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THE 2015 PRESIDENTIAL ELECTION IN BURKINA FASO: A REVENGE OF TERM-LIMIT POLITICS IN AFRICA?

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“We put a rope around our own neck and say leaders must only have two terms.”

Robert Mugabe (Johannesburg – June 14, 2015)

“If a leader thinks they’re the only person who can hold their nation together, if that’s true then that leader has failed to truly build their country.”

Barack Obama (Addis Ababa – July 28, 2015)

Burkinabé forthcoming presidential election will be the first in which the name of Blaise Compaoré does not appear in the candidates’ list. Despite the former President’s attempt in 2014 to change the rules and run for a further mandate, and a failed coup d’état in September this year, the country has managed to defend its Constitution. While any conclusion about Burkina Faso’s prospects for democracy would be far premature, the event represents the occasion to briefly survey whether and how presidential term limits have shaped African politics since they were introduced as part of post-Cold War institutional reforms packages.

Burkinabé people are preparing for the fifth consecutive presidential election since multiparty politics was introduced in 1991. The election is scheduled this Sunday, November 29, and will provide Burkina Faso with a government replacing the transitional executive that has

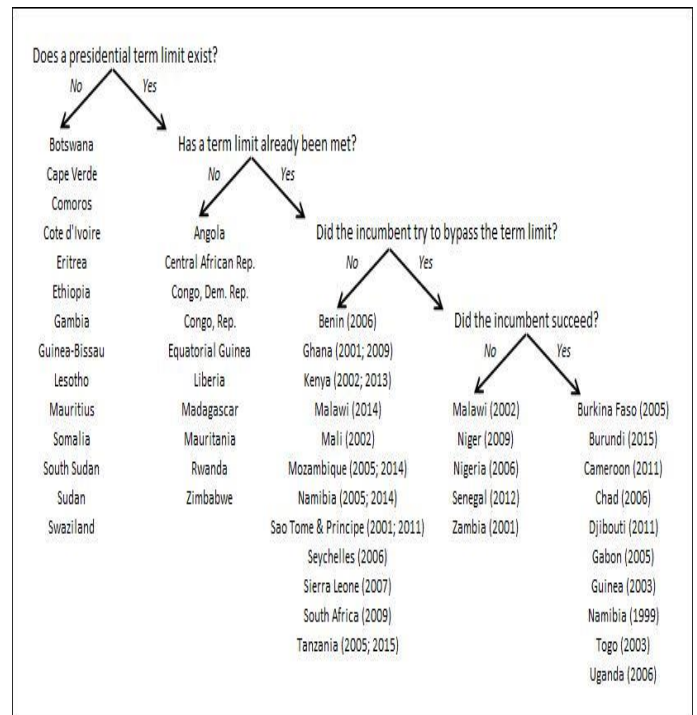
run the country during the past twelve months. This is already a result, as the risk of a long-term postponement was high. Back in September, a coup d’état carried out by General Gilbert Diendéré and the Regiment of Presidential Security (RSP) toppled the transitional government. The golpe however was short-lived and in a few days ad interim President Michel Kafando and Prime Minister Isaac Zida were released and the restored in office.

The RSP is an autonomous military unit loyal to former President Blaise Compaoré and its intervention was against an electoral law barring Compaoré’s allies from running the forthcoming election. This in fact will be the first poll in which Compaoré, who led the country for the past twenty-seven years, does not appear in the list of candidates. This is not to say that he voluntarily retired from politics. Indeed the current transitional government was created after Compaoré resigned in the wake of October 2014 uprising, a series of mass demonstrations and riots sparked by an attempt to amend the Constitution and lift the term limit that would have prevented him from running for a further mandate. Compaoré was a recidivist. Term limits were prescribed by Burkina Faso 1991 Constitution, then removed in 1997 and re-introduced in 2000, along with a reduction of the presidential mandate length from seven to five years. Compaoré was serving the second mandate at that time, but he eluded the restriction invoking the non-retroactivity of the constitu-

tional provision and run for further two terms in 2005 and 2010 elections.

