stepped down from presidential office: Nelson Mandela voluntarily after one term and Namibia's Sam Nujoma after 15 years in power under term limit constraints. This historical charisma may help to compensate for economic and political mismanagement, as is the case, according to some [commentators](#), in South Africa today.

Presidential term limits: coming and going

Figure 1 – Failed constitutional amendments to suppress term limits

2001	Zambia	The bill was withdrawn because it faced the prospect of being defeated in parliament
2002	Malawi	The bill did not receive enough votes in the parliament
2006	Nigeria	A constitutional amendment was prepared, but it was finally withdrawn when it became clear that it did not have sufficient parliamentary support
2014	Burkina Faso	The amendment failed because of popular protests followed by a military coup

Figure 2 – Successful constitutional amendments to suppress term limits

2001 (restored in 2010)	Guinea	<p>Some interesting facts:</p> <p>In Uganda, allegedly, members of Parliament were paid to vote in favour of the constitutional revision.</p> <p>In Niger, the amendment caused a military coup d'état, which ousted the president; the limit was restored.</p> <p>In Rwanda, the constitutional amendment is tailor-made for the incumbent president to allow him to stay in power until 2034, without, however, abolishing term limits for those who might come after him.</p> <p>In the Republic of the Congo, term limit and age limit were abolished in a referendum, despite the fact that the constitution prohibits any revision of term limits.</p>
2002 (restored in 2014)	Tunisia	
2002	Togo	
2003	Gabon	
2005	Chad	
2006	Uganda	
2008 (could be restored soon)	Algeria	
2008	Cameroon	
2009 (restored in 2010)	Niger	
2010	Djibouti	
2015	Rwanda	
2015	Republic of the Congo	
Constitution not applied	Eritrea	

In other cases, the constitution is not amended, but (forcefully) interpreted as not applying to past or current terms and thus allowing incumbents to run for additional mandates. For example, in Senegal in 2012, the Constitutional Court [decided](#) that the constitutional limit did not apply to the presidential term during which it was adopted, effectively authorising the president to run for a third term – a move that sparked massive protests. Other countries move in the opposite direction, revising their constitutions to (re)introduce limits, but without retroactive application to incumbents who have often been in power for a long time: Angola, Zimbabwe and Sudan (which has

an interim constitution) have enacted constitutional term limits, but they will prevent incumbents from being re-elected first in 2022, 2023 and 2020 respectively. In Algeria, a project to modify the constitution aims to reinstate term limits.

Figure 3 – Constitutional term limits in Africa



- Constitutional limitation of presidential terms
- No constitutional limitation
- Constitutional limits adopted, but incumbents served or are serving mandates that are outside the ambit of these limits
- Monarchies
- States in transition without a permanent constitution

Data source: [Regard excentrique](#), [Constitute](#).

Presidential term limits have come under renewed focus in Africa after the political crisis in Burkina Faso in 2014 and in Burundi in 2015, where they caused a major political crisis. In other countries, attempts to modify constitutions were relatively smooth (Republic of the Congo, Rwanda). In Burkina Faso the attempt failed due to popular opposition and military involvement, while in Burundi, the president bid for a third term, plunging the country into a protracted crisis, with hundreds of victims. Initially, the Burundi parliament tried to pass a constitutional amendment suppressing term limits, but after it failed, the Constitutional Court still authorised the president to run for an additional term. The Court, apparently under [huge political pressure](#), decided that his first term was provisional (as the first time the president was '[exceptionally elected](#)' by the Parliament and not directly by the people) and thus the constitutional limitation did not apply. In Burundi, the term limit is not only enshrined in the Constitution, but also in the 2000 [Arusha Agreement](#), which [put an end](#) to the bloody civil war. As a breach of the Arusha Agreement, the presidential bid for a third term proved particularly divisive for the country. Another key case could potentially be the Democratic Republic of the Congo, where the opposition fears that the incumbent

president would remain in power beyond the constitutional limit, although no move has been initiated to allow him to do so. The suspicion has already caused significant political turmoil, including civil society protests that have been met with repression and arrests.

