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The Use of Term Limits to Enhance Accountable Governance in Africa:

Analysis from a Civil Society Activist



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THE USE OF TERM LIMITS TO ENHANCE ACCOUNTABLE GOVERNANCE IN AFRICA: ANALYSIS FROM A CIVIL SOCIETY ACTIVIST

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LIST OF ABBREVIATIONS AND ACRONYMS

AU	African Union
CSO	Civil Society Organisations
DRC	Democratic Republic of Congo
IMF	International Monetary Fund
IPSS	Institute for Peace and Security Studies
MMD	Movement for Multiparty Democracy
PALU	Pan African Lawyers Union
PR	Proportional Representation
SWAPO	South West Africa People's Organisation



Photo by: Bongani Mbatha / African News Agency (ANA)



SUMMARY

Africa has traditionally been depicted in the scholarly and popular literatures as a place where formal institutional rules are largely irrelevant. Undeniably, the last decade has witnessed countries extending, abolishing or suspending the constraints on presidential tenures. The attraction of power is still strong, and the varying scenarios across Africa suggest that there are several factors that have a bearing on the outcome of presidential endeavors to extend their hold on power.

Several CSOs throughout Africa have recognised and have become increasingly vocal regarding the importance of term limits. Functioning as independent actors, CSOs are best positioned to expose and rebuke bad governance, corruption and pressure for reform. This not only allows for optimism, as it shows that actions by civil society and the international community can be successful, but also suggests that there is a scope for action in similar situations in the future.

Even so, the untold narrative is that Africa also abounds with leaders who have ruled by example. This paper expands on such leaders, as well as those who did otherwise. Lastly, the influence of CSOs and the international community on Africa's record regarding term limits is addressed and the author's view is offered to conclude the paper.

Introduction



Africa has traditionally been depicted in the scholarly and popular literatures as a place where formal institutional rules are largely irrelevant (Posner & Young, 2006). For the past three decades, the increasing trend of hard-won democratic rights being reversed in Africa's politics has constituted one of the mounting concerns locally and globally. Although every African country has a constitu-

tion, laws and administrative procedures that provide formal limitations on how power is to be exercised, the long-held consensus among observers of African affairs is that these rules play little role in constraining behaviour. The conventional wisdom has been that, in Africa, rules do not shape leaders' behaviour; leaders' behaviour trumps rules (Posner & Young, 2006). This paper argues that respecting term limits by departing from power on time and as instructed in the constitution constitutes a fundamental element of responsible leadership. However, although leaders are strongly expected to mind these constitutional provisions, it is rarely done and violating the constitution has rather become the norm. It therefore seeks to explore the strategies African leaders employ to stay in power.

According to Namakula (2016), twelve African countries have varied their term limit provisions extending, abolishing or suspending the constraints on presidential tenures over the last fifteen years (Namakula, 2016). Undeniably, recent years have witnessed several heads of state attempting to extend their tenure beyond the constitutionally permitted number of terms or maintain power via a back-door strategy of hand-picking a docile successor and remaining in the powerful post of the chairman of the country's dominant political party (Venkovsky, 2007). Cameroon, Burundi, Rwanda, Guinea, Equatorial Guinea, Djibouti, Uganda, Chad, Togo, Zambia, Namibia, Congo-Brazzaville and Sudan are some examples that exemplify this. It is thus of no surprise that these developments have contributed in fueling the controversial debate serving as object of the present paper. This paper attempts to answer this question by overviewing modes of African leaders' departure from power since the early 1990s. It expands on leaders who "rightfully" left at the end of their constitutionally sanctioned tenure, those with hidden intentions who "faked" the willingness to respect the constitution by adopting the 'successor strategy', those who amended the constitution to extend their tenure and those who attempted to do so unsuccessfully. Lastly, the influence of civil society organisations (CSOs) and the international community on Africa's current record regarding presidential term limits is addressed and the author's view are offered to conclude the paper.



1. EXPLORING PRESIDENTIAL TENURES IN AFRICA

The introduction of term limits for presidents in Africa began in the early 90s as a response to the continent's first wave of post-independence leaders who decided to cling to power. Yet in many cases, those who oversaw the legislative amendments tried to have them changed years later. Movements to defend presidential term limits have been pivotal to democratic political change in Africa for numerous reasons. According to Riedl (2015), these provisions have been used to circumscribe the power of presidential incumbents in countries where control and resources are highly centralised and loyalty to the ruling party has been the ready route to public benefits.

