

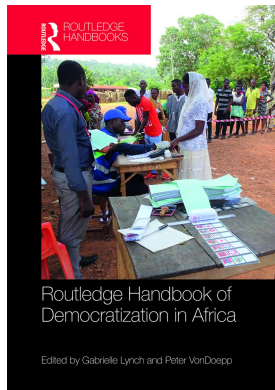
This article was downloaded by: 10.3.97.143

On: 02 Dec 2023

Access details: *subscription number*

Publisher: *Routledge*

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: 5 Howick Place, London SW1P 1WG, UK



## **Routledge Handbook of Democratization in Africa**

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### **The struggle for presidential term limits**

Publication details

<https://www.routledgehandbooks.com/doi/10.4324/9781315112978-8>

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**Published online on: 22 Jul 2019**

**How to cite :-** Boniface Dulani. 22 Jul 2019, *The struggle for presidential term limits from*: Routledge Handbook of Democratization in Africa Routledge

Accessed on: 02 Dec 2023

<https://www.routledgehandbooks.com/doi/10.4324/9781315112978-8>

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# 7

## THE STRUGGLE FOR PRESIDENTIAL TERM LIMITS

*Boniface Dulani*

At the end of the twentieth century, many African countries adopted presidential term limits as part of a broader set of constitutional changes that marked the transitions from personal and authoritarian to pluralistic modes of politics. While term limits were widely embraced by the larger African public, these rules have come under increasing attack from sitting presidents that wish to extend their tenures. Between 2000 and 2017, twenty-two African presidents pushed for the removal of term limits. Out of these attempts, sixteen resulted in some form of change that enabled the incumbents to extend their terms in office. At the same time, several African countries have enacted new constitutions or amended older ones to include presidential term limit clauses where none previously existed. This list of countries includes Angola (2010), Côte D'Ivoire (2016), Egypt (2011), and Zimbabwe (2013). Despite the mixed outcomes of the quests to remove or introduce term limits, other African presidents, either directly or through their proxies, continue to express intentions to remove presidential tenure limits, especially when they get close to the end of their constitutional last terms. This occurs despite the fact that survey data show that presidential term limits continue to enjoy wide popular support among the continent's citizenry. The third term pursuits, therefore, suggest a major disconnect between the ambitions of political leaders on the one hand and the wishes of the ordinary African citizens on the other.

This chapter provides an overview of the struggles surrounding presidential term limits in Africa, encompassing their evolution over time and their effects on presidents and political life. It then examines the various attempts to remove presidential term limits, including the arguments that African leaders advance to support the removal of these rules and the outcomes of these campaigns. The chapter ends with a discussion on the future of term limits in light of the numerous attempts to remove them, and concludes by observing that notwithstanding the numerous attempts to remove term limits by African leaders, their ambitions are increasingly being thwarted by the strong public support in favour of these rules. The net result is that more countries are embracing and entrenching these rules such that there are now more African countries with presidential term limits than those without.

### **Evolution of term limits**

Presidential term limits, which set restrictions on the number of times sitting presidents can contest for office, have become a main feature of presidential constitutions globally. This reflects

a popular fear, dating back to classical Greece, that leaders who exercise “unipersonal” power have the greatest likelihood of abusing their positions to become dictators (Dulani 2011; Linz 1994). The commonality of term limits on presidents thus reflects a recognition that this office, more than any other elected position, needs to be rotated on a regular basis as a way of ensuring the survival of democracy.

While term limits can be traced back to classical Greece and Rome, later being embraced in Europe, Latin America, and ultimately the United States, they are a relatively recent institutional innovation in Africa. Until the 1990s, only a handful of African countries included presidential term limits in their constitutions, preferring instead to grant their leaders unlimited, and sometimes life, tenures. However, at the end of 2017, thirty-three of forty-three presidential and semi-presidential African countries employed some variation of the rule (Dulani 2011).

In the aftermath of independence, the combination of ambitious leaders and theoretical justifications for strong leadership led many African countries to adopt constitutions that gave extensive powers to the presidency, where leaders wielded and exercised substantial power and often remained in office for long periods (Clapham 1982; Jackson and Rosberg 1982; Bratton and van de Walle 1997; van de Walle 2003; Hydén 2013). Indeed, in a number of instances, presidents spearheaded the rewriting of constitutions to accord themselves the status of “president-for-life.” Among the notable examples were Ghana’s Kwame Nkrumah, Malawi’s Hastings Kamuzu Banda, Uganda’s Idi Amin, Francisco Macías Nguema of Equatorial Guinea, and Mobutu Sese Seko of Zaire (Jackson and Rosberg 1982; Hydén 2013).

