Third Termism And Political Insecurity In West Africa: Cases Of Cote D’ivoire And Guinea

[Naila Salihu and Rahima Moomin]

Summary

This brief focuses on Cote d’Ivoire and Guinea and argues that West Africa’s political elites must demonstrate principled leadership in complying with constitutional term limits.

1. West Africa’s political leaders must demonstrate principled leadership in complying with constitutional term limits;

2. AU and ECOWAS must revise their democracy and governance frameworks and ensure the maximum two term mandates are included in the revised frameworks;

3. Political leaders who refuse to abide norms they have signed on to should be publicly condemned and sanctioned; and

4. Constitutional amendments in member states should be carried out through consultative processes in the national interest and not skewed in the interest of incumbent leaders for political expediency.

Introduction

The crisis of governance has been a principal destabilizing factor in Africa. Governance deficits have resulted in political violence often ending in destructive intra-state conflicts and eventual deployment of peacekeeping missions.1 African regional institutions have adopted various normative frameworks to promote good and democratic governance on the continent. As shown in Table one below some these frameworks have essential principles on modes of ascension to political power which all member states are expected to adhere to. In line with acceptance of constitutional rule, most states have entrenched term limits for presidents in their national constitutions, though there are difficulties with the implementation. However, the region is currently seeing a democratic reversal with increasing patterns of and endeavors at evading fixed term limits. There have been more than 25 attempts at constitutional amendments since 2000.2 As shown in table two below, 18 of such attempts were successfully enforced while only seven failed.3 Since 2016, several West African countries have initiated constitutional review processes that have discussed term-limits. Whilst the two-term limit has largely been upheld in the basic laws, incumbents have moved to ensure that new constitutions are accompanied by a resetting


of the term-limit clock. Faure Gnassingbé Eyadéma, Head of State of Togo, is currently in his fourth term. Attempts by Blaise Campaore to extend his term in office led to unpredictable outcomes in Burkina Faso in 2014. Despite these setbacks, the trend is not unidirectional. Some African countries such as Ghana Liberia, Mauritania, Senegal, and the Seychelles continue to uphold term limits. Political tensions and violence are rife in Cote d’Ivoire and Guinea.

Presidents Alasane Ouattara and Alpha Conde rose to power after long years of authoritarianism and political crises in their respective countries. These leaders secured third terms following constitutional amendments under questionable circumstances. Other countries once touted as beacons of democracy such as Benin are gradually sliding into authoritarianism. The authority of regional institutions in enforcing the norms on constitutional term limits appears to be waning. Although elections have become the most acceptable means of ascension to power in the region, many West Africans are skeptical about electoral systems due to governments repressive attempts to cripple political opposition and hold on to power. The controversial means by which political leaders are extending their terms undermine the legitimacy of electoral processes and overall governance process. These developments generate political tensions often with violent outcomes. This brief focuses on Cote d’Ivoire and Guinea and argues that West Africa’s political elites must demonstrate principled leadership in complying with constitutional term limits. The recurring practice of extension of political tenures through constitutional amendment processes is a setback for democracy. These developments contribute to heightening political tensions and violence often with serious consequences on human security in the region.

Regional Norms on Democracy and Good Governance

The African Union (AU) has several mechanisms including: The Constitutive Act (2002); African Charter on Democracy, Elections, and Governance (2007); and the African Charter on Human and Peoples Rights (1981). These frameworks aim at promoting principles of democracy, good governance, respect for human rights and human security on the continent. The AU policy framework on Post-Conflict Reconstruction and Development (2006) also identified governance as one of its cardinal elements. Similarly, Regional Economic Commissions (RECs) such as the Economic Community of West African States (ECOWAS) have established several comprehensive legal and normative instruments to guide its efforts towards ensuring good governance. Notable among these are: The Protocols Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (1999); Supplementary Protocol on Democracy and Good Governance (2001); and the ECOWAS Conflict Prevention Framework (ECPF) (2008).

