

“Executives are able to act with impunity because there is no strong, organized opposition to challenge entrenched incumbents and push them toward a genuine political opening.”

Term Limits and Beyond: Africa’s Democratic Hurdles

ADRIENNE LEBAS

In late October 2014, hundreds of thousands of protesters gathered in the streets of Burkina Faso’s capitol, Ouagadougou, to protest President Blaise Compaoré’s attempt to repeal a constitutional provision that limited him to two terms in office. Within days, protests had spread to cities nationwide. On October 30, after violent street battles with security forces, protesters set the National Assembly and other government buildings ablaze. Within 24 hours, Compaoré had resigned and fled to Ivory Coast. The military installed an interim government with input from opposition parties and civil society, and a framework leading to democratic elections was quickly negotiated.

In October 2015, just weeks before the elections were scheduled to take place, Compaoré loyalists staged a coup, and Burkina Faso’s citizens once again streamed into the streets. The interim government was restored, and elections were held on November 29, 2015. The new president, Roch Marc Christian Kaboré, is the country’s first executive to come to power through means other than a coup since 1966, and Compaoré’s former ruling party now holds only 14 percent of the seats in parliament.

By any metric, Burkina Faso is an incredible success story for popular protest in sub-Saharan Africa. Term limits were central to this story. They provided Compaoré’s opponents with a unifying central issue around which they could mobilize the large numbers of ordinary citizens who wanted political change.

If Burkina Faso is a stirring example of how constitutional term limits can galvanize opposition and deepen democracy in Africa, Burundi represents the opposite scenario. After a devastating civil war that cost as many as 300,000 lives, the main parties to the conflict signed a power-sharing agreement in 2000, which led to elections in 2005 and the resulting parliament’s selection of Pierre Nkurunziza for the presidency. Although elections in 2010 were tense, the country’s fragile peace held for a time. But it began to unravel in 2015, as the end of Nkurunziza’s second term in office neared and he introduced a constitutional amendment aimed at removing the two-term limit. Lawmakers defeated the motion by a narrow margin, but Nkurunziza and his party advanced his candidacy anyway, arguing that he was eligible for a third term because his first election in 2005 was by parliamentary rather than popular vote.

As in Burkina Faso, protesters took to the streets. Heavy-handed state repression followed. After an attempted coup in support of the protesters in May, the ruling party’s violent crackdown intensified. Nkurunziza and his party were returned to power by a significant margin in deeply flawed elections in July 2015, but Burundi’s crisis drags on. State-sponsored violence has cost over 400 lives, more than 250,000 Burundians have been displaced, and a resumption of civil war remains a possibility.

RISING EXPECTATIONS

The political upheavals in Burkina Faso and Burundi have recently drawn international attention to the issue of term limits, but African leaders’ assaults on constitutional tenure restrictions have been under way for some time. Between

ADRIENNE LEBAS, *an associate professor of government at American University’s School of Public Affairs, is the author of From Protest to Parties: Party-Building and Democratization in Africa (Oxford University Press, 2011).*

2000 and 2015, fifteen African leaders attempted to stay in power by removing term limit provisions from constitutions. The majority of these attempts were successful, but the tide may now be turning against “third-termism.”

In the past year, the Economic Community of West African States (ECOWAS) tabled a proposal to ban presidents from seeking third terms, a provision that would have been binding on the regional body’s member states if adopted. The proposal was withdrawn due to strong opposition from Guinea and Togo, but the strong democratizing trend within most ECOWAS member states makes its reintroduction likely. The African Union (AU) and the Southern African Development Community also face growing pressure to adopt positions on the issue.

In the past two years, promoting term limits has become a central element of US diplomacy on the continent. In remarks at the AU in July 2015, US President Barack Obama spoke of term limits as a core feature of democratization, declaring that “Africa’s democratic progress is at risk when leaders refuse to step aside when their terms end.”

The increasing attention paid to presidential term limits points to a hard reality in African politics: elections are not sufficiently competitive, and long-serving presidents are rarely removed from office through the ballot box. Even in Africa’s more democratic countries, the electoral playing field is heavily slanted toward incumbents, and opposition parties are prone to fragmentation.