Extending or abolishing term limits is not unique to the continent. Russia's Putin won a fourth term in March 2018 after some nimble political footwork. The Chinese parliament recently voted to abolish term limits allowing Xi Jinping to probably becoming president for life. However, the will of the people is not always defeated in Africa. This is exemplified below by cases of transfer of power in countries such as Nigeria and Ghana.

1.1 Illustrating Cases of Presidential Succession

Africa has been witnessing remarkable changes lately. Some bids to remove or extend term limits have gradually failed. Soft contraventions whereby presidents use perceived ambiguity in the law to get favourable decisions either in the courts or in parliament (Opalo, 2015) have not always been successful. The Democratic Republic of Congo (DRC) is a case in point. Kabila's tentative attempts to overturn the term limit were met with protests. Overwhelmed by pressure from the Congolese people and the international community, he finally pre-

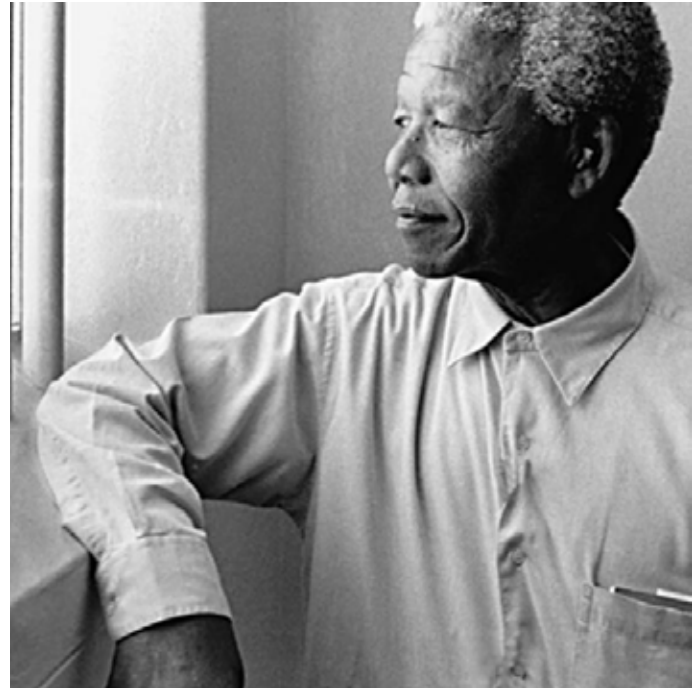
sented a successor. It is interesting to note that in Africa, due to the incumbent's access to slush funds for the party campaign, control over much of the media, advantage of exposure and familiarity before the public, it comes as no surprise that even a hand-picked successor still does better than the political opposition in most cases.

In Burkina Faso, Blaise Compaore argued in 2005 that the term limit restriction in Article 37 of the constitution did not apply retroactively (he had already served two previous terms), thereby allowing him to serve two new terms until 2014. In October of 2014, he was ousted in a popular uprising after trying to extend his 27 years in office by abolishing the two-term limit inserted in the constitution in 2000 (Gatsha, 2016). In 2012, then Senegal's 85-year-old president Abdoulaye Wade, who brought in two-term limits, contended that the two-term limits he had brought did not apply to him as his first term occurred before the law was adopted. The decision of the constitutional council to allow him to stand for a further term prompted a large number of citizens to take to the streets to oppose the move. Determined, Wade contested the poll but was vanquished (Corcoran, 2016).