However, by the 1980s, Africa’s poor development record brought the personalized and authoritarian model of leadership into increased question (Bratton and van de Walle 1997; Cheeseman 2010; Maltz 2007; Posner and Young 2007, 2018). Subsequent demands for change, supported in many cases by mass demonstrations, culminated in the adoption of new pluralist modes of governance, characterized by the adoption of new constitutional rules. These guaranteed regular and competitive elections and sought to reduce presidential powers through the introduction of new constitutional checks and balances on the presidency (Bratton and van de Walle 1997).

As a way of undercutting long-tenured rulers from using the benefits of incumbency to perpetuate their hold on power, the new constitutions included clauses that imposed limits on the number of times individuals could serve as presidents (VonDoepp 2005; Dulani 2011, 2015; Reyntjens 2016; Lebas 2016; Tull and Simons 2017; Posner and Young 2018). This represented a dramatic change from the previous situation. Out of a total of ninety-eight African constitutions that were enacted between independence and 1990, only six included maximum presidential term-limit provisions (Dulani 2011). By contrast, forty-nine constitutions enacted or substantially amended between 1990 and 2009 included provisions that set a maximum number of terms that presidents could serve (Dulani 2011). Moreover, a number of countries, such as Benin, Chad, and Uganda, included constitutional provisions that stipulated maximum age limits for presidents. In this context, we see a clear change in the institutional order governing the length of presidential tenure as part of the transitions from authoritarian rule towards more competitive systems in the 1990s.

Given Africa’s history of long-serving leaders, it was not surprising that the inclusion of the presidential term-limit rule was among the key demands from the pressure groups that advocated for the democratic transitions of early 1990s. As pointed out in 2011, presidential term limits were expected to, among others, increase the likelihood of leadership alternation. This linkage between term limits and presidential alternation is consistent with Linz’s (1998) argument that democracy is “government *pro-tempore*” that is to say the exercise of political authority is time-constrained, with those exercising public authority only doing so for a limited

and non-permanent duration. In this regard, tenure limits can serve as one of the guarantees against absolute power and a last hope for those in opposition to ascend to office (Linz 1994). Beyond this, by encouraging the rotation of public officials and parties in power, advocates of term limits in Africa expected that these rules would have the additional effect of stimulating greater public participation in politics (Dulani 2011).

### **The effects of presidential term limits on African politics**

The adoption of term limits has had profound effects in shaping the nature of African presidencies as well as the trajectory of democracy on the continent. First and foremost, by forcing presidents to step down after exhausting their constitutionally permitted terms, an increasing number of African leaders are leaving office compared to the pre-term limits era (Dulani 2011; Posner and Young 2007, 2018; Reyntjens 2016). As can be seen from Table 7.1, twenty-six African presidents had left office by early 2018 because of being term-limited.

On a continent that had frequently experienced long-tenured presidencies, term limits are facilitating leadership alternation. While not all presidents who have recently stepped down might have wished to extend their tenures, I have argued in an earlier study (Dulani 2011) that a high number had openly expressed a desire to remain in office or heard strong calls from their supporters to find ways around the term limits rules to stay in power. Their departures, therefore, were influenced, in no small measure, by the existence of term limit clauses (Posner and Young 2018). The fact that a growing number of African leaders are stepping down because of term limit rules is further creating a path dependency effect, helping to entrench the rules and making it difficult for the incoming generation of presidents to abrogate them. This view is aptly surmised by Posner and Young (2018, 15) when they note that “term limits, once adhered to, are difficult to break.” This is further supported from evidence which shows that in twenty-six instances in which there was no precedent of presidents abiding by term limits, sitting presidents sought a third term sixteen times. By contrast, in ten occasions where a precedent of a resident stepped down, no single president sought to remove or alter term limits (Posner and Young 2018).

Notwithstanding the fact that term limits in Africa are often challenged by presidents who seek to prolong their tenures, the rules are thus serving as an institutional barrier against personalization of presidential power. This is consistent with Posner and Young’s (2007) argument that formal rules are beginning to affect contemporary African politics more than informal ones.