Table 1 Relevant Protocols on Democracy and Good Governance

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<tr>
<th>Protocol</th>
<th>Article</th>
<th>Description</th>
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<tr>
<td>African Charter on Democracy, Elections, and Governance (2007)</td>
<td>Article 2</td>
<td>2) Promote and enhance adherence to the principle of the rule of law premised upon the respect for, and the supremacy of, the Constitution and constitutional order in the political arrangements of the State Parties; 3) Promote the holding of regular free and fair elections to institutionalize legitimate authority of representative government as well as democratic change of governments; 4) Prohibit, reject and condemn unconstitutional change of government in any Member State;</td>
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<tr>
<td>ECOWAS Supplementary Protocol on Democracy and Good Governance (2001)</td>
<td>Article 1</td>
<td>2) Every accession to power must be made through free, fair and transparent elections; 3) Provides for zero tolerance for power obtained or maintained by unconstitutional means.</td>
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<td></td>
<td>Article 2</td>
<td>1) Of member states agreed that ‘no substantial modification shall be made to the electoral law in the last six months before the election, except with the consent of a majority of political actors.’</td>
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A photograph of ECOWAS Heads of States, Abuja.

ECOWAS Protocol on Democracy and Good Governance
In line with above norms, democratic elections have become the most preferred means of securing political power. The AU and its RECs have embraced the culture of zero tolerance for unconstitutional transfer of political power. However, the reality has been mixed. Particularly, all the above-mentioned protocols are not explicit on presidential term limit. Yet, term limits have been institutionalized in Africa as part of political reforms that began in the 1990s to address the legacy of overly powerful executive arm of government. Most countries have presidential term limits enshrined in their constitutions. Term limits are seen as an important element of checks and balances in Africa given the history authoritarianism and relative weakness of independent democratic institutions such as the legislature, judiciary, civil service, security institutions, ombudsman and media. Despite these normative frameworks, the optimism that was generated with the return to democracy and constitutional rule in early 1990s has gradually ebbed, giving way to frustrations and a sense of missed opportunities as West Africa is witnessing violent forms of governance with devastating consequences for human security. For instance, the African Governance Index, 2020 shows that since 2011, critical areas such as human development and foundations for economic opportunity have recorded impressive scores. However, other essential public goods such as security, rule of law, participation, rights and inclusion have stalled. These are manifested by deteriorating security situations and increasingly precarious environments for human rights and civic participation. In this regard, public perceptions of governance have been negative in most countries.

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Déjà vu in Côte d’Ivoire?

President Ouattara assumed political office in 2011. Côte d’Ivoire had gone through series of instability, notably a civil war (2002-2007) and post-election crisis (October 2010- April 2011). President Ouattara secured a second term in 2015, with 83.6% of votes cast. During his second term of office a new constitution was adopted in October 2016 as part of his approaches to political and socio-economic transformation in the country. This constitution renounced the ‘ivoirité’ problem. However, the constitution contained some ambiguities as it retained the two-term limit on presidential aspirants, but was silent on tenures served prior to its adoption. This lacuna appears as a deliberate orchestration by the Ouattara government to cling on to power. Ouattara had indeed argued he could run for office under a new constitution because the new constitution resets the clock on term limits. In the midst of widespread protests on his re-election bid, presidential election was held on October 31st 2020. The election was boycotted by the opposition parties. President Ouattara won by 99.45%. The election was termed illegal by the opposition who went on to announce a rival transitional council. Since the presidential elections in October 2020, the political climate has been one of recurring crises.

The 2020 post-election political crisis was preceded by several developments. Before the 78-year-old President Ouattara completed his constitutionally mandated second term in 2020, there were speculations he could seek another term of office under the new constitution. However, in March 2020, President Ouattara announced that he was not contesting in the October 2020 elections, on condition that other members of the “old guard” also abandoned their presidential aspirations. He was referring to former president and political rival Henri Konan Bédié. The Prime Minister Amadou Gon Coulibaly was selected as candidate for the incumbent Rally of the Houphouëtists for Democracy and Peace (RHDP). However, Coulibaly suddenly died on 8 July 2020 after a short illness. This development changed the narrative and reignited concerns over a possible third presidential bid by President Ouattara.

