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The New Pan-Africanism and presidential term limits: a hard nut to crack



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MICHAEL AMOAH

(<https://web.archive.org/web/20220704215213/https://study.soas.ac.uk/author/michaelamoah/>)

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Pan-Africanism will always exist – and with it, the solidarity of all people of African descent, the notion of collective self-reliance, and of course, the African Union (AU), which replaced the Organisation of African Unity (OAU) as the political seat of the global Pan-Africanist Movement.

The 'New' Pan-Africanism, however, has been defined as "Africa's answer to the systems and institutions of global governance when it comes to handling African crises ... put simply as pragmatic doses of case-by-case solutions to real-time African problems, taking into account the live geopolitical issues, the wider context of international politics and lessons from the historical context" (Amoah 2019: viii).

Like every other continent, Africa has experienced its share of global interest, whether by imperialism, colonialism, neoliberalism or whatever "ism" in vogue, to which Africa has responded in one way or another. For example, the establishment of the OAU in 1963 was a continental response to colonialism, led by anti-colonial nationalist leaders at the time including Kwame Nkrumah, Haile Selassie, Sekou Toure, and Julius Nyerere, to name a few.

Anti-colonial nationalism was just one of many types of nationalism in the evolution of world history. After the independence wave, nationalism in Africa carries on in various forms, as happens everywhere else, and the international interactions (including interference) with the African continent also continues, and ever more so in the era of heightened and increasing globalism and globalization. Quite naturally, Africa's response to international overtures will have to continue.

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The New Pan-Africanism

The New Pan-Africanism may have begun with the formation of the AU in July 2002; however, the international response to Cote d'Ivoire's general elections in October–November 2010 (with French special forces operating outside the mandate of the UNOCI), and the international coalition that toppled Muammar Gaddafi of Libya in 2011 (which has since left a political and security vacuum over Libyan political and geographical environs, with adverse repercussions for both Western Europe and the Sahel), have both generated peculiar dilemmas that have contributed to shaping the New Pan-Africanism somewhat – and, in some respects, provoked a reform at the AU to be serious about continental security, foreign policy, and the capability to handle continental issues, with least resort to international aid.

The New Pan-Africanism has produced some successes in the last decade, including recent (2019) ones, for example: in Sudan where the AU intervened to support the progress of the popular revolution which ousted President Omar al-Bashir; and in the Central African Republic (CAR) where AU efforts led to the deal between government and rebel groups.

The political unrest and conflict in Sudan arose directly from a presidential overstay and related bad governance in the perpetuation of rule. The conflict in CAR had more to do with a troubled turf that proved ungovernable with one coup plotter against another on a political terrain toxic with a mix of militarised party politics and rebellions by unregulated armed groups.

Omar al-Bashir was president for 30 years, and François Bozizé of CAR for 10 years; speaking of which, one is reminded that others who have been presidents for longer still remain – Yoweri Museveni of Uganda (38 years and counting), Paul Biya of Cameroon (38 years and counting), and Teodoro Mbasongo of Equatorial Guinea (41 years and still counting). These three presidents blaze the trail for a next tier in their twenty-somethings as presidents, a subsequent tier in their presidential teens, followed by another tier who are just about completing their two terms and feverishly scheming to retain themselves.

Presidential Staying Power

Of all the interesting aspects of African politics, the penchant to stay in the presidential seat for as long as possible is the most curious and peculiar, seeing that the chief causes of political violence, conflicts, and displacement on the continent can be traced directly to political disputes related to extended presidencies, whether by constitutional revisions or skewing an election to achieve that very aim.

Some live contexts of political unrest and insecurity currently raging on the continent are due to presidential overstays: Algeria, Burkina Faso, Cameroon, Togo. The 33rd AU Summit in February 2020 was themed as 'Silencing the Guns', a seven-year agenda which begun from 2014, but there is no continental consensus on how to tackle excessive term limits which generate guns.

It has to be said that the penchant to want to stay in power for as long is not peculiar to Africa, and can either be a laudable or lucrative prospect which any political party or presidential candidate would scheme to achieve in as deftly a manner as constitutional manoeuvring would allow under specific circumstances – whether in a Putinist way, or in the British way that allows a political party to retain themselves at the helm in Downing Street for as long as possible with respect to the Prime Minister: the former is probably taking lessons from the Africans, and the latter seem to be doing their own thing!