In addition to increasing the likelihood of alternation of presidents, term limits in Africa are having another indirect effect of promoting the alternation of the partisan identities of incumbent presidents. In the period between independence in the 1960s and 1990, there was only one case of partisan presidential alternation during an election—when Somalia’s Aden Abdullah Osman was defeated by Abdirashid Ali Shermarke in 1967—out of a total of eleven presidential elections that were contested by more than one candidate (African Elections Database 2018). However, with the return of multiparty politics and introduction of term limits in the twenty-six cases where a president stepped down due to term limits, half (thirteen) were succeeded by candidates that came from political parties that were different from the outgoing presidents (see Table 7.1). These statistics are consistent with studies that have demonstrated that the chances of opposition parties winning elections increase several-fold when the presidential incumbent is barred from contesting for office. Cheeseman (2010) has attributed this to three factors: first, the fact that African party structures tend to be weakly institutionalized and highly personalized. Thus when an incumbent steps down, this usually sets off a sequence of succession battles, leading to a divided ruling party that struggles to roll out a united campaign. Second,

Table 7.1 Presidents that have stepped down due to term limits in Africa, 1990–2017

Country	Presidents who left office at the expiry of maximum tenure	Years in office	Successor from same party?
Benin	Mathieu Kérékou	1996–2006	No
	Thomas Boni Yayi	2006–2016	No
Botswana	Festus Mogae	1998–2008	Yes
	Ian Khama	2008–2018	Yes
Cape Verde	António M. Monteiro	1991–2001	No
	Pedro Pires	2001–2011	No
Ghana	Jerry Rawlings	1993–2001	No
	John Kufour	2001–2009	No
Kenya	Daniel arap Moi	1992–2002	No
	Mwai Kibaki	2002–2013	No
Liberia	Ellen Johnson Sirlief	2006–2018	No
Malawi	Bakili Muluzi	1994–2004	Yes
Mali	Alpha Oumar Konaré	1992–2002	No
Mozambique	Joaquim Chisano	1995–2005	Yes
	Armando Guebuza	2005–2015	Yes
Namibia	Sam Nujoma	1990–2005	Yes
	Hifikepunye Pohamba	2005–2015	Yes
Nigeria	Olusegun Obasanjo	1999–2007	Yes
São Tomé and Príncipe	Miguel Trovoada	1991–2001	No
Seychelles	France-Albert René	1993–2004	Yes
Sierra Leone	Ahmad Tejan Kabah	1996–2007	No
	Ernest Bai Koroma	2007–2018	No
Tanzania	Ali Hassan Mwinyi	1985–1995	Yes
	Benjamin Mkapa	1995–2005	Yes
	Jakaya Kikwete	2005–2015	Yes
Zambia	Fredrick Chiluba	1991–2001	Yes

Source: African Elections Database. 2018. “A Database of Election Results in Sub-Saharan Africa.” <http://africanelections.tripod.com/index.html>.

non-incumbent candidates are not in a position to point to a record of accomplishments, thus making their promises less credible. Third, there might be a gap between the outgoing incumbent and their successor, especially in cases where the incumbent’s preferred candidate was not chosen. In extreme cases, an outgoing incumbent, as happened in the 2018 Liberian elections, can end up offering only tepid support to the ruling party’s selected successor, strengthening the hand of the opposition candidates. To the extent that leadership and partisan alternations are key indicators of the stability and maturity of a democratic system, it can be argued that presidential term limits are playing an important role in buttressing African democracy (Sigel and Butler 1964; Przeworski et al. 2000; Lindberg 2006; Maltz 2007; Cheeseman 2010).

In a recent article, Lebas (2016) has argued, however, that the effect of term limits might be overstated, given that these rules tend to work mostly in democracies that are already relatively strong. When one looks at countries such as Eritrea and Djibouti, where incumbents have ignored term limits, as well as those where long-serving Big Men leaders—such as Yoweri Museveni in Uganda, Paul Kagame in Rwanda, Joseph Kabila in the Democratic Republic of Congo, or Pierre Nkurunziza in Burundi—have continued to wield significant power, Lebas’

argument would appear to hold true. However, the cases of Burkina Faso, where long-term strongman Blaise Compaoré was forced out of power, or Togo, where the cabinet was forced to propose the reintroduction of term limits in late 2017, offer counter-cases of countries that do not have strong democratic institutions but have nevertheless seen leaders constrained by term limit rules. Thus while Lebas (2016) is right that term limits tend to work better in Africa's stronger democracies, these rules have also played an important role in some of the continent's weaker democracies.

