Resurgent Backsliding and Democracy in Africa

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Abstract

Democracy is on trial in Africa. Despite the gains experienced in the early 1990s when Africa experienced a beehive of democratic activities occasioned by both internal and external pressures, resulting in former dictators becoming born again democrats, the continent seems to be going through a new wave of democratic backsliding. Even though military coups have subsided (not completely eliminated), the bane of democratic governance in Africa is the menace of elected rulers undermining their own constitutions to prolong their stay in power. In Nigeria, Niger, Zimbabwe, Burkina Faso, Madagascar, Burundi and a host of other African countries, elected leaders have attempted to reverse democratic gains by manipulating their constitutions to stay longer in power. This paper focuses on the fast prevailing attempts by African leaders, most of whom are previous military dictators and guerrilla fighters to extend their stay in power by abrogating the term limit in the constitutions of their country. They achieve this through the twin instruments of cooptation and intimidation. This development has created new anxieties about the survival of democracy in Africa. 'Third termism', sit tight syndrome and 'democratic authoritarianism' have (re) surfaced in the political lexicon of Africa. The paper relies on extant literatures, newspapers and online news sources for this research.
Keywords: Democracy, Democratisation, 'Coup from within', African Union (AU), Term limit.

Introduction

"In the first six months of 2015 alone, the presidents of Burundi, Benin, the Democratic Republic of Congo, and Rwanda have either personally or through their supporters expressed the intention to dispense with or circumvent term limits in order to seek additional terms of office." (Dulani 2015, 1) Constitutional tinkering by presidents who do not want to leave power has become a recurrent trigger for political tension and violence in many African countries. Term limits offer a periodic guarantee of personal change, and thus enhance the possibility of change of party in government. (Vencosky 2007). This is significant, as power alternation is an important feature of a democratic polity. "When term limits are found in a presidential system, they act as a method to curb the potential for monopoly of power, where a leader effectively becomes "president for life' or a king."(The Point 2015). In Nigeria, Niger, Zimbabwe, Burkina Faso, Madagascar and presently Burundi, elected leaders have attempted to stage a 'coup from within' embarking on personal consolidation at the expense of democratic consolidation. While 34 African countries have two-term limit provisions in their constitutions, only 20percent of these term limits have been complied with. (Riedl 2014).

To be sure, over 10 African presidents have tried to 'amend' the constitution to abrogate the term limit in their constitutions. (See Table 2.1). With elections due in the Democratic Republic of Congo (DRC) and Rwanda in 2016, the leaders of these countries are already plotting constitutional amendments to enable them prolong their stay in office. They usually portray their desire for more time in office as a response to popular demands. But it has been established that there is strong support for presidential term limits among citizens across almost all African countries.(Dulani, 2015). In six rounds of surveys conducted between 1999 and 2015 by Afrobarometer, a pan-African, non-partisan research network that conducts public attitude surveys on democracy, governance, economic conditions, and related issues across African countries, it was discovered that in 34 African countries, about three-quarters of citizens favour limiting presidential mandates to two terms and that support for term limits has been consistently high over time and is the majority view even in countries that have never had term limits or that have removed term limits from their constitutions. Interestingly, 78 percent of those polled in Nigeria supported term limit, a confirmation of the public outcry against former President Olusegun Obasanjo's plan to get a third term in 2007. Equally, support for term limits was highest in Benin (90 percent) where President Yayi Boni is reportedly contemplating removing them, while in Burkina Faso, nearly two thirds of the country's citizens (64 percent) expressed support for term limits justifying the protests that ended Compaoré's reign in October 2014. In Burundi, 62 percent supported term limit by 2014 also justifying the widespread protests that greeted President Pierre Nkurunziza's third term bid.

"With very few exceptions, large majorities of Africans support the idea of imposing a two-term limit on the exercise of presidential power. This is true even in those countries that have never had term limits and those that have removed them in the past 15 years. Continuing efforts to dispense with term limits thus reveal a major disconnect between African leaders and African citizens on this issue, underlining the lingering legacy of big-man rule on the continent and highlighting the fragility of African democracies" (Ibid, 1).

Even though Article 23, Chapter 8 of the African Charter on Democracy, Elections and Governance stated that "Any amendment or revision of the constitution or legal instruments, which is an infringement on the principles

of democratic change of government constitutes unconstitutional changes of government to which sanctions apply", African Union has done little to sanction leaders who have embarked on the journey of "third termism". The preoccupation of this paper therefore is to discuss;

- How 'constitutional manipulation' is undermining democratic governance in Africa
- How the African Union has grappled with this fast prevalent antidemocratic tendency
- What the African Union (AU) can do to prevent political instability linked to the extension of presidential term limits
- Recommendations for dealing with the problem.