Political scheming is hard work and can be very legitimate indeed, if lessons from Machiavelli should be taken seriously. So one has to look hard at deciphering the African jigsaw, not because there are as many as 55 states on the continent (more than twice the number in the European Union), but that there seems to be some untouchables in the AU.

Geopolitical Reasons

Let's start with the most intriguing of all the explanations – geopolitics, and this is peculiar to the Great Lakes Region. It took President Yoweri Museveni of Uganda some 20 years to get rid of the Lord's Resistance Army (LRA) that originated from Northern Uganda and now appear to be operating from the thick unregulated forests of the CAR and the Democratic Republic of Congo (DRC). Hence, Museveni has always maintained

that he had to be president for at least that length of time to complete that assignment.

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After the LRA assignment, his pundits and followers have speculated that the Uganda People's Defence Forces (UPDF) were needed to support and prop up Salva Kiir Mayardit of South Sudan, or else that country would have degenerated into a chaotic quagmire with the Dinka-Nuer rebel sides at each other's throats. Hence, Museveni had to be alive as president to guarantee the stalemate and eventually broker a peace deal between Salva Kiir and Riek Machar.

Furthermore, Museveni had to be the president in the sub-region with the political will to provide the most troops for the formation of the African Union Mission in Somalia (AMISOM) or else AMISOM would not have taken off. The list goes on. Museveni has therefore assumed a 'Godfather' image, with his fingers in many pies, including alleged mineral poachings and espionage discourtesies with neighbours.

The sub-region also has President Paul Kagame of Rwanda, who schemed his constitution in 2015 to allow him to be president potentially until 2034. The geopolitical balancing game spurred next-door Burundi in 2018 to also scheme its constitution to allow President Pierre Nkurunziza to potentially be in the presidential seat until 2034. Even though Nkurunziza has subsequently made a second announcement (in January 2020) that a puppet, General Evariste Ndayishimiye, is to be the CNDD-FDD party candidate for the 2020 election, it is believed that he could later promote himself to become King Nkurunziza and continue to rule the country.

At independence in 1962, Burundi was a UN-recognised constitutional monarchy with Mwami Mwambutsa IV as the monarch; however, the monarchy was abolished following a coup in 1966 by Captain Michel Micombero. Lately, the text of a successful constitutional referendum instigated by Nkurunziza in 2018 provides for a restoration of the monarchy

(https://web.archive.org/web/20220704215213/https://www.lemonde.fr/afrique/article/2018/06/07/au-burundi-pierre-nkurunziza-renonce-a-la-presidence-a-vie-mais-pas-a-la-royaute_5311261_3212.html). It is believed that Nkurunziza's first announcement (in June 2018 – soon after the May 2018 successful referendum) not to stand as the 2020 presidential candidate was meant to throw dust into the eyes of observers regarding his kingship plot. Observers will be watching the Burundian political space as to what happens after the 2020 presidential elections in May.

Malawi, which is the quietest among the Great Lakes nations, is currently caught in a situation whereby the Constitutional Court (CC) has annulled the results of the May 2019 elections and ordered a re-run in five months from 3 February 2020. The president therefore made two simultaneous moves: (a) appealed to the Supreme Court (SC) to over-rule the CC, and; (b) asked the Electoral Commission (EC) to approach the CC to suspend the annulment of the election results, pending the SC ruling.

It must be noted that "Constitutional Court" is not categorically mentioned in the Malawian constitution, hence the court which overturned the 2019 election results can at best be assumed as a High Court of sorts, to which any party can appeal the election results, and to which issues of constitutional nature (such as the annulment of elections) could be referred [Articles 76(5)(a), 89(1)(h) & 104 of the Malawian Constitution]. The SC, being the highest appellate court in Malawi, is to which the incumbent Mutharika has appealed to reverse the Constitutional/High Court annulment of the 2019 election results, meaning the SC can tell the Constitutional/High Court to shut up.