Another scenario often occurs with the incumbent president and supporters attempting to push through a constitutional amendment that would allow the incumbent to serve for another term. However, widespread disapproval by the media, several senior politicians, civil society, trade unions, student unions, women's organisations, churches and lawyers, the public and the international community and even by the incumbent's own party, and demonstrations by wearing colorful ribbons - green in Nigeria in 2005 and purple in Malawi - lead to the failure of such projects. Consequently, incumbents, explicitly not ready to relinquish power, resort to picking individuals who do not have strong bases in their parties, expecting their dauphin to rely on them to determine policy and make many appointments. Such was the case of Nigeria's Umaru Musa Yar'Adua in 2005, who was chosen by President Olusegun Obasanjo when the latter's attempt to amend the constitution failed. Malawi's Bakili Muluzi also unsuccessfully campaigned for a constitutional amendment and thus emulated preceding examples by nominating Bingu wa Mutharika, seen by many as a political lightweight and obedient successor, as his party's presidential candidate and campaigned heavily on his behalf. After Mutharika's inauguration as president, Muluzi was expected to continue to pull the strings from his post as the ruling party's chairman. However, it did not take long for Muluzi and Mutharika to fall out, with the official reason being Mutharika's unhappiness with Muluzi's resistance against his anti-corruption policies.

In Zambia, Levy Mwanawasa faced a matching experience. Unwilling to relinquish the reins of power, Frederick Chiluba chose Mwanawasa to represent the party but was expected to be easily controlled by Chiluba via the Movement for Multiparty Democracy (MMD), with Chiluba intending to stay on as the party's leader. Mwanawasa duly delivered an electoral victory, but subsequently broke free of Chiluba's influence and ultimately turned against his old patron. Eventually, he consented to lifting Chiluba's immunity from prosecution on corruption charges. On the other hand, Muammar Gaddafi, overthrown in 2011, had ruled Libya for 42 years as had Omar Bongo of Gabon who died in 2009. Lansana Conte served for 24 years as president of Guinea, till his death in 2008. Joao Bernardo Vieira of Guinea-Bissau, in his own words, ruled intermittently for 23 years before his own soldiers killed him in 2009. Yahya Jammeh was forced out in early 2017 after ruling The Gambia for 22 years. Until he was ousted in a palace coup in 2018, Robert Mugabe, 94, was the world's oldest head of State. He had been in power for 37 years. President Mathieu Kerekou of the Republic of Benin reportedly offered members of Parliament substantial bribes to support a third term, but civil society mobilisation and opposition politicians successfully pressed for abandonment of the attempt (Prempeh, 2007). Boni Yayi had a similar experience in 2015, in the same country. In Edgar Lungu's Zambia for instance, amendments to get rid of limits were defeated by normal institutional means. In other countries presidents carried out "hard" contraventions, abolishing term limits altogether. Mamadou Tandja of Niger, having failed in both Parliament and the courts (2009-10), scrapped term limits through a referendum even though Article 49 of the Nigerien constitution expressly forbade such a procedure. The constitutional court frustrated this plan too and Tandja then dissolved the government. On February 2010, he was ousted in a coup and was detained as Niger prepared for fresh elections in 2011. On the 10th day of April 2008, a change in Cameroon's law was voted, allowing (among other changes) lifelong President Paul Biya to run for unlimited re-elections and immunity from prosecution for acts as president. Most recently, on 9 May 2019, Togo's constitution was amended, providing longstanding President Faure Gnassingbe with another decade in power, extending his family's rule in the West African nation to 63 years despite widespread protests (Reuters, 2019).

1.2 African Leaders who Ruled by Example



It has been proved that regular leadership turnover has a positive impact on democratic progress (Reuters, 2019). In 2007, the Nigerian court's ruling in favour of the constitution during the Obasanjo's "third term agenda" episode acted as precedent to today's established tradition of leadership turnover in Nigeria. Noteworthy is the fact that many West African countries truly adhere to term limits. In April 2018, Julius Maada Bio was sworn in as president of Sierra Leone, replacing the incumbent Ernest Bai Koroma, who had abided by the country's two-term limit. In January 2018, the incumbent president of Liberia, Ellen Johnson Sirleaf, became the first president in her country's history to adhere to term limits, also stepping aside after finishing her second term (Noyes, 2018). She became the 2017 Mo Ibrahim prize Laureate, after duly serving her constitutionally mandated term and realising commendable accomplishments. Mahamadou Issoufou of Niger, who has also decided to respect the constitution by revealing his successors two years before the end of his second term, is also expected to receive the Mo Ibrahim prize in 2021. In addition, the practice of democracy in Ghana has been an example in West Africa. Between 1992 and 2018, the country has witnessed four presidential transitions through democratic means. In Mozambique Armando Guebuza also stood down following the October 2014 elections. Whilst his predecessor Joaquim Chissano chose not to run for a third term in 2005.