Meanwhile, Africans’ expectations of their governments continue to rise. This has fueled vibrant protests over the past decade, exemplified by the Occupy Nigeria protests of January 2012 and the large-scale Oromo protests in Ethiopia in 2014 and again in the early months of this year. Some of these movements have focused on bread-and-butter issues: Occupy Nigeria called for the restoration of gasoline subsidies; the Oromo protesters oppose the Ethiopian state’s municipal expansion plans, which are likely to lead to land grabs and residential displacements. In Kenya, Malawi, South Africa, and other countries, protesters have taken strong stands against government corruption or the inadequacy and rising cost of state services.

Protests in support of presidential term limits arise from the interaction of two forces: the impediments to change through the ballot box and the growing push from below for government accountability. The repeated success of execu-

tives in removing these provisions and remaining in power epitomizes the very real obstacles to democratization in sub-Saharan Africa. Term limits can serve as a focal point for opposition, and large anti-third term protests can weaken entrenched incumbents, as they did in Burkina Faso. But the outcomes of protest are uncertain, and transitions toward democracy often increase the likelihood of political instability. Most importantly, term limits are fairly weak as a tool for limiting executive power, and they do not address the deeper sources of Africa’s democratic deficit.

CURBING PRESIDENTS

How did presidential term limits become a common feature of African constitutions? In the early 1990s, most African countries implemented some degree of political liberalization. This was a response to pressure from foreign donors and, to a greater extent, large-scale popular protests that were often triggered by economic austerity measures that international financial institutions required governments to implement. Reforms did not necessarily lead to democracy: currently, the advocacy organization Freedom House ranks only eight of sub-Saharan Africa’s forty-eight countries as fully free. But constitutional reforms were a typical part of liberalization, even in countries where authoritarian ruling parties “managed” transitions and limited the extent of political opening.

Multiparty elections were often preceded by fairly open and inclusive constitutional reform processes, and the constitutions adopted during this period were often quite progressive. Before the past decade’s “third-termist” wave, more than 30 African countries had constitutional provisions to prevent presidents from remaining in office for decades, either by limiting the number of consecutive terms or by setting age limits for candidates. Of the 37 countries that revised their constitutions in the first years of the 1990s, only four omitted a term-limit provision.

Term limits are strongly supported by African voters. According to public opinion data collected by Afrobarometer in 34 African countries between 2011 and 2013, roughly 75 percent of respondents believed that presidents should be restricted to two terms in office. Support for term limits tops 80 percent in 13 of these countries. Levels of support are high even in countries where presidents have repealed term limits and won reelection to third terms in office, such as Uganda, Togo, and Guinea. In conflict-prone countries where

presidents' arguments for political stability would seem to be most convincing, such as Burundi, citizens still favor term limits. Fifty-one percent of Burundians supported term limits when polled by Afrobarometer in 2012; this majority increased to 62 percent in 2014.

Countries that have fallen prey to third-termism can be divided into two categories: non-democracies in which executive power remains unchecked, and flawed democracies where some space for opposition exists. Many of the countries in the first category that removed term limits are those in which presidents have been in power for decades. For instance, a 2008 parliamentary bill in Cameroon removed presidential term limits from the constitution, enabling President Paul Biya, then 75 years old, to extend his stay in office, which had already lasted 25 years. Riots triggered by the change were violently repressed.

In 2005, Ugandan members of Parliament—all of whom had been elected when a ban on political parties was still in place—voted to remove term limits from the constitution. President Yoweri Museveni, once an advocate of term limits, was subsequently reelected in 2006, 2011, and 2016. If he steps down without running again in the 2021 election, he will have been in power for 35 years.

In the past year, constitutional term limits were changed via popular referenda in Rwanda and the Republic of Congo. In both countries, overwhelming majorities of voters supported their sitting presidents: according to official results, 98 percent of Rwandan voters approved of changes that would extend Paul Kagame's eligibility for office through 2037; in Congo, 93 percent voted in favor of removing all restrictions on presidential eligibility. Kagame has effectively ruled Rwanda since 1994, and Congolese President Denis Sassou-Nguesso has ruled since 1979, except for a five-year interregnum in the 1990s.