However, the fact that the parties of the term-limited presidents still won in just under half of the elections when term-limited incumbents had to give way suggests that it is not automatic that the departure of one strongman will always result in the alternation of the party holding power. When there is partisan continuity, the benefits attributed to term limits might not always accrue. In addition, when presidents are succeeded by individuals from their own parties, it is less likely that the outgoing presidents will be held accountable for their actions while in office, thus reducing the accountability aspect that term limits are supposed to promote.

Nevertheless, as most African countries near the thirty-year mark since the democratic transitions that resulted in the adoption of presidential term limits, the emerging evidence suggests that these rules are helping to transform the nature of African presidencies. This is particularly true in terms of the manner through which leaders leave office and the average length that presidents on the continent are staying in office. In their study, for example, Posner and Young (2018) point out that the two commonest ways through which African leaders left office prior to the democratic transitions of the 1990s was military coups and assassinations. Since then, however, African presidents are more likely to leave office through losing elections, natural death or stepping down as a result of being term-limited. These trends, as Posner and Young (2018, 264) go on to note, point toward the "increasing institutionalization of political power in Africa." This view is further supported by evidence that shows that even those African leaders such as Cameroonian President Paul Biya and Uganda's Yoweri Museveni that have circumvented term limits to remain in office for long periods, they have only managed to do so after being compelled to go through parliament to get the term limit rules amended to allow for extensions of tenure. While these leaders might have employed shady means, including outright bribery and torture of opponents, the fact that they felt the need to seek legislative approval to legitimize their goals is itself an indicator of the growing power and influence of institutions in the African political landscape. In the years prior to the term limit era, such leaders would only have needed to express their intention to remain in power and their wishes would have been granted.

Another effect of term limits is that as more African countries experience presidential alternation, there has been a corresponding decline in the average number of years that African presidents stay in office. A previous study, examining the average length of presidential tenure between independence and 2009, found that in the period between 1960 and 1990, the average African president stayed in office for thirteen years. However, in the post-term limit era, African leaders stay in office for an average of seven years, nearly half of their pre-term limit counterparts (Dulani 2011). While some of this can be attributed to alternations arising from incumbent presidents who lose elections and those who die in office, term limits are an important part of the broader set of institutions that are helping to lower the average length that presidents' stay in office. In the case of Malawi, a combination of elections, death of incumbents, and term limits has meant that the country has had four different presidents from 1994, when the country embraced democratic politics and adopted a new constitution with a presidential term limit clause. This is in contrast to the preceding thirty years when the country was under the "life-presidency" of Hastings Kamuzu Banda. Indeed, it is also noteworthy that Posner and Young

(2018) observe that age of an incumbent president is in itself an important predictor for the likelihood of a sitting president to seek the removal of terms limits. They argue that older and long-serving presidents are more likely than their younger counterparts to seek the extensions of their tenures. Their finding that younger African presidents are more likely to honor term limits lends further credence to the argument that these rules are helping to lower the average age of African presidents.

### **The campaigns against term limits**

The first African president to seek the alteration of the presidential term limit clause was Sam Nujoma in Namibia in 1999. As the country's founding president, Nujoma had been first elected in 1989 and was reelected for a second term in 1994. Under Namibia's two-term limit clause, the president was expected to step down in 1999. However, as his date of departure drew closer, Nujoma began to send signals that he would be willing to extend his tenure, telling his country's parliament in 1997 that "if the people of Namibia want me to continue making a contribution, I will do so ... as long as you can make a contribution, you should be able to do so" (*The Namibian*, 1997, 1–2). Nujoma was ultimately granted his wish when Namibia's parliament amended the constitution in 1998 to make special provision stating that since Nujoma had been first elected by a Constituent Assembly in 1989, his first term fell outside the ambit of the constitutional definition of elections as being through direct universal and equal suffrage.

Nujoma's case not only highlights the pressure that is exerted on institutions that are designed to prevent leaders from staying in power for long periods, but it also gives a good illustration on when campaigns to remove term limits are likely to start. Although he was initially one of the earliest champions of presidential term limit clauses, Nujoma only began to challenge these rules when confronted with the reality of being forced to step down during his second term. This has been a common pattern elsewhere on the African continent and beyond, with leaders professing support and commitment to term limits in their first term but turning against these rules when they have to contend with the reality of leaving office. In some ways, this echoes the arguments in the democracy consolidation literature, which state that democracies can only be said to have consolidated when incumbents lose elections and accept to leave office (Huntington 1991; O'Donnell 1996). In the same way, commitment and adherence to presidential term limits among African presidents can best be gauged not through public expressions of support towards the same, but rather the actions and behavior of leaders confronted with the reality of leaving office.