Other presidents honourably bowed out of office at the end of their constitutionally permitted terms without seeking a constitutional amendment. These included Mascarenhas Monteiro of Cape Verde (2001), Jerry Rawlings of Ghana (2000), Daniel arap Moi of Kenya (2002), Alpha Konaré of Mali (2002) – known till date as the only Malian president to leave office at the end of his term, Miguel Trovoada of São Tomé e Príncipe (2001) and Benjamin Mkapa of Tanzania (2005). In addition, Nelson Mandela was also hailed as a responsible leader for stepping down in 1999 after one term in office. Rawlings and Moi, veterans of their countries' politics, were both obliged by their post-Cold War constitutions to step down after two terms in office. Despite misgivings to the contrary, both resigned. Both Rawlings' and Moi's quest to maintain influence via the 'successor route' proved unsuccessful, as their designated successors (John Atta Mills and Uhuru Kenyatta) failed to be elected. Despite Kenyatta's electoral defeat, Moi has remained on good terms with the new government, which granted him immunity from prosecution on corruption charges.

Tanzanian leader Julius Nyerere, who led Tanzania from 1960-85 gave up power willingly after 25 years (Woldemariam, 2016). While serving as president of Kenya between 2008 and 2013, for instance, Mwai Kibaki knew he would be unable to run again. Kibaki's intention to step down after his second term was up in 2013 made him more inclined to agree to changes that constrained executive powers — including a new constitution in 2010 — than if he was running for reelection (Noyes, 2018). Of course, term limits will not cure all democratic ills. Some scholars strike a more cautious tone on the potential for term limits to push democratic progress in Africa. Political scientist Adrienne LeBas argues that term limits often exist alongside authoritarian rule and cautions that a "focus on term limits ... masks deeper sources of Africa's democratic malaise" (LeBas, 2016). Kenya again illustrates this point. Since 2013, President Uhuru Kenyatta has systematically worked to roll back significant institutional changes achieved by the power-sharing government. The most recent evidence of this was Kenyatta's assault on the judicial branch after the supreme court annulled his first-round election victory in September 2017. Kenyatta called the judges "crooks" and promised to "fix" them (Noyes, 2018).

Posner and Young (2006) assert that once a country's president respects term limits, future presidents are very likely to do the same. During the years between 1990 and 2015, they found that "in the ten instances where a predecessor had stepped down in the face of a two-term limit, every single president who followed chose not to push for a third term" (Posner & Young, 2006).



1.3 The godfathers of dictatorship in Africa

There are still many long-serving leaders in power, from Equatorial Guinea in the armpit of Africa across Cameroon, through Chad via the Sudan to Eritrea on the Red Sea. According to a 2003 broadcast, declared Equatorial Guinea's "god" President Teodoro Obiang Nguema Mbasogo had served for 24 years already. Sixteen years later, he is Africa's - and the world's - longest-serving leader. He won a fifth seven-year term in 2016 and is keeping it all in the family. Next door in Cameroon, Paul Biya - who is facing his most serious political crisis yet (since late 2016) - has been in power since November 1982. He has ranked in almost every Freedom House's list of heads of authoritarian regimes in existence today (Charlton, 2018).

This year 2019, Denis Sassou Nguesso, the president of Congo Brazzaville, Cameroon's neighbour to the south east, has now served 34 years. In upper east Chad, Idriss Deby has ruled for 28 years. He won a contentious fifth term in 2016. Without term limits, he is likely to keep running till he dies. In Sudan, Omar-al-Bashir has been in power for 29 years until his recent ousting through mass demonstration in April 2019. He came to power through a coup on June 1989. In southern Africa, King Mswati III of eSwatini (former Swaziland), Africa's only absolute monarch, marks 32 years in power. Isaias Afewerki has been Eritrea's President since 1993 when he was first elected president by the national assembly. Since then no presidential election has been held in Eritrea. An election was scheduled but not held in 1997 (Maina, 2018). Today, many African leaders are recklessly pushing their countries down a dangerous path by attempting to cling to power. It will not be the presidents themselves who suffer the consequences of civil conflict because elites rarely do. It will be the vulnerable, poor and often marginalised citizens whose interests these leaders claim to represent.