The problem in all of these countries cannot be reduced to weak respect for constitutions. Indeed, with the exception of Burundi, constitutional term limits have been repealed through constitutional procedures, not executive fiat. Certainly, in many of Africa's more authoritarian states, the outcomes of popular referenda and parliamentary votes—the main mechanisms for amending constitutions—are foregone conclusions. But

there is something heartening about the fact that entrenched autocrats comply with constitutional procedures when extending their terms in office, even if they are just going through the motions. One could even argue that this is what the beginning of constitutionalism looks like.

Instead of a lack of respect for constitutions, the failure of term limits in these countries is due to the weakness of the political opposition. Executives are able to act with impunity because there is no strong, organized opposition to challenge entrenched incumbents and push them toward a genuine political opening.

THE PEOPLE SPEAK

There is a second set of countries where bids by presidents to extend their time in office have failed. In these nations, authoritarian control is weaker and there is a better infrastructure and more space for popular protest.

For instance, in 2012, Senegal's President Abdoulaye Wade sought to extend his eligibility beyond the constitutional two-term limit. Protesters seized control of portions of the capital, Dakar, and confrontations with riot police turned violent. Wade's attempt to stay in power was especially disappointing

given that his election in 2000 ended forty years of Socialist Party rule and was heralded as a major democratic milestone for the country. Although Wade was eventually cleared to run for office in 2012, his bid for a third term triggered large-scale protests and united a fractious opposition around his main rival. Wade's subsequent electoral defeat strengthened Senegalese democracy and allowed for a reversal of the creeping authoritarianism that had taken root during his 12 years in power.

In Malawi and Zambia, erstwhile reformists were similarly defeated in their attempts to extend their tenures in office. Both Bakili Muluzi of Malawi and Frederick Chiluba of Zambia were first elected in founding multiparty elections in 1994 and 1992, respectively, and both of them had previously been instrumental in forcing through reforms of their countries' single-party systems. In 2002, Muluzi introduced a parliamentary bill to remove term limits, but he was forced to abandon the plan in the face of popular protests. In Zambia, though Chiluba was interested in extending his tenure, he was never able to attract sufficient

*Many African countries
have been stuck in various
states of partial liberalization.*

support within his own party for a constitutional amendment or a popular referendum. In 2001, at the end of his second term, he stepped down.

MASKING MALAISE

We should be cautious in viewing the reversals of third-term bids in Senegal, Malawi, and Zambia as substantial victories for democracy. First, executive turnover does not necessarily improve the quality of democracy. In both Malawi and Zambia, ousted presidents were succeeded by their handpicked successors, and the handovers did little to halt rising government corruption that had marked the tenures of Muluzi and Chiluba.

The outlook in Senegal may be brighter. President Macky Sall ran on a promise that he would reinstate the two-term limit and shorten the presidential term of office from seven to five years, and he has taken steps to implement these measures. But the increasing fragmentation and volatility of the Senegalese party system raise real doubts about the ability of voters to hold their representatives accountable. And the violent demonstrations during the debate over a third term for Wade may have lingering effects. In a February 2013 Afrobarometer survey, 31 percent of Senegalese said they greatly feared becoming victims of violence during political campaigns.

A second reason to be cautious about viewing term limits as democratic catalysts is that they can exist alongside stable rule by an authoritarian party. In both Tanzania and Mozambique, constitutionally mandated presidential term limits remain in place, but ruling parties have been able to manage internal successions without any concomitant opening of political space. There is little likelihood of electoral turnover in the near future. With the election of new presidents in 2015 and 2014, respectively, the Tanzanian ruling party extended its uninterrupted electoral dominance to 53 years, while its Mozambican counterpart has now been in power for 31.

Just as proponents of term limits overestimate their power to yield meaningful electoral change, the focus on term limits also masks deeper sources of Africa's democratic malaise. In particular, African political parties are rarely able to draw on strong cross-ethnic mobilizing structures; they tend to rely instead on the charismatic appeal or the clientelistic networks that their leaders and

candidates bring to the table. Few parties have invested in the grassroots organizing that can stabilize voter loyalties and make parties more responsive to popular demands.

As a result of this organizational deficit, African elections often fall prey to electoral pathologies common elsewhere in the developing world: clientelism, exclusionary ethnic mobilization, and populism or "big man" politics. Even in countries where electoral turnover occurs, campaigns rarely focus on concrete policies or government projects—the kinds of programmatic appeals that play a central role in shaping voter loyalties in established democracies.