Popular opposition to term limits

Popular opposition has played a pivotal role in upholding presidential term limits in several African countries. In some countries, peaceful action by civil society and by other political actors was sufficient to dissuade presidents from running for a third mandate (for example in 2007 in Nigeria, or in 2015 in Benin). In other cases, presidents stepped down only after being pressured to do so either through the ballot box or massive street protest. For example, in Senegal the attempt in 2012 by President Wade to run for a third term encountered a strong reaction from civil society. The organisation '[Y en a marre](#)' (a group created in 2011 and composed of rappers, students and journalists, which originally protested against the frequent electricity black-outs in the country) mobilised public opinion against the president's bid for a third mandate, being at the forefront of public protests which were brutally repressed. The president decided to stand for election, but was defeated in the second round. Civil society also played an important role in [monitoring](#) the 2012 Senegal elections and reducing the fraud potential. In [Burkina Faso](#), in autumn 2014, just a few days before Parliament prepared to adopt a constitutional amendment scrapping presidential term limits, popular protests broke out. As in Senegal, a civil society group '[Balai citoyen](#)' (created in 2013 to fight against the abuses of the regime in power) mobilised citizens. A military coup ousted the president and handed over power to a transition government. In other countries, however, attempts by incumbents to circumvent term limits have led to a protracted conflict, as neither side is prepared to make concessions (as in Burundi). In the Democratic Republic of the Congo, civil society has mobilised against alleged plans by the incumbent president to cling to power, although he has not expressed any such intention. Sporadic public protests have been met with heavy repression. A citizen movement called [Filimbi](#) (meaning 'whistle' in Swahili), inspired by the two groups described above, was swiftly repressed by the government following its inception. During its first meeting, on 15 March 2015, participants were arrested. Two of its leaders are still in jail awaiting trial and potentially face long prison terms, while other leaders of the movement have had to flee into exile. In Burundi, a platform of civil society organisations opposed to a third term for President Nkurunziza organised a campaign entitled '[Halte au troisième mandat](#)' ('no to a third term'). The regime was able, however, to crack down on both civil society and independent mass-media and to remain in power despite widespread public protests. In the Republic of the Congo, the amendment of the constitution in October 2015 to remove term and age limits which were preventing the incumbent president from running for election again, has caused popular protests which have been met with a strong hand by the government. The call by the opposition to boycott the constitutional referendum was largely [followed](#) in many parts of the country, but official results did not reflect the high level of absenteeism, raising suspicions of fraud.

Term limits in Africa – a controversial topic

The political reality of repeated changes of constitutional term limits has caused a debate about the relevance of presidential term limits for democracy. In the end, they do not seem to be an inevitable prerequisite of democracy, since, for example, [constitutional monarchies](#) can be among the best performing [democracies](#) in the world

(of which there are some good examples in the EU). Many other countries in the world have presidents with ceremonial powers; the executive power is vested in prime ministers for whom there are usually no term limits⁷ (again, the EU provides examples). These examples are often invoked by critics of term limits, but they are not necessarily adequate for comparison. Most African countries (over 40)⁸ have a presidential or a semi-presidential system in which executive power is vested in the president, who is directly elected; in over [15 countries](#) the president is also the head of government, including two parliamentary regimes (Angola, Botswana, Burundi, Republic of the Congo, The Gambia, Ghana, Malawi, Nigeria, Kenya, Seychelles, Sierra Leone, South Africa, Sudan, Zambia, Zimbabwe). Only a few countries in Africa can be said to have a president who has a mainly ceremonial function, namely Ethiopia, Mauritius and Somalia. At the beginning of independence an [overwhelming majority](#) of African countries had a parliamentarian system and the shift towards presidentialism occurred through successive constitutional revisions, the ultimate purpose of which was to concentrate power in the person and the office of the president. Although most African countries modified their constitution or enacted new constitutions in the 1990s, the presidential function still retains considerable power, making the issue of presidential term limits particularly relevant.

Criticism of term limits as undemocratic

The main argument used to justify removing term limits from the constitution invokes the will of the people and the supremacy of democratic choice. If a nation wants to have the same leader in power for longer periods, according to 'democratic' principles this should be granted. Constitutional amendments enjoying wide popular support expressed through referenda seem to be the perfect illustration of the sovereignty of the people. This is the argument most often used by African presidents who have served in power for long and want to stay even longer.