2. INFLUENCE OF CIVIL SOCIETY ORGANISATIONS (CSOS) AND THE INTERNATIONAL COMMUNITY

Several CSOs throughout Africa have recognised and have become increasingly vocal regarding the importance of term limits. They are working hard to politically mobilise the majority of Africans who express support for term limits (Appiah-Nyamekye, 2018). The CSOs that function as independent actors are best positioned to expose and rebuke bad governance, corruption and to pressure for reform. Dulani explains the importance of civil society activism describing the need for a “critical mass of civil society that plays a central role in the governance arena including helping to hold governments accountable” (Dulani, 2015). According to Riedl (2015), CSOs also support term limits to avoid partisan splits and advance the rule of law. For example, Y'en a Marre in Senegal and the people's uprising in Burkina Faso have been successful in pushing for political changes in the respective west African nations.

Term limits likewise show a possible pathway to uphold the legal autonomy of the electoral system. Public opinion is often mobilised around campaigns for term limits, enabling collective action to challenge offenses or corruption by the ruling regime (Riedl, 2015). Finally, struggles for term limits offer openings for international pressures on behalf of neutral application of the law and the establishment of preconditions for more competitive democratic elections. Pressure for African presidents to abide by term limits has often come from the international community. In 2016, the United States imposed sanctions against officials from the DRC when President Joseph Kabila refused

to schedule a presidential election at the end of his mandate. Similarly, pressure also comes from within Africa. The African Union (AU) has called for respect for term limits.

In addition, African opinion leaders and Think Tanks have championed the need for the establishment and respect of term limits. Sudanese philanthropist Mo Ibrahim, has established a \$5 million prize for “a democratic head of state that has left office in the last three years, having been democratically elected, served constitutionally mandated terms and demonstrated exceptional leadership (Mo Ibrahim Foundation, 2019).” In 2009, 2010, 2012, and 2013, the prize was not awarded because no leader stepped down. Also, it has been noted that international pressure was one of the key factors in persuading John Jerry Rawlings of Ghana to step down in 2000 (Handley & Mills, 2001). United opposition, independent media, change of popular attitudes and a vocal opposition from Kenyan churches, civil society groups and foreign aid donors' pressure all reportedly played a role in Moi's decision to leave office in 2002 (Vencovsky, 2005). Also, international pressure stemming from the possible strings attached to donor aid has also been influential in some countries in which a leader sought a third term. In Malawi, a county in which almost half of the national budget is dependent on support from donors, President Muluzi's bid to extend his time in office in 2003 was weakened by the International Monetary Fund's (IMF) decision to withdraw aid (Armstrong, 2011).



3. FOLLOWING THE WISE AND VISIONARY STEPS OF THE FOUNDING FATHERS

Generally, convenient strong men who do the Western bidding are shielded from facing justice giving them little incentive for stepping down. Good governance is sorely lacking in most of Africa. Africans, like all people, yearn for and deserve democracy, but the dictators in Africa are enabled by corrupt, influential political and economic elites through a symbiotic relationship giving them access to bribes, fungible foreign aid, business opportunities and extra-legal privileges. In return, the elites give back support in whichever way the dictators demand. The author of the *Wretched of the Earth*, Franz Fanon saw the political bankruptcy of the post-colonial ruling elite as early as the late 50s. According to Fanon's observations, this elite cannot fulfill its historic role of transforming itself and leading the African people towards emancipation (Woldemariam, 2016).

On one hand, as one fledgling African democracy after another tries to navigate these tricky waters, international policymakers can help. They can support domestic forces working to create more openings for democratic contestation, and sometimes by helping previously entrenched presidents make graceful exits to new roles in regional and international bodies (Riedl, 2015). On the other hand, there appears to be little concerted attempt by bodies such as the AU to stop the erosion of democratic rights (Hendricks & Ngah, 2018). The AU's normative and response mechanisms need to be stepped up to deal with amendments to term limits across the continent, according to panelists at an Institute for Peace and Security Studies (IPSS) Briefing Session on term limits (Dulani, Rushenguziminega, & Deresso, 2015). The

AU ought to formulate and enforce the implementation of a regional policy on term limits, considering that the effects of conflicts over term limits transcend national boundaries, hence justifying supra-national intervention.