Since the Namibian case in 1999, many African presidents have expressed and pursued similar campaigns to change or remove the term limit clauses from their national constitutions with mixed results (Baker 2002; Idrissou-Toure 2005; VonDoepp 2005; Okuku 2006; Mwenda 2007; van de Walle 2007; Dulani 2011, 2015; Fombad and Nwauche 2012; Cheeseman 2015; Reyntjens 2016; Tull and Simons 2017). Countries that have removed or altered presidential term limits include Algeria, Burundi, Cameroon, Chad, Guinea, Gabon, Niger, Rwanda, Uganda, and Togo. Similar attempts were defeated in Malawi, Nigeria, and Zambia.

The attempts to remove or circumvent term limits have taken various forms. The first, and most common, has been the abolition of presidential term limits. The second type of change seeks to retain the tenure rules while allowing the incumbent to extend their tenure by increasing the number of maximum terms to above what is provided under the constitution. This was the type of change that Bakili Muluzi of Malawi attempted to push through in 2003 after initially failing to secure the complete removal of the tenure limit rules (Dulani and van

Donge 2005). The third type of changes involve creative arguments that enable the incumbent to seek reelection for at least one more extra term, while ostensibly keeping the term limit rules intact. For example, in Namibia in 1998 and Burkina Faso in 2005, proponents of change argued that one or more of the preceding terms served by the incumbent president fell outside the scope of the term-limit provisions. The option of allowing an incumbent to continue in office while ostensibly retaining term limits can enable presidents to claim to respect the constitution while extending their tenures. At the same time, such leaders can avoid going through the demanding processes of legislating term limits out of the constitution. While on the outside such leaders can claim to honor their respective national constitutions, the manipulative interpretation of the tenure limit rules brings back the discussion of constitutions as mere legal documents versus constitutionalism. In these cases, the incumbents only abide to the letter while going against the spirit of the law. This points to a major weakness in the transitions from authoritarian rule in Africa. While the transitions were characterized by important institutional changes, there was a failure to transform the minds of the key political players to learn to respect and govern based on the new rules. The consequences of these failed transformations are the numerous cases of bids to tamper with the new rules once they become obstacles to the ambitions of the new leadership on the continent.

While the majority of African leaders seeking to prolong their hold on power have gone the route of seeking the removal of the term limit clauses, others have found alternative ways of extending their tenures without the formal removal of the tenure limitations rules. For example, in Burkina Faso and Senegal, Presidents Blaise Compaoré and Abdoulaye Wade opted for constitutional changes that changed the lengths of a single presidential term from seven to five years. After the passage of these clauses, both presidents argued that they could now seek two fresh terms under the revised constitutional set up, thus potentially giving them another ten years in office after having previously served a total of fourteen years under the previous tenure rules (Vencovsky 2007). Thus, while term limits might be helping to shorten the length of tenures of African presidents, some of the gains are being cancelled out by constitutional amendments that are then exploited by incumbent presidents to extend their tenures in less conventional ways.

In the case of the Democratic Republic of Congo, President Joseph Kabila opted to postpone presidential elections after reaching the end of his second term in December 2016. Although his initial efforts to remove term limits were met with widespread public resistance, Kabila has managed to hold on to power for an additional two years under the guise of waiting for a successor to eventually be chosen. Meanwhile, other leaders such as Isaias Afwerki of Eritrea and Djibouti's Ismaïl Guelleh have both ignored the presidential term limit clauses and remained in power long past the time when they should have stood down.