Third-Term Amendments in Sub-Saharan Africa Since 1990
Table 2.1

Constitution does not contain a two term provision (8 countries)	Constitution amendment not attempted (8 countries)	Constitution amendment attempted (without success) (4 Countries)	Constitution amendment attempted With success (7 countries)	Constitution amendment likely
Côte d'Ivoire Eq. Guinea Gambia Guinea-Bissau Mauritania Sudan Seychelles (3-term limit) Zimbabwe	Benin (Kerekou) Cape Verde (Monteiro) Ghana (Rawlings) Kenya (Moi) Mali (Konare) Mozambique (Chissano) São Tomé e Príncipe (Trovoada) Tanzania (Mkapa)	Burkina Faso (Compaore) Malawi (Muluzi) Nigeria (Obasanjo) Zambia (Chiluba)	Burundi (Nkurunziza) Chad (Deby) Gabon (Bongo) Guinea (Conte) Namibia (Nujoma) Togo (Eyadema) Uganda (Museveni	DRC (Kabila) Republic of Congo (Sassou-Nguesso) Rwanda (Kagame)

Sources: BBC online, Fabricius 2015, Vencovsky 2007.

As table 2.1 reveals, in Africa, Presidents make and revise constitutional provisions to suit their own interests. Since 1990, not less than 11 African leaders had tried to remain in power by changing their countries' constitutions to remove presidential term limits.

At least seven had succeeded and four had failed. Most African leaders have seen democracy as a threat to their personal interests of primitive accumulation thereby devising means of extending their stay in power beyond the constitutional term limits by using their cronies to amend the constitution. To achieve this, bribery and intimidation were the main instruments usually deployed by these leaders. Musevini was said to have achieved the lifting of presidential term limits from the Constitution of Uganda through payment of UGX 5 million bribe to each member of parliament (MP). (Bireete, 2015).
We will do a review of some of the countries below.

- **Burundi**

The ruling party in Burundi- CNDD-FDD announced President Nkurunziza in April 2015 as its candidate for the June 26 election despite having already served two terms in office. Article 96 of the Burundian constitution on Presidential term limits provision reads: "The President of the Republic is elected by universal direct suffrage for a mandate of five years renewable one time." President Nkurunziza and his party asserted that he was eligible for a third term because he was appointed to his first term by Parliament rather than "elected by universal direct suffrage."

This creative constitutional interpretation contravenes the 2000 Arusha Peace and Reconciliation Agreement, which is the delicate power-sharing agreement that ended the country's long-running civil war (Schwartz 2015). The Agreement states that the President "shall be elected for a term of five years, renewable only once." It further states "no one may serve more than two presidential terms." The Constitutional Court of Burundi officially has agreed with CNDD-FDD's interpretation and cleared President Nkurunziza to run. However, the court's vice-president Sylvere Nimpagaritse has claimed that "most of his colleagues thought the third-term bid was unconstitutional, but they were under pressure to change their minds." (BBC 2015).

Nkurunziza had been accused of running a police state which curtailed freedom of speech and association by enacting draconian laws (Ibid). Unemployment, rising inflation and unregulated commodity

prices, police brutality, high-level corruption are all rampart and the masses resorted to civil action because they could no longer tolerate him. Despite that, he went ahead to contest for a third term and allegedly won.

- **Burkina Faso**

President Blaise Compaoré wanted to extend his 27 year rule by abrogating the term limit in 2014. Compaoré had been in power since October 1987 after he toppled and killed his friend, Thomas Sankara. Due to the pressure of the western donors in the 1990s, Compaoré accepted a multiparty system while remaining firmly in control of political space. He manipulated the constitution two times to lift obstacles to his continued rule. (Yabi 2015). Blaise Campoare was forced out of power in 2014 by a wave of protests after he sought to amend the Constitution to allow him another five-year term in office.

- **Republic of Congo, (Congo Brazzaville)**

President Denis Sassou-Nguesso, who has been in power for 31 years did not want to leave power. Having been president from 1979 to 1992, he lost the 1992 presidential election. In 1997, a civil war broke out and his rebel forces ousted President Pascal Lissouba. He went on to win the 2002 and the 2009 presidential elections. In March 2015, Nguesso announced that his government would hold a referendum to change the 2002 constitution which would allow him to run for a third consecutive term in office. (Ross 2015.)

- **Democratic Republic of Congo (DRC)**

Joseph Kabila has called for national consensus to be held before presidential elections are held in 2016 allegedly in a bid to gain more time to manoeuvre another term. (Wilson 2015). There have been ferocious demonstrations against the intended move to have the Constitution amended to allow him another five years at the helm of government. On 19 January 2015, Students of the University of Kinshasha led a protest following the announcement of a proposed law that would allow Kabila remain in power until a national consensus can be conducted. The implication was that the election billed for 2016 may not hold.

- **Rwanda**

Paul Kagame, is plotting a new term as his constitutional final term expires next year despite the country's constitution setting a two presidential term limit. His ruling Patriotic Front (RPF) party is backing a constitutional change. The Rwandan Supreme Court in October 2015 struck out a case against the third term bid of Kagame, effectively clearing the way for the president to run for a third seven-year term. According to the country's Chief Justice Sam Rugege, "Denying the free will of the people to choose how they are governed is not democratic, rather it is the opposite". (ICIRIN NEWS 2015). Kagame is now in his 15th year in office, (3 of them under an older constitution and 10 under the 2003 constitution), and the term length at the moment is 7 years.