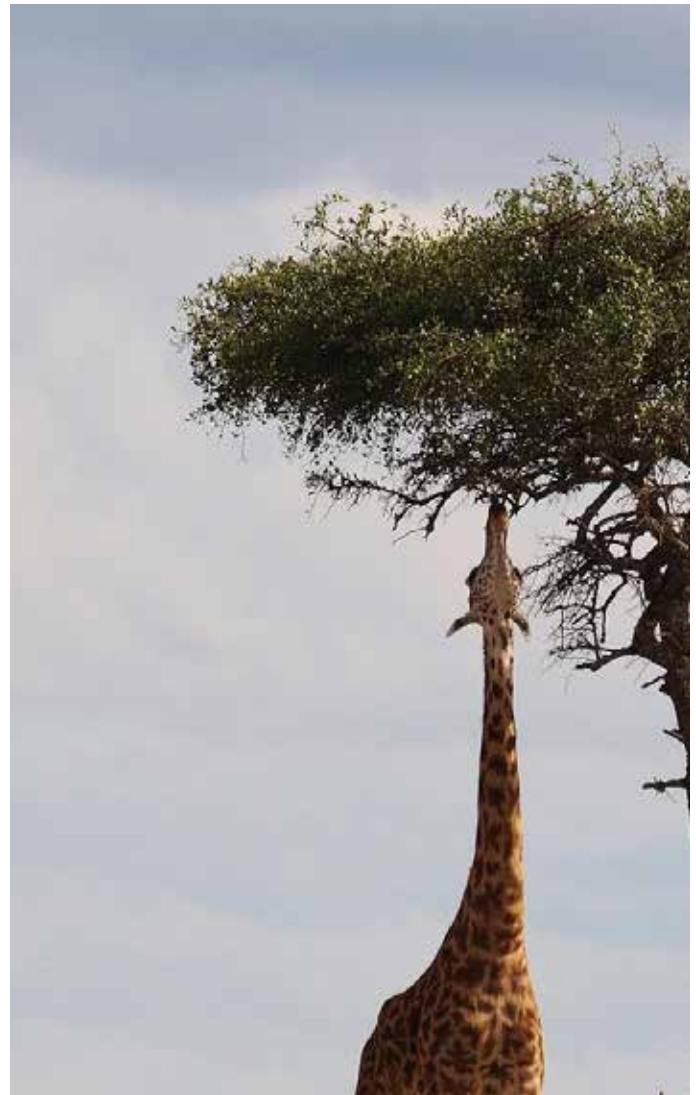
Dr. Solomon Deresso, Commissioner of the African Commission on Human and People's Rights points out that there is as such nothing in the AU norms that prohibits the revision of constitutional amendments on presidential term limits; the power to do so remains with member states. This suggests the organisation won't be tackling the "third termism" trend any time soon. There is an obvious gap in AU norms on popular uprisings and third terms and the continental organisation is shying away from taking decisions on heads of states that change term limits, adds Amandine Rushenguziminega, Programme Associate at the Pan African Lawyers Union (PALU).

The growing trend of "third termism" is likely to prevent African countries from reaching these goals yet again as the interests of a few individuals are placed above those of citizens and countries. The continent needs visionary and brave leadership, not munificent or despotic rulers. It needs not only - leaders that can create the enabling environment for democracy, peace, and development to thrive and endure, and for citizens to live to their fullest potential (Hendricks & Ngah, 2018), but also, citizens who will hold leaders to account and who will contribute to the realisation of the vision of a democratic pan-African future. The upward trend of amending constitutional term limits is likely to increase if organisations like the AU don't deal with the problem. In many countries, such as Togo, citizens who show their disapproval for attempts to manipulate the term limits have been met with repression and violence. Large-scale political vio-

lence is likely to be the consequence if the trend persists. The emergent pattern is clear. Presidents that have a comfortable majority in parliament choose to amend the constitution in that institution rather than through a referendum. However, should that fail, they typically go to the courts. Given that in many African countries' judges are appointed by the presidents and serve at their leisure, the courts offer an easy avenue through which presidents can contravene term limits. If machinations at the institutional and elite level fail, presidents then opt for referenda. Popular votes offer presidents the chance to influence the outcome through patronage and outright rigging. For example, in Chad's 2005 referendum the electoral commission announced that the total registered voters amounted to 5.6 million, even though the voter age population was estimated to be around 4 million (Opalo, 2015).