Several factors explain the likelihood of a sitting president seeking the extension of tenure beyond the limits prescribed by the constitution. Posner and Young (2018) identify three factors for explaining the likelihood of a sitting president in Africa seeking to circumvent tenure rules. The first factor, as indicated above, is age, with longstanding and older presidents more likely to seek to extend their tenure. This is done in part as a way of avoiding prosecution for acts committed during their presidency. This view echoes Anderson's (2010) observation that departure from office opens former presidents to prosecution. The second factor that Posner and Young identify is the president's popularity. Presidents who enjoy higher popularity are more likely to seek to pursue a campaign to alter term limit rules that allows them to argue that these quests reflect the popular will. A third, and perhaps more debatable, factor that Posner and Young (2018) cite as a predictor of the likelihood of a campaign to remove term limits is aid dependency. Specifically, they argue that African "presidents whose countries receive higher



levels of official development assistance (ODA) may be more vulnerable to outside pressure to relinquish power in the face of constitutional limits,” and are therefore less likely to seek the removal of term limits. While on face value this argument is persuasive, some of the most aid-dependent countries in Africa have nonetheless gone ahead to remove presidential term limits, with mixed results. For example, Burundi, whose net ODA as a proportion of Gross National Income (GNI) stood at 24.7 percent in 2016, embarked on a process that ultimately led to the removal of term limits in 2018. Other similar cases include: Malawi, whose ODA as a proportion of GNI in 2016 was 23.5 percent; Niger (12.8 percent); Rwanda (13.9 percent); and Uganda (7.4 percent). Aid dependency, in other words, does not always dissuade African presidents from seeking to remove term limits. What might be true, however, is that aid dependency may reduce the likelihood of success for campaigns to remove presidential term limits, as donors can exert more leverage over such countries by threatening to withdraw of ODA.

### ***Arguments for removing term limits***

While attempts to remove or amend presidential term limit clauses may derive from different calculations, they are nevertheless frequently couched in language that portrays such pursuits as a response to popular demands (Mwenda 2007). By framing the proposals to remove term limits as people-driven, African leaders seeking to prolong their hold on power can claim to be reluctant subjects of unsought-for campaigns that go beyond societal divisions. Indeed, the fact that most legislative proposals seeking the removal of term limits have ended up being passed is presented as post-facto evidence of the willingness of African citizens to prefer leadership continuity over rotation enforced by term limits.

These claims have, however, been questioned. Presidential term limits in fact enjoy widespread support among the African publics even in countries that removed them (Dulani 2015). Drawing on survey data from twenty-nine presidential and semi-presidential African countries between 2011 and 2013, this research found that support for presidential term limits among African citizens was at 75 percent, with a high of 90 percent of Beninois citizens expressing support and a low of 44 percent among Algerian citizens. Reyntjens (2016) comes to similar conclusions, noting that an average of 76 percent of African citizens support presidential term limits, with support higher among countries that have the rules (80 percent) compared to those that do not (69 percent). The high levels of support for presidential term limits among African citizens thus shows how African leaders seeking the removal of these rules are at odds with their citizens on the issue.

Besides the claims that purport wide support for the removal of term limits, other arguments are advanced to justify the proposals to remove this institution. These include the traditional view that claims additional presidential terms, when achieved through competitive and democratic elections, are legitimate reflections of the will of the people to reelect the incumbent (Vencovsky 2007). Other arguments cite a range of country-specific factors to justify the need for the continuation of the tenure of a specific president. These include fear of instability and leadership vacuum, especially in instances when there are no clear successors, and the need to allow incumbents to complete or sustain development reforms (Baker 2002; Anderson 2010). In other instances, the arguments are built around the qualities of individual leaders that supposedly cannot be dispensed with. This was the position adopted by Namibian Prime Minister Hage Geingob, who told the country’s parliament in 1998 that “our President, Comrade Sam Nujoma, possesses extraordinary qualities ... to bar him from re-election now, when Namibians are in urgent need of his continued service and leadership, would be to place form over substance” (Inambo and Hopwood 1998). It is worth noting that these arguments mirror the

justifications that were made in support of dictatorial rule and life presidencies that characterized African politics in the early independence years in the 1960s and 1970s.

Related to the argument that highlights the indispensable leadership qualities of the incumbents is the view that states how incumbents who have presided over periods of economic prosperity and development deserve to be given a chance to continue leading. Critics, however, dismiss this argument and contend that having a good leader that people are reluctant to let go of does not automatically mean that a country is devoid of other good or even better leaders (Peter and Kopsieker 2006).

### **Outcomes of the efforts to remove term limits**

The ultimate goal of the removal of term limits is to enable incumbent leaders to extend their tenure beyond the maximum number of terms allowed under the law. Not all presidents that have sought the removal of term limits have succeeded in doing so. Among the group of presidents that have failed in these efforts include Frederick Chiluba of Zambia (2001), Malawi's Bakili Muluzi (2002), Olusegun Obasanjo in Nigeria (2006), and Blaise Compaoré in Burkina Faso (2014). Burkina Faso's case, where President Compaoré's efforts to remove term limits triggered widespread protests that eventually culminated in the president being forced out of office into exile, is an important example of the fallacy in the arguments that these bids are driven by "public demand" (Dulani 2015).