It is within this context that the presidential voices have been stating that the annulment of the election results was "a miscarriage of justice" (<https://web.archive.org/web/20220704215213/https://uk.reuters.com/article/uk-malawi-election/malawi-presidency-to-challenge-court-ruling-overturning-vote-result-idUKKBN1ZZ0MV>) which would "create a lot of problems in the country's jurisprudence" (<https://web.archive.org/web/20220704215213/https://uk.reuters.com/article/uk-malawi-election/malawi-presidency-to-challenge-court-ruling-overturning-vote-result-idUKKBN1ZZ0MV>), and that the CC judges have "erred in law" (<https://web.archive.org/web/20220704215213/https://guardian.ng/news/malawi-president-appeals-to-keep-job-after-court-cancels-his-election/>) by acting in "excess of its jurisdiction" (<https://web.archive.org/web/20220704215213/https://guardian.ng/news/malawi-president-appeals-to-keep-job-after-court-cancels-his-election/>). The EC itself has a pseudo-judicial status, as its Chairperson is the former SC Judge who was appointed from there to head it. However, on 12 February, the CC rejected the EC's request to suspend the annulment of the 2019 results. It will be interesting to see what pans out. Suffice to say that Malawi has no geopolitical argument in the sub-regional stakes.

No Cogent Reasons

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The other sub-regions of the continent have no strategic geopolitical logic to host or allow presidential extensions in their political environment – hence any previous, ongoing or future attempts at (un)constitutional manoeuvring for an incumbent to stay longer than their original term limits always stick out like a sore thumb and come off as a desperate bid to stay in power.

The international interference or culpability of France in propping up particular heads of state is not to be missed either, in francophone countries such as Burkina Faso (under Blaise Compaoré), Cameroon, Congo-Brazzaville, Cote d'Ivoire, Gabon, and Togo.

That said, there are at least 19 African countries where the presidents have in the past extended their term limits by (un)constitutional means, including the following, in alphabetical order – Algeria, Angola, Burkina Faso, Burundi, Cameroon, Chad, Congo-Brazzaville, Cote d'Ivoire, DRC, Egypt, Equatorial Guinea, Gabon, Guinea (which is trying once more in 2020), Rwanda, Senegal, Togo, Tunisia, Uganda, and Zimbabwe (Amoah 2019:5-24).

Guinea and Cote d'Ivoire are live cases striving hard to follow suit at the time of writing; we already know what the consequences would be in these two countries should the incumbents have their way – two more conflicts Africa does not need.

Suggestions or Solutions

One would have thought that the Continental Early Warning System (CEWS) should identify and troubleshoot potential and obvious causes of conflict such as extensive term limits, so that, in effect, the AU should issue a moratorium against any (un)constitutional attempts at presidential overstay, period. The AU's presidential club of culprits are not that keen for the AU to do so yet.

The two departments monitoring the CEWS (Department of Peace & Security and the Department of Political Affairs) who can drive home such a policy to become law, are currently undergoing a merger. If there can ever be any movement on such a policy drive, this would have to wait until the dust has settled on the merger, or until the downsizing move that would result in at least a 40% cut in joint staffing (<https://web.archive.org/web/20220704215213/https://www.crisisgroup.org/africa/african-union-regional-bodies/b151-eight-priorities-african-union-2020>) has completed and we know who is standing.

At the moment, whoever is who in both departments is busily protecting their interests and prospects, let alone worry about a policy agenda that does not whet the appetites of the heads-of-government who sh/would sanction it. For that moratorium to work, the AU will need to consent to an exonerated technocratic department with mandatory powers over and above the heads-of-government to sanction defaulters (Amoah 2019: 25, 230-31). Alternatively, the global Pan-Africanist Movement would have to work out a practical way of engaging their political seat for that policy shift to occur.

But perhaps, who knows, the AU's Peace and Security Council are working on some ideas which are yet to be made public. Until then, curbing extensions to presidential term limits will be a very hard nut to crack indeed.

- **Dr Michael Amoah (<https://web.archive.org/web/20220704215213/https://www.soas.ac.uk/staff/staff89551.php>) is a Senior Teaching Fellow in the Department of Politics and International Studies. His article on the state of the art in elections cheating was published in *African Affairs: Sleight is Right: Cyber Control as a New Battleground for African Elections* (<https://web.archive.org/web/20220704215213/https://doi.org/10.1093/afraf/adz023>)**

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