HALTING PROGRESS

In order to grasp the impact of organizational deficits on democracy in Africa, we need to understand how Africa's electoral regimes came into being. In the early 1990s, a wave of popular protests destabilized authoritarian governments across the continent. Protesters were often

initially motivated by their own immediate economic concerns, such as rising food prices, the removal of state subsidies, and other side effects of donor-mandated economic liberalization. But the protests quickly took on

political dimensions.

All of the 28 African governments that faced large-scale protests between 1990 and 1994 implemented political reforms. Single-party states removed restrictions on the registration of opposition parties; military governments announced that they, too, would hold elections. Pro-democracy movements won stunning election victories in Zambia and Malawi, removing presidents who had been in power since independence. In many Francophone countries, broad-based national conferences convened to consider constitutional reform, and then declared themselves sovereign. These bodies' resolutions often took reform further than authoritarian leaders would have liked.

Over the two decades since then, however, democratic progress in Africa has been halting. A small number of new democracies were able to establish competitive party systems that allow for alternations in power. Ghana and Benin are typically mentioned as examples. But many more African countries have been stuck in various states of partial liberalization, which political scientists

*Term limits do not
address the deeper sources
of Africa's democratic deficit.*

have termed “low-intensity democracy,” “hybrid democracy,” or even “competitive authoritarianism.”

In many of these countries, elections have been held on time and without substantial legal restrictions on the ability of opposition parties to form or to contest elections. In a bewildering number of these nations, however, authoritarian ruling parties remain in power and have been able to “manage” potential rivals through a combination of clientelism, co-optation, and direct repression. Where founding elections removed incumbents from power, their successors often adopted such tactics to undermine electoral competitiveness. By 2003, political scientist Nicolas van de Walle suggested that the “modal party system [in Africa] consists of a dominant presidential party surrounded by a large number of small, highly volatile parties.” Absent vibrant party competition, African legislatures remain weak and unable to serve as a strong check on executive power.

OPPOSITION OBSTACLES

There are two reasons for the drift toward presidentialism in the region: majoritarian electoral rules and the absence of mobilizing structures that can serve as a base for cohesive, cross-ethnic political parties. A prevalent rule that helps entrench incumbents and hamper opposition parties is the winner-takes-all election. For instance, in 2003 parliamentary elections, Djibouti's opposition alliance won 37 percent of the popular vote yet failed to win a single seat in the country's parliament. Seats were instead awarded to the party that won a majority in each of the five districts, namely the one that has ruled since 1979.

In Anglophone Africa, first-past-the-post electoral rules heavily penalize any fragmentation of the opposition vote. In Kenya's 1992 founding elections, the ruling party retained control of the presidency with a bare 37 percent of the vote, and held the majority of seats in parliament with only 25 percent of the overall parliamentary vote. Even in Francophone Africa, proportional representation—supposedly friendly to challengers—has a strong majoritarian bent, and presidential parties often capture the majority of seats.

Throughout the region, districts are often drawn in a way that tends to result in underrepresentation of urban voters. This is often magnified by intentional shortages of polling stations in urban areas, which suppress turnout. Since urban voters

tend to vote for opposition parties, electoral institutions' bias in favor of rural voters has significant political implications.

In addition to these concrete institutional obstacles, African opposition parties face serious organizational challenges. Part of the problem is that parties have few materials with which to construct large cross-ethnic constituencies. Authoritarian rule in Africa tended to level associational life and prevent the emergence of national interest groups. Many authoritarian regimes also incentivized ethnic mobilization, which has divided populations into multiple minority groupings due to Africa's high levels of ethnic diversity.

Although some pro-democracy movements were able to rely on strong labor unions or other preexisting mobilizing structures, most did not have this organizational base. In the early 1990s, pent-up desire for change created a temporary unity that, in some cases, swept former authoritarian ruling parties from power. When pro-democracy movements won power—or the struggle for change was more protracted—this unity could not be maintained, and opposition alliances splintered. The enduring weakness of opposition parties in Africa stems from their shallow organizational base, reinforcing their tendency to campaign on personal and clientelistic appeals.