What is also clear is that presidents have several avenues – both legal and political – that they can use to contravene term limits. However, the cases in which presidents fail offer an important lesson. It demonstrates that constitutional and institutional protections of term limits are a necessary but not enough condition for their observance. Such protections must also be accompanied by the existence of an elite consensus about the inviolability of term limits. That was the case in Malawi, Nigeria and Zambia. It was also the case in Burkina Faso, Niger and Senegal whereby elites supported the move to punish leaders who violated term limits either through the ballot or via coups (Opalo, 2015). The inherent political problem in attempts to secure constitutional term limits is clear. Depending on the context, courts, parliaments and popular referenda offer opportunities that can be exploited by presidents. The twelve countries in Sub-Saharan Africa that have witnessed successful term limit extensions demonstrate that the absence of an elite consensus on the inviolability of term limits renders constitutional and institutional safeguards futile. This means that structural conditions that result in a de facto balance of power among elites in and out of power are crucial for democratic consolidation. Such a balance of power also results in a willingness among elites – both within and outside of the ruling coalition – to protect term limits.

Unfortunately, in Sub-Saharan Africa, government-opposition balance of power is yet to be achieved in all electoral democracies. Presidents command overwhelming majorities in legislatures, control the appointment of judges, and can commandeer enough patronage resources to buy off legislators or secure victories in referenda.



4. REFLECTIONS AND DIRECTIONS

Attempts at constitutional design to secure term limits and to foster democratic consolidation in the region must therefore aim at engineering a de facto balance of power among elites. Given that no constitution is a complete contract, the goal ought to be to increase the cost of term limit extensions. Focus should be on constitutional provisions that limit legislative seat malapportionment that favour ruling parties; curtailment of presidential control over the legislative agenda and calendar; a strengthening of judicial independence; and support for democracies that observe term limits with a view of reaching a critical mass of term limit observers.

If most or all African countries uphold term limits, observance will become a norm and will have a powerful demonstration effect to countries that have or are contemplating the scrapping of term limits. In the main, over the last two decades, the institutionalisation of political power in Africa has seen an upward trend. Fewer leaders enter or exit power via extra-constitutional means

than was in the past. Elections are the norm, and the African Union sanctions leaders who enter power via coups. Term limits are therefore the next frontier in the process of democratic consolidation in the region. However, just like with the prevailing strong norm against coups, success will hinge on the achievement of a critical mass of states that observe term limits in the region (Opalo, 2015).

Suffice to say, competitive politics in Africa have been substituted by clientelism and the control of the politically privileged class over the ordinary people. Elections are heavily burdened by advantages that incumbents have at their disposal and these make electoral change more difficult than in established democracies. The following are suggested reforms that can be considered to tackle the tight grip incumbents have on the electoral system in Africa:

4.1 Establishing independent electoral commissions: Electoral commissions must be independent and must be formed of commissioners not vetted/appointed by the regime in power, but rather by an independent committee comprising a representative of every political party in the country. This is to avoid that the electoral commission be controlled or manipulated by the regime;

4.2 Non-interference of the military in elections: Burundi's post-conflict constitution provides a robust array of formal checks to personal rule. Article 164 provides for a 60-40 Hutu-Tutsi split in National Assembly and 50-50 split in the Senate to ensure that the majority Hutu (85%) do not violate the rights of the minority Tutsi (14%). The Batwa (1%) are also guaranteed representation in Parliament through special nomination. Burundi also has a proportional representation (PR) system with a closed list that requires political parties to nominate no more than two thirds of candidates from the same ethnic group. Article 257 of the constitution reinforces the principle of ethnic balance by mandating a 50-50 split in the military. Furthermore, according to Article 300 any amendment to the constitution requires an 80% super-majority in the National Assembly and two thirds of the Senate.