Ouattara reneged on his earlier decision not to contest and responded positively to calls from his political party, RHDP to contest as its flag bearer. Rhetorically, President Ouattara portrays himself as a guarantor of peace and security, using this role as grounds for his controversial decision. This constitutional machination and Ouattara’s third term re-election is a setback for democracy and peaceful alternation of power. It also heightens political instability at a time when terrorism is expanding in the Sahel region. Several legal challenges were raised and dealt with by the Constitutional Council appointed by President Ouattara. The adoption of the 2016 Constitution led to some changes in the composition of key electoral institutions, namely the Constitutional Council, the highest court in Côte d’Ivoire, and the Independent Electoral Commission (Commission électorale indépendante CEI). These institutions have important role to play in organizing and certifying elections. However, the role played by these institutions, particularly, the Constitutional Council, CEI and the National Assembly seem to have favored the government of the day. These developments further reaffirmed the low-level trust in public institutions among the citizenries. Particularly, the calls by the opposition for reforms of the Electoral Commission and the Constitutional Court were accepted by the government.

Since early 2019, several steps were taken by Ouattara administration to limit the democratic space. These included the arrested and detention of opposition leaders. Typical is the rift with his former ally, Guillaume Soro, a former speaker of the National Assembly who had presidential ambitions. The fallout of former brothers-in-arms had been a cause of concern considering Soro’s influence on members of the former Forces Novelles now integrated into the republican armed forces. Soro was convicted on corruption in absentia and has since joined the opposition coalition. He called on the military to mutiny following the controversial presidential election which the opposition called illegal which the opposition called as illegal. Such calls cannot be ignored as the military and the security...
sector continue to remain fractionalized and lacking professionalism despite attempts at SSR and DDR. Mutilities have been rampant in the armed forces as loyalties of various elements of the security sector remain unclear.

Controversies surrounding the re-election of President Ouattara heightened deep-seated political and socio-cultural tensions in the country. There have been sporadic protests and clashes with security forces leading to loss of about nine lives and many more wounded on election day. From August to November 2020, several opposition supporters and pro-government supporters, and militias armed with machetes and guns clashed on the streets in several towns and cities leading to loss of lives. President Ouattara’s tenure elongation is an affront on his previously touted democratic credentials on which the international community stood to equivocally reject attempts by former President Gbagbo to hold on to power in 2010. Gbagbo returned home in June 2021 following his acquittal by the International Criminal Court. Having lost control of his former political party, Ivorian Popular Front, Gbagbo announced the creation of a new party- African People’s Party - Cote d’Ivoire” (PPA-CI) on October 17, 2021. This has fueled speculation he intends to run in the 2025 presidential election as he maintains a large and loyal base of supporters.

The Ouattara government is faced with a legitimacy crisis to run a divided country. The country remains socially and politically polarized. This increases people’s insecurity and vulnerability. For example, in November 2020, more than 3,200 Ivorian refugees fled to neighbouring Liberia, Ghana and Togo due to the rising political tension and fear of imminent violence. The international community and ECOWAS seem to have lost traction in dealing with the developments in Cote d’Ivoire and Guinea. Regional institutions obviously have a limitation in intervening in purely domestic issues in member states. However, these bodies have the moral authority to call member states to abide by norms of democracy and good governance. The behind-the-scenes preventive diplomacy of ECOWAS and other international actors have not been successful as several members continue to disregard regional norms on term limits. Despite the contestations against their recent elections, the chairman of ECOWAS President Akuffo Addo congratulated President Ouattara and Alpha Conde of Guinea. Does this gesture signify acceptance? The waning authority of ECOWAS and the lack of consistency in enforcing its policies and norms are worrisome. Despite the rhetoric of building an ECOWAS of the People, there are real concerns that ECOWAS is more inclined towards protecting incumbents presidents than supporting democratic values. For instance, in 2015, Togo and Gambia rejected ECOWAS’s proposal for a mandatory two presidential terms. This step could have reinforced the body’s stance on the third term.

Cyclical Patterns of Autocracy in Guinea

Guinea is among the poorest on the African continent due to fifty years of autocratic rule and political exploitation. Alpha Condé is a lifelong politician in Africa, secured power at the age of 72 in the presidential election in 2010, and a re-election victory in 2015. President Condé was a vocal opponent of General Lansana Conte’s 24-year dictatorship and served time in prison for his efforts. In March 2020, the Guinean constitution was amended through referendum to extend the term of office of the president from five to six years. President Conde argued that the constitutional modifications would contribute to modernizing the country during his time by bringing societal changes for women, spousal equal rights for divorce, the prohibition of female genital mutilation, and the prohibition of underage marriages. The announcement of the results of the referendum led to nationwide protests orchestrated by the opposition candidate Cellou Dalein Diallo - the chairman of the opposition Union of Democratic Forces of Guinea (UFDG). This development sparked continuous political and ethnic violence in the country. The protests were met with brutal force from security personnel that have a history of assaulting opposition groups and are not held accountable.