The failed attempts to remove term limits suggest that the new generation of African presidents cannot be assumed to be always capable of imposing their will on the people like their predecessors. Indeed, the fact that some parliaments—urged by ordinary citizens—have stood up to their leaders to say no to the removal of term limits, might be suggestive that some legislatures on the continent are slowly beginning to become effective checks on the exercise of executive power. This view is consistent with the arguments advanced by Dulani and van Donge (2005), where the Malawi legislature, working alongside the judiciary, was credited for helping to stop the attempt by President Bakili Muluzi's government to remove presidential terms limits in 2002–03. Spurred into action by strong public support for tenure limitation rules, the parliaments of Nigeria and Zambia were similarly buoyed and prevented the removal of term limits (Dulani 2011; Posner and Young 2018).

Where presidents have failed to secure the removal of term limits, they have subsequently been forced to leave office when their terms have been exhausted. However, these cases of failure are very few. Instead, most of the bids have ended up with the removal of term limits. In the period between 1999 and 2009, for example, a total of fifteen African presidents introduced legislative motions to remove term limits. Twelve of these fifteen ended up with the removal or alteration of terms limits with only three failing (Dulani 2011). Extending the analysis to 2015, Reyntjens (2016) shows that there have been a further five cases where African presidents sought the removal of term limits between 2009 and 2015, four of which resulted in these rules being removed. Indeed, the onslaught against term limits on the Africa continent has continued, with countries such as Rwanda (2015) and Burundi (2016) among the most recent countries to remove presidential term limit clauses.

The high rate of removing term limits notwithstanding, survey data shows that these rules continue to be popular among the wider public on the continent (Dulani 2015; Posner and Young 2018). However, strong public support for terms limits does not always dissuade leaders from seeking their removal nor does such support always translate to popular demonstrations against presidents who seek to prolong their tenure. This dilemma is captured most vividly by Ahlin, Dionne, and Tyson (2015), who noted that while most Togolese citizens reported

supporting presidential term limits, they still reelected their president to a third term in office. While the Togolese case illustrates the limits of public support for term limits in dissuading African presidents from prolonging their hold on power, there is anecdotal evidence to suggest that some African leaders have been forced to shelve their ambitions at prolonging power because of strong opposition to the removal of term limits (Dulani 2015; Posner and Young 2018).

The fact that a number of leaders have managed to circumvent term-limit rules and extended their tenures should therefore not be interpreted to mean that Africans want a return to the era of presidents for life. Ultimately, the ability of some leaders to push through the removal of term limits against strong public support for them is indicative of the limited space ordinary citizens have in shaping their governance structures. It thus becomes not surprising that citizens often see street demonstrations as their only avenue for expressing their views when their leaders tamper with term limits, as has happened in Burundi, Democratic Republic of Congo, Togo, and Burkina Faso. While in Burkina Faso and to a lesser extent in Togo, such pressure has helped to save democratic institutions, the hardline and extreme violence perpetrated on ordinary citizens protesting against the removal of term limits in Burundi suggests that democracy might not always be the winner.

### **The future of term limits in Africa**

While the removal of term limits often garners widespread media attention, there are actually more African countries that have these rules at the end of 2017 compared to 2009. An earlier study (Dulani 2011) documented a total of sixteen African presidential regimes that did not include term limits in their constitutions at the end of 2009. By end of 2017, however, this number had gone down to nine. This has been due to the fact that a number of countries that did not incorporate presidential tenure limits during the political transitions of the early 1990s have recently introduced them. Among the countries that have incorporated term limits in the period between 2010 and 2017 include Angola (2010), Equatorial Guinea (2011), Zimbabwe (2013), Egypt (2014), Sudan (2015), and Côte d'Ivoire (2016). Meanwhile, two countries that had previously scrapped term limits, Tunisia and Uganda, reintroduced these rules in 2014 and 2017 respectively.<sup>1</sup> The list of African countries without term limits at the end of 2017 included Burundi, Cameroon, Chad, Gabon, The Gambia, Guinea, Guinea Bissau, Rwanda,<sup>2</sup> and Togo. Among this group, it is only The Gambia and Guinea Bissau that have never had term limits in their independence history. While the removal of term limits often receives widespread attention, the overall trend of term limits in Africa is thus a positive one, with more countries employing these rules than before.