For example, the amendment of the Constitution of the Republic of the Congo (autumn 2015), endorsed through a referendum, was [justified](#) by the country's President Denis Sassou-Nguesso as the expression of the will of the people, and through the need to take into account local African specificities. Rwanda's president, Paul Kagame, [regards](#) the recent modification of the country's constitution as the outcome of popular demand. It was indeed launched as a grass roots citizens' initiative which received considerable support and was endorsed in a referendum, with 98% of the votes cast in favour. The president declared afterwards, 'You requested me to lead the country again after 2017. Given the importance and consideration you attach to this, I can only accept. But I don't think that what we need is an eternal leader.'

On the other hand, this argument can be refuted on the grounds that it is based on a rather simplistic view of democracy, understood merely in terms of majority decision-making. Term limits are actually an indication of an inclusive democracy. Even if a president can secure the majority necessary for re-election over a long period of time, those who do not support him see no realistic chance for new leaders to come to power who represent new constellations of interests among voters. Term limits can thus be considered to help assure a better political equilibrium.

A recent [Afrobarometer survey](#)⁹ indicates that African populations overwhelmingly support term limits. In 34 African countries, about three-quarters of citizens are in favour of a two term limit for presidents. Even in some countries that do not yet have (applicable) limits, support for them is very high: Uganda (85%), Togo (83%), Cameroon (74%), Zimbabwe (74%). In Burundi, 64% were in favour in 2014. One notable exception is Algeria, with only 44% of respondents in favour. Other relevant countries such as Rwanda and the DRC were not included in the survey.

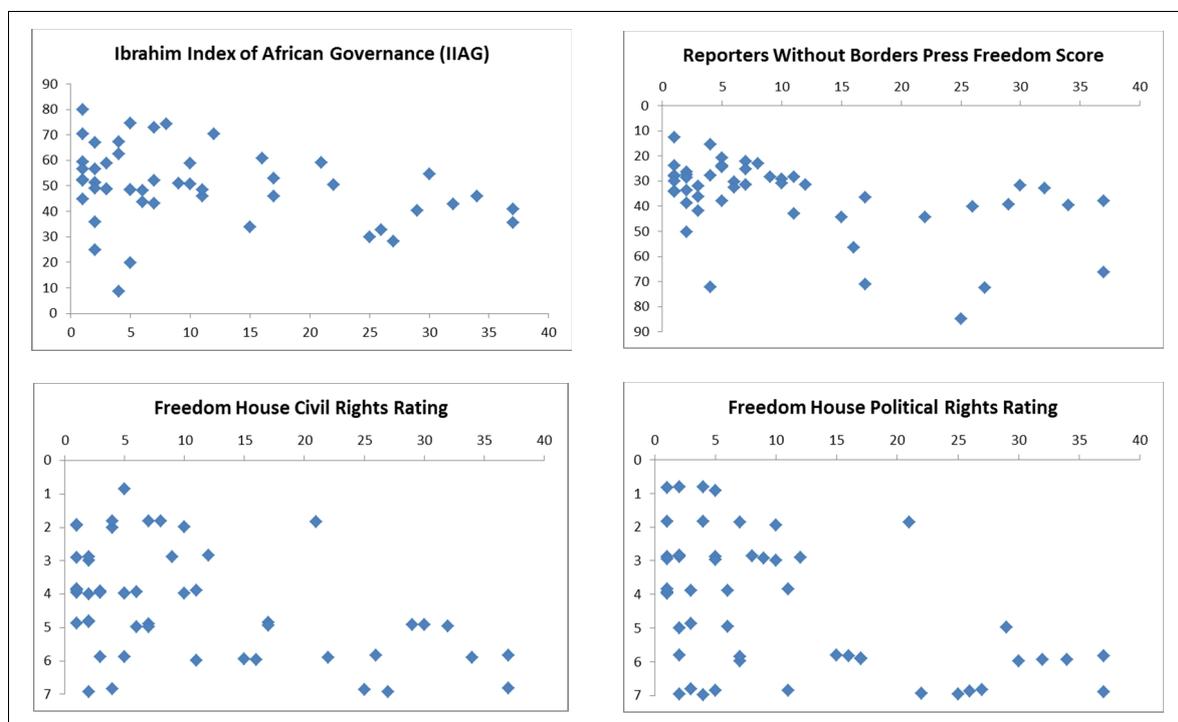
The stability/developmental argument

Another strand of argumentation focuses on stability and development. Thus, African presidents who stay in power for long periods proclaim that they are indispensable for assuring stability (especially in countries that have been previously afflicted by conflict). However, term limits can be said to [lower](#) potential for violence and instability, since incumbents can be challenged by political competitors electorally. In African history attempts to remove authoritarian rulers from power by force have led to some of the bloodiest and longest conflicts on the continent (e.g. Rwanda, DRC, Liberia, Somalia in the 1990s, Libya since 2011). Constitutional amendments undermine democratic transitions, [fostering](#) political instability and violence (Niger 2009, Burkina Faso 2014, Republic of the Congo 2015).