Should I stay or should I go? As a constitutional flouter, Compaoré has good company throughout the African continent. Restrictions to re-election were adopted as part of a broader set of institutional reforms that many African countries implemented following the end of the Cold War. Hopes run high that these measures “would consign the ‘big man’ syndrome of African politics to history” (The Economist, “When enough is enough.”6th April 2006). While they constrain candidate entry, and thus voter freedom of choice in some way, term limit provisions may have important returns, especially for countries coming from decades of personal rule and currently in transition towards multiparty politics. As a pre-commitment to consider alternative candidates, they level the playing field, favour executive turnover, promote a party-based rather than personality-based vision of politics, weaken patronage networks, and reduce the stakes of politics preventing electoral competition to turn into a zero-sum game. During the past two decades, however, African leaders proved to have a rather schizophrenic relationship with the new constitutions: under popular and foreign donors’ pressures, they agreed to limit themselves to serve a fixed number of mandates, typically two, only to try to scrap them when the time to leave office finally came.

Table 1. Presidential term limits in sub-Saharan Africa



Notes: Term limits are considered to exist only when they apply to a president that is the chief executive. Parliamentary systems – e.g. Botswana, Cape Verde, Ethiopia, Lesotho, and Mauritius – are classified as no-term limit countries, even when their constitutions contain term limits, unless these apply to the effective head of government – e.g. South Africa. The constitution of Comoros prescribes a four-year rotation of the presidency between the federation’s three islands. Seychelles has a 3-term limit. For each country, the third and fifth columns report the year of the election following the end of the second mandate. The fourth column reports the year of the attempted violation instead. The table is adapted from Posner and Young’s article “The institutionalization of political power in Africa” (Journal of Democracy, vol.18, no.3, 2007). Updating and revision are based on several sources, including Carbone and Pellegata’s Africa Leadership Change dataset, Freedom House, the CIA World Factbook, and the International Foundation for Electoral Systems.

Table 1 provides an overview of how African presidents have fared with constitutional term limits thus far. As we may note, the vast majority of presidential systems in the continent has, or had, such restrictions, even though in some cases presidents' actual commitment to abide by the rules has yet to be assessed. With the exception of Madagascar, this has to do with a delayed introduction of these measures – Zimbabwe being the most recent case – or with more or less long interruptions due to war. Indeed, for at least two of these *wait-to-see* countries the fate seems to be already written. Denis Sassou-Nguesso in Congo-Brazzaville and Paul Kagame in Rwanda recently abolished term limits and will probably seek a third mandate in 2016 and 2017 respectively forthcoming elections.

In case they will, they will join the ranks of African *over-stayers*. In 1999, Namibian former revolutionary Sam Nujoma was among the firsts of the new “African renaissance” generation of leaders to feel his mission was not yet accomplished. Through the 2000s, the list has grown longer, with Pierre Nkurunziza in Burundi as the most recent case. Surveying the existing evidence, a rather clear *modus operandi* emerges. Presidents choose to amend the constitution via the National Assembly when they can count on an extensive majority. Should this condition be absent, they turn to the Constitutional Court, typically compliant. As an alternative, presidents may resort to referenda, appealing to the need to sustain reforms, the weakness of other potential candidates, the advantage of retaining the incumbent's experience, the risk of instability, but without disregarding vote rigging.

None of these strategies ensures success, however, as a series of *wannabe* presidents-for-life remind us. Sometimes the army curbed incumbents' ambitions, as it

happened in Niger in 2009. Virtually always, however, failure was a consequence of miscalculations about citizens' preferences and their resolution to stand against abuses. The most striking example of misperception remains Senegal in 2012, when Abdoulaye Wade, despite massive street protests, continued his controversial run for a third mandate, only to be defeated at the polls.

This suggests that the broad picture of Africa's experience with presidential term limits, and multiparty politics more generally, is not as depressed as it might appear. A bright side of this story does exist. For any African president that tries to bend the constitution and outstays his welcome, another one calls it a day when his second term is over and steps aside with dignity. Among the countries with the most *punctual* leaders are Ghana, currently one of Africa's most lively democracies, but also Mozambique and Tanzania, in which democratic progress is stagnating and ruling elites hold their grip on power. Namibia, in turn, where Nujoma finally retired in 2005 and his successor did the same last year, is a reminder that previous reversals do not prevent a country from getting back on track.

The road ahead. The emerging mixed record confirms that personalization of power and weak institutionalization remain two major issues in African politics. While respect of term limits is certainly not the ultimate antidote, it may nonetheless represent a building block for a more solid institutional infrastructure. As Dulani's recent study illustrates (Afrobarometer Dispatch, no.30, 2015), moreover, African citizens strongly support term limits and are willing to resist leaders' attempt to extend their tenure. Burkina Faso, an exemplary case of both Africa's political syndromes and virtues, may thus turn into an important precedent.