Even among those countries that do not currently have term limits, there are ongoing debates on whether to introduce or reintroduce them. In Togo, for example, a series of public demonstrations and street protests forced the country's cabinet to adopt proposals in late 2017 to table a bill aimed at reinstating presidential term limits that had been removed in 2002 (Akwei 2017). In 2016, Chad's long serving president, Idriss Déby, pledged to bring back term limits that had been removed in 2005 to allow him to prolong his stay in office. Similar sentiments have also been made by Adama Barrow, who succeeded The Gambia's long serving strongman, Yahya Jammeh, as Gambian president in 2017 (Jeffang 2017).

While the overall trajectory of term limits in Africa is positive, this does not necessarily mean the culture of Big Man rule is coming to an end. The new cohort of presidents that have expressed willingness to embrace or re-embrace these rules often do so only because of domestic or international pressure. Others, meanwhile, are making calculations that they are no

longer likely to be affected by term limits given their advanced ages. For example, in Rwanda, the two-term limit rule will only become effective from 2024, which would allow incumbent President Paul Kagame to seek a further two five-year terms in office. This would effectively enable him to remain in power until 2034. Across the border in Uganda, Yoweri Museveni's acceptance to reintroduce presidential term limits in 2017 was conditioned upon parliament passing another amendment to remove the clause that stipulated that no individual could stand for the presidency if they were aged seventy-five or above. The maximum age clause would have meant that Museveni would not be eligible to stand again for the presidency in the 2021 elections, when he would be aged seventy-six. The concurrent passage of the bills to remove the maximum age limit clause and reintroduction of term limits means that Museveni can potentially serve for two terms from 2021. This would potentially bring his tenure to 2031 when he would be eighty-six.

The fact that sitting presidents are being compelled to find creative ways to circumvent term limits while many others are being forced to step down is suggestive of a new era of politics. Indeed, the fact that even a number of countries that did not have these rules are introducing them while those that had previously discarded them are bringing them back shows that it is no longer possible for the new generation of African leaders to engage the world of politics in the same manner as their predecessors in the immediate postindependence years. To this extent, Posner and Young (2007, 2018) are right to argue that formal institutions are beginning to play an increasing and bigger role in shaping contemporary African politics. This does not, however, mean that the informal institutions—including rules that promote unbridled respect for those in positions of authority, traditional leadership rules that promote lifetime leadership, and neopatrimonialism, among others—no longer play a role in African politics. The reality of politics when it comes to the informal and formal institutional conundrum is that it is not a zero-sum game. As long as formal and informal institutions continue to coexist, then there will likely be continuing efforts to alter the term limit rules to suit particular individuals.

## Conclusion

Presidential term limits in Africa, which were mostly introduced as part of the democratic transitions of the 1990s, have had a mixed record. They were widely embraced as part of the constitutional changes that accompanied the democratic transitions of the 1990s with a view to curtailing the culture of long-serving leaders. However, these rules have not stopped the new generation of leaders from seeking to prolong their tenures in the mode of their authoritarian predecessors. This has led to a clash between the ambitions of leaders and term limits that stand in the way of leaders seeking to perpetuate their hold on power. In a majority of cases, presidents have overcome term limits and extended their tenures. Yet, even in such circumstances, the rules remain very popular among the wider public, which at times has led to fierce public resistance that helped to ensure the retention and reintroduction of the tenure rules. However, in some cases, the resistance has been met with heavy-handed response from the authorities, who have ridden roughshod over the public and pushed through their agendas to alter or remove term limits. While it is these cases that have attracted the most media attention and coverage, it is becoming evident that even their most ardent critics are beginning to realize that they cannot ignore term limits forever. The African continent, as a result, is undergoing a new phase of rediscovering term limits. This rediscovery is creating a new norm of adherence to formal rules and their gradual entrenchment at a time many of the continent's leaders still retain the traits of personalizing power through course to informal rules. The new political phase is leading to

a stage where, despite the much-publicized cases where term limits have been removed, more African presidents were term limited in 2018 than was the case eight years before.

## Notes

- 1 For Tunisia, see Article 75 of the country's 2014 Constitution. For Uganda, see *The Uganda Independent* (2017).
- 2 A 2015 constitutional amendment in Rwanda introduced a two-term limit rule, but this will only become effective in 2024.

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