Leadership continuity is also – it is argued – indispensable for continuing developmental policy. The developmental argument was expressed, for example, by Uganda's president, Yoweri Museveni, during his campaign to win a fifth term in power in January 2016. He stated that he needed more time to accomplish his work, [comparing](#) his country to a banana plantation planted by him that has started bearing fruit. [Commentators](#) have observed that when a president stays too long in power, this tends to undermine institutions. Africa's weak institutions provide fertile ground for personalised rule and networks of patronage, corruption and cronyism.

Figure 4 – The longer a President stays in power, the poorer freedom and rights tend to be: Correlation between years spent in power by incumbent head of state (horizontal axis) and governance, press freedom and rights indicators on vertical axis (the higher a country, the better).

Points represent countries in Africa except the monarchies and Libya



Data source: [Ibrahim Index of African Governance](#) (IIAG) (2015), [Reporters without Borders](#) (RSF) (2015), [Freedom House](#) (2016), [Voice of America](#) (for date since when incumbents are in power).

As can be seen in the charts above, countries with long serving presidents do not score particularly well on political and civil rights. All the countries having presidents who served more than 12 years in power have low scores (five or under) in political and civil

rights, with only one exception – São Tomé and Príncipe – where the president has actually been in power intermittently, winning elections after a long period of democratisation (20 years). With regard to quality of governance, most countries with long serving presidents tend to be below average (51 points), but there are exceptions (most notably Rwanda with a good score of 61, but also Uganda and Algeria, with 55 and 53 points respectively). On freedom of the press, all such countries score worse than average (36 points) with three exceptions: [Algeria](#), [Republic of the Congo](#) and [Uganda](#), but, even in those three, freedom of the press has recently suffered setbacks.

Another correlation can be observed between the fact that a country is oil-rich in Africa and that it has long ruling presidents. Thus, of the eight countries in Sub-Saharan Africa identified by the [World Bank](#) as oil-rich in November 2015, four (Chad, Republic of the Congo, Equatorial Guinea and Gabon), have no constitutional term limits, while two (Angola and Sudan) have limits, but incumbents have served a number of mandates outside the ambit of those limits. From the point of view of tenure length, of these six countries, five have presidents who have served for more than 25 years, while the sixth (Gabon) can be said to have a presidential dynasty (the incumbent is the son of the former president who was in power for 42 years). Of the other two oil-rich countries in Sub-Saharan Africa, one is an emerging democracy (Nigeria) and the other is a new country that still does not have a permanent constitution ([South Sudan](#)). In North Africa, in oil-rich Algeria, the president has been in power for 17 years, but now the country is moving towards reintroducing term limits (but without preventing the incumbent from running for an additional term). In the other oil-rich North-African country, president Gadhafi who had been in power for 42 years could be ousted only after a NATO military intervention. It remains to be seen whether this trend will hold if oil prices stay low.

Even if, as explained above, presidential term limits tend to correlate with better performance in governance and rights, an exclusive or excessive focus on limits, including by international partners, to the detriment of fostering stability and strong institutions, is not desirable. Without transparent and efficient institutions, able to deliver public goods, and a political culture fostering power alternation and a pluralistic system, the outcome of an incumbent president stepping down is uncertain. In many cases, the ruling party will hold on to power and the hand-picked successor will become the next president, with little change to the political situation.