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23Boucher (2020), op. cit.
29Ibid.
accountable for human rights breaches. The 82-year-old President Alpha Condé won a controversial third term in office in October 2020, a move that sparked months of deadly upheavals across the country. Condé’s election victory was hampered by a campaign that saw his major political opponent, Cellou Dalein Diallo barred from campaigning in several parts of the country. Furthermore, opposition members of the Electoral Commission have challenged the official results of both the referendum in March 2020 and the presidential election in October 2020. Widespread violence and voting anomalies, including shuttered and looted polling stations, had alarmed domestic and international observers. Mr. Diallo, accused President Condé of sending Guinea back into authoritarianism and corruption. Diallo declared himself the winner and disregarded the official results before the electoral commission announced the official results, sparking large protests and turmoil that led to the loss of several lives. In general, an authoritarian system fosters the rise of a rebellious resistance, which keeps a nation mired in issues of enmity and disobedience in the legislative realm. Social media was an important medium for the opposition party in terms of organizing and connecting with their local and national supporters. It was to allow opponents to get international exposure and support for their ideas. However, the government’s broad ban on the internet and social media heightened their repressive techniques in dealing with opposition supporters, which also made it nearly impossible for the Guinean and international journalists as well as human rights activists to report on the violence. Conde’s third term and challenges in the economy heightened political tensions in Guinea. His third term was an affront to the public; according to Afrobarometer polling, more than 8 out of 10 Guineans favor a two-term limit on presidential mandates. These developments coupled with challenges in the economy set the stage for a military putsch. It was therefore not surprising when Conde was ousted and detained by the country’s armed forces in a coup d’état on 5th September 2021. The commander of the Special Forces, Colonel Mamady Doumbouya publicly declared the suspension of the constitution and government. Doumbouya alluded to Condé’s economic mismanagement and the regime’s corruption. Although, the coup was widely denounced, and Guinea suspended by ECOWAS and the African Union, it was generally endorsed by Guineans. The United Nations, European Union, United States, and France have all condemned the coup and called for Condé’s release. Contrary to the orders of ECOWAS for return to constitutional rule within a six-month period, the junta has initiated a transitional process including the drafting of a new constitution and holding of elections. Doumbouya was sworn in as Guinea’s interim president for an unspecified period on 1st October 2021, an indication that military junta is in control of the transition process. The propensity to allow the military to play a role in the ensuing future coups as seen in Mali and elsewhere in Africa.

Conclusion

West Africa is experiencing democratic reversals where political leaders are increasingly becoming less principled and driving the democratic gains of their countries backwards. This trend has far wide ramifications for human security and political stability in the region generally. The controversies leading to President Ouattara’s third term of office has further deepened political polarization in a county with a history of authoritarianism and political instability. This development is a major setback for consolidation of democracy in the region as similar development is being witnessed in other countries such as Benin. Similarly in Guinea, former president Conde’s third term set the stage for coup. This coup has taken several step backwards in efforts at consolidating democracy. ECOWAS’ practice of tolerating controversial constitutional amendments and third terms in Cote d’Ivoire and Guinea, yet quick to denounce a military takeover points to inconsistencies in the enforcement of regional

36Afrobarometer, (2019), Guineans voice strong support for two-term limit for president. Press Release September 21
norms on democracy and good governance. Other countries in the region may suffer a similar fate if the creeping culture of third termism is not nipped in the bud.

**Recommendations**

1. West Africa’s political leaders must demonstrate principled leadership in complying with constitutional term limits;

2. AU and ECOWAS must revise their democracy and governance frameworks and ensure the maximum two term mandates are included in the revised frameworks;

3. Political leaders who refuse to abide norms they have signed on to should be publicly condemned and sanctioned; and

4. Constitutional amendments in member states should be carried out through consultative processes in the national interest and not skewed in the interest of incumbent leaders for political expediency.

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