INDISPENSABLE GRASSROOTS

Is it possible that new technologies might make these kinds of organizational infrastructures less important? In the immediate aftermath of the Arab Spring, both media reports and academic studies extolled the promise of social media. For many, social media was not merely a means of increasing the size of protests or their coordination; it had the potential to serve as a powerful new information source, as a way of educating and politicizing ordinary citizens, and perhaps most romantically, as a crucible in which brand-new constituencies and interests could be forged.

In Africa, cellphone technology has already proved deeply transformative in realms outside politics. Each year, an amount equivalent to 25 percent of Kenya's gross domestic product passes through M-PESA, a money-transfer system that links more than 17 million Kenyan cellphone users. In Ghana, farmers receive text messages with prices of key commodities in different markets, allowing them to take their crops to the market where they will get the best price. In managing to leapfrog to cellular technology without

ever investing in fixed telephone lines, Africa has emerged as a frontier for innovation in low-cost mobile applications like M-PESA.

Might a similar kind of leapfrogging be possible in terms of political organization? Could new technologies help African citizens enforce government accountability without investing in the fixed organizational infrastructure and party parties that underpin democracies elsewhere? So far, evidence of such a transformation is weak.

During the 2014 protests in Burkina Faso, the #lwili hashtag (a reference to the traditional cloth often worn by protesters) trended on Twitter, and Compaoré used his own Twitter account to appeal for calm. Foreign media played up this social media dimension and drew parallels between Burkina Faso's "Revolution 2.0" and the Arab Spring. In reality, social media played little to no role in organizing the protests. Instead, the country's trade unions and *Balai Citoyen*, an urban protest movement formed by two popular musicians, were largely responsible for mobilizing the hundreds of thousands who joined the street protests in both 2014 and 2015.

As Adam Branch and Zachariah Mampilly point out in their recent book *Africa Uprising*, a similar alliance of labor unions and grassroots organizations has been responsible for large-scale protests in a number of other African countries. As in Burkina Faso, popular musicians and artists played a prominent role in the January 2012 Occupy Nigeria protests, reaching segments of the urban poor that trade unions and formal political organizations could not touch. Even in far more repressive Ethiopia, informal organizational networks, person-to-person recruitment, and popular songs brought urban youth into the streets for large-scale protests in Addis Ababa in 2005.

CROWDSOURCED DEMOCRACY?

Grassroots organizational capital remains more important than social media for a simple reason: Africa's strikingly low Internet penetration. According to Gallup data, only 15 percent of Africans have periodic access to the Internet, much of which occurs via Internet cafes rather than smartphones and private connections. This could change rapidly if smartphones—that is, cellphones with the ability to access the Internet and mobile applications—become available at much lower prices.

Two-thirds of African households have access to at least one cellphone in the 23 countries Gallup polled in 2013. In countries like Ghana, Kenya, and Nigeria, more than 80 percent of adults have their own cellphones, and smartphone ownership is growing. Should political entrepreneurs be able to harness Africans' cellphones, this new connectivity could become a potent tool for improving democracy and government accountability.

A few examples suggest that such change may be on the horizon. During the 2008 elections in Zimbabwe, the Movement for Democratic Change, the country's main opposition party, called on its supporters to text photos of the posted results at their local polling stations. The parallel vote tabulation constructed from these photos limited the ruling party's ability to doctor final election results, and played a key role in pushing the presidential contest to a second round.

During the postelection violence in Kenya in 2008, local bloggers and software designers built a website, named Ushahidi ("witness" in Swahili), that used similar text-based crowdsourcing to document and map incidents of political violence. It remains the most accurate and comprehensive accounting of violence during that period. The Ushahidi platform has subsequently been used to document xenophobic attacks in South Africa, earthquake response in Haiti, and the quality of services in a number of other countries. Currently, activists in Nairobi slums are also making use of crowdsourcing through phones to build maps of their communities and compile information on access to services. They plan to use the data to push municipal and national authorities to extend services to these areas, which have long been unmapped and unrecognized by state institutions.

It remains to be seen if these kinds of technologies can build constituencies for reform that are more powerful and durable than those assembled in the 1990s. Could term limits assist in this quest? Possibly. But the formal institutions of democracy function most successfully alongside strong and institutionalized channels for the expression of interests. Currently, African political parties do not provide voters with these kinds of collective vehicles. If technology can compensate for the organizational deficits of parties, it might be possible to look forward to an era when elections focus on government performance rather than duration of tenure. ■