International positions

African Union and African regional economic organisations

The African Union, the body encompassing all countries in Africa (with the exception of Morocco), has put in place a rigorous policy of deterring take-overs of power through non-constitutional means (including coups, but not only). While effective at [preventing coups](#), the organisation is less efficient in stopping long serving African leaders, at least when they have the semblance of democratic support. The [African Charter on Democracy, Elections and Governance](#), a legally binding instrument of the African Union, prohibits unconstitutional ways of accessing power, but it has been ratified by less than half of the African countries (24) and thus its applicability is limited. The Charter affirms the principle of the supremacy of the constitution and stipulates that the amendment or revision of constitutions shall 'repose on national consensus, obtained if need be, through referendum' (art. 10(2)). It also considers 'any amendment or revision of the constitution or legal instruments, which is an infringement of the principles of democratic change of government' to be an illegal means of maintaining

power, subject to sanctions by the Union. However, the Charter does not endorse presidential term limits per se. The main difficulty with the Charter approach is to apply in practice the principle of popular consensus. In the case of authoritarian regimes, constitutional amendments can bear a semblance of consensus, as popular opposition is heavily repressed. In practice, the African Union (AU) has refrained from criticising constitutional amendments aimed at scrapping presidential term limits and in cases of crisis it has attempted to mediate, rather than take sides. This has been [attributed](#) by many commentators to the fact that a significant number of African leaders are long serving presidents and thus have no incentive to promote a pan-African policy that would run counter to their interests. In the AU, the highest decision making body is composed of the heads of state. Some commentators [contend](#) that the African Union mechanism needs to be reviewed to take into account the new reality that most Africans want presidential term limits in their countries. A concrete proposal refers to the adoption of a statutory agreement among African states on presidential term limits. While term limits have been considered an issue of national sovereignty, their potential to cause significant instability across borders would make an African Union attempt to regulate on the matter legitimate. Such an approach was attempted by the Economic Community of West African States (ECOWAS) which tried to adopt a regional agreement on term limits in May 2015, but failed because of the opposition of two of its member states, which do not have constitutional term limits (The Gambia and Togo). Leading democracies in Africa, South Africa, Nigeria and Kenya, could play a more proactive role in preventing amendments of constitutions.

The United States

The US president Barack Obama has repeatedly defended constitutional term limits for Africa. During his first visit to an African country, Ghana, in 2009, he declared that 'Africa doesn't need strongmen. It needs strong institutions'. More recently, in a [speech](#) held at the African Union in July 2015, he declared that 'nobody should be president for life' and urged the African Union to use its authority to ensure that leaders abide by term limits and their constitutions. The Obama administration has [attempted](#) to discourage constitutional amendments touching on term limits in Africa and expressed its [disapproval](#) when they occurred. As a result of the constitutional crisis, [Burundi](#) was expelled from the preferential trade agreement the US has instituted for African countries (AGOA).

The EU position on the matter

The EU refrains from taking a position on the need for term limits in Africa, instead focusing on respect of constitutions and on adequate processes for constitutional amendments or revisions in accordance with the African Union framework. This was made clear by Frederica Mogherini, who, while [addressing](#) the African Union in October 2015, emphasised the importance of respecting constitutions in Africa for building resilient societies. On a different occasion, reacting to the modification of Rwanda's constitution, in December 2015, the High Representative issued a [declaration](#) on behalf of the EU (to which the candidate countries and the EFTA countries also subscribed) expressing criticism of provisions that can apply only to one individual and thus weaken the credibility of the constitutional reform process

The EP has taken a similar stance. For example, its March 2016 [Resolution](#) on the Democratic Republic of the Congo calls on the Congolese authorities to comply with the constitution in general, without specifically insisting on term limits.

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Endnotes

¹ Such an example is Eritrea, a country which has not organised elections since independence in 1993.

² According to [Freedom House](#) scores.

³ This number does not include interim leaders and Mauritius, which has had a more complicated history of democratic alternation. All the figures in the paragraph therefore exclude Mauritius.

⁴ In 2015, Egypt held the first parliamentary elections since the ousting of President Mubarak in 2011. The outcome is a highly fragmented parliament, but the majority of the members are considered to support President Sisi, so in a certain sense the elections were a victory of the regime in place (see [Oxford Analytica](#)).

⁵ See [Neopatrimonialism in Africa and Beyond](#), ed. by Daniel C. Bach and Mamoudou Gazibo, 2011.

⁶ According to Democracy and the politics of power alternation in Africa, David E. Kiwuwa, in Contemporary Politics, vol. 19, No 3, 2013.

⁷ A Caribbean country, St. Kitts and Nevis is about to [adopt](#) a two-term limit for its prime minister.

⁸ According to Dulani (2011) who counts 42 presidential systems in Africa, using 2010 data from the World Bank about the types of political systems in the world.

⁹ Afrobarometer is an independent public opinion and research network, surveying the attitudes of citizens from 37 African countries with regard to democracy and governance, among other things.

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