4.3 Ensuring the active involvement of civil society: The possibility of having successful third-term struggles may hinge on the strength of civil society and the independent media, and on the degree of popularity that the president enjoys among the population. While some (for instance, Conte in Guinea) have found it easy to harass the opposition and faced a relatively weak civil society; in other countries (such as in Zambia), leaders faced

a much more formidable opposition from the people and a well-organised civil society. While Nujoma's time as president was widely perceived as successful and he was held in high regard as the hero of the liberation movement, Chiluba in Zambia was associated with negative economic growth and high levels of corruption. Furthermore, the civil society can greatly help in ensuring credible voter's register, in order to prevent incumbents from tempering with numbers.

4.4 Mitigating factors affecting the fractionalisation of ruling parties: The experience of third-term struggles in Namibia, Zambia and Malawi led a recent analysis to conclude that the varying outcomes can be explained by factors affecting the coherence or fractionalisation of ruling political parties. Among considered factors, figured institutional structures. The latter give party leadership power over the party rank and file, such as being able to determine whether parliamentarians can stand for re-election. Other factors were intra-party distribution of resources, habits of dissent and unity and political opportunities outside the political party. In Namibia, the South West Africa People's Organisation (SWAPO) displayed a high degree of support for the third term, while in Zambia, the ruling party splintered dramatically over the issue. In Malawi, the party lost much of its unity in the concluding stage of the amendment debate.

4.5 Allowing the international community to act as observer: It has also been noted that international pressure can play a significant role, whether it be peer pressure from other leaders or behind-the-scenes pressure from donor countries and their support for civil society organisations opposed to third-term amendments. International pressure reportedly played an important role in Ghana, Malawi and Zambia. Others have argued that, to ease their exit, retired leaders may also need to be provided with material well-being and a prestigious role to play, so that they retain their important status.



CONCLUSION

The attraction of power is still strong, and many African leaders are keen to stay in office for as long as they can. This article has explored the opportunities for the extension of power that are still open to presidents, in the operating environment of the new constitutions adopted by many African states in the early 1990s. The starting premise is that term limits play an important role in a democratic polity and their extensions are undesirable. The methods that African leaders utilise to extend their influence beyond the constitutionally permitted two terms in office were also explored. Some leaders achieved constitutional amendments, while others failed to do so and resorted to an indirect strategy of maintaining power via a hand-picked successor. This strategy has, almost invariably, displayed very limited success and the hand-picked successor either did not get elected or turned against his erstwhile patron (Vencovsky, 2007). Despite the different political contexts, African countries need term limits to their presidents to allow the continent to focus on other pressing issues like fostering common goals and national building projects (Yogo, Urbain; Massil, Joseph, 2018). Since the early 1990s, the number of leaders who decided not to attempt a constitutional amendment to remain in office, or failed to secure such an amendment, has been greater than the number of successful over-stayers. This is indicative of a pattern of change. Indeed, these developments have led some authors to believe that the political culture in Africa is slowly changing. At the same time, it should be noted that while there have been substantial advances in some countries, there has been little or no progress in others. However, the mere trend towards increased respect for constitutional term limits is important for two reasons.

Firstly, increased adherence to term limits may result in the emergence of a nascent norm that may contribute to further change. Cases where leaders observed constitutional term limits may turn out to be precedents

delineating acceptable behavior. Increasingly common examples of the observance of term limits have the potential to become a powerful reference point that could make it more difficult for future third-term attempts to gain popular and international acceptance.

Secondly, some of the examples in this article demonstrate that there is a clear scope for meaningful action by civil society and the international community in similar situations in the future. The fact that these actors can have an impact on the outcome of third-term presidential challenges suggests that there are opportunities for action on a variety of levels, such as invigorating civil society, working towards media independence and plurality in the ruling political party, pressure from other leaders and donor countries and the provision of opportunities for retired presidents.

The varying scenarios across Africa suggest that there are several factors that have a bearing on the outcome of presidential endeavors to extend their hold on power. This not only allows for optimism, as it shows that actions by civil society and the international community can be successful, but also suggests that there is a scope for action in similar situations in the future. Soon, third-term debates are likely to remain a common feature of African politics and examples of adherence to term limits will serve as an increasingly significant reference point for responsible leadership, which includes timely departure from power. When it comes to political stability in Africa, term limits offer a far better prospect for the continent's long term political and economic stability compared to the opposite reality. In addition, it is important to note that the example of success in some states is likely to encourage increased involvement from civil society and the public in similar scenarios in other countries. As Africans we don't have to make a choice between democracy and development. We deserve both.

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