Democratisation in Africa: A Synopsis

The end of the cold war, the emergence of a unipolar world and globalisation resulted in donor fatigue and the introduction of political 'conditionalities' by donor countries and International Financial institutions (IFIs) in the 1990s. Even though this was presented as another "white man's burden" by the West, the truth was that the West had other interests than the 'democratic good' being bandied as justification. The World Bank's market economic reform policies had fallen flat on its face and there was need to explain away the failure of these policies. Hence, the poor performance of SAPs was attributed to lack of good governance (Adejumobi 2000, Durotoye 2000). The argument was that the bane of Africa's development problems is lack of good governance which was conceptualised as the exercise of political power to manage a nation's affairs. State officials in many countries have served their own interest without fear of being called to account, the World Bank posited. The crisis of leadership and the struggle for survival made individuals in the developing countries resort to building personal networks of influence to gain access to the 'national cake' with the maxim that 'if you can't beat them, you join them'. Therefore, politics becomes personalised and patronage becomes essential to maintain power. The environment cannot readily support a dynamic economy (World Bank, 1989: 60-61). Unfortunately, "while the World Bank (and its arch types) preaches good governance, rule of law and human rights in Africa, the Structural Adjustment Programmes undermine those noble political ideals. SAPs, rather than empower the civil society, encourages its ruthless repression and dismemberment, rather than promote social security and welfare, contradicts them quite significantly, rather than encourage public ethics and accountability, promotes declining public morale and fraud with depressing low wages and salaries of public servants (As SAPs emphasise wage freeze and devalued low wage". (Adejumobi 2000, 4). To manage global capitalism therefore, democracy and democratization became essential agents pursued in total disregard for African indigenous political culture and tradition. Even though Africans themselves initiated much of the political demands and reforms in the 1990s in response both to local and global phenomena, neither Africa's indigenous democratic values nor pressures exerted by Africans for democratic reforms receive any recognition. The role of Africans in pushing for democratization was therefore neglected. (Nwauwa 2003).

Coupled with civil unrest ignited by rising inflation, unemployment and poverty, which in part are intrinsically linked with SAPs, African erstwhile military leaders organised 'façade' elections and "In Ghana,

Uganda, Equatorial Guinea, Niger, and Gambia, yesterday's military dictators have suddenly became 'born again' democrats, reinstitutionalising their power mostly through a corrupted electoral process" (Adejumobi 2000). What we had was not real democracy but African leaders were plunged into a "dilemma of a confused agenda" between what they want to do and what they must do. (Durotoye 2000).

But the wave of democratisation in the 1990s was not to be misconstrued as a process of "democratic birth", but a process of "democratic renewal" because pre-colonial Africa had witnessed democratic practices before they were truncated by colonialism. (Nwauwa 2003, Joseph:1990). Citing Igbo village democracy in eastern Nigeria operated with a general assembly consisting of adult males known as the Ama-ala or Oha, the pre-colonial political structure of Gikuyu (Kikuyu) of Kenya which represents another example of direct and participatory democracy, the Oyo Empire, which flourished in south-western Nigeria from 1600 to1860 in which the Alafin's (emperor) power was subject to checks by the Oyomesi who served as a representative council of state consisting of seven members from each of the seven wards that made up the empire, as well as the Buganda Kingdom of Uganda which represents another good example of an absolute king whose powers were checked by parliament, Nwauwa argued that Pre-colonial Africa has in-built democratic values of representation and checks and balances that forestalled tyranny as well as ensured the participation of the people in government but the "fundamental principle of African traditional government, ―that is, rule by consent of the ruled was all but destroyed by the imposition of colonial rule and was cynically distorted and mangled when the one-party state allowed the emergence of ambitious, corrupt, and dictatorial African leaders, many in military uniform, after independence". (Ibid 2003). The kernel of this school of thought shared mainly by Afrocentric writers is that African states inherited the dictatorship and not the democracy of colonial rule "and anyone who thought it wasn't so had better have his head examined". (Davidson 1992). What one can glean from this argument therefore is that the type of democracy Africa needs is the one rooted in African tradition rather than the one foisted on Africans which "is the rigid, Western hegemonic version of it". (Ibid 2003).

Secondly, just as the Cold War era saw the West, especially the United States pay only lip service to democratic ideals by supporting sycophants and psychopaths against democratically elected leaders (as the case of Mobutu against Patrice Lumumba in the Congo and Jonas Savimbi against Eduardo dos Santos in Angola demonstrated), African leaders are paying lip service to democracy in their respective countries and only allow democratic rule to the extent that it does not put their personal interest in jeopardy.

While this trend cannot be totally attributed to western complicity occasioned by colonialism and cold war politics, one can argue that the manner of ascendancy to power also play a role. For instance, almost all the 'third termers' were military leaders either by training or by insurgency and as such, once they acquired power, they set out to legitimize themselves as 'liberators and benefactors' of their respective countries. Nkurunziza became a guerrilla fighter when the University of Burundi where he was an assistant lecturer was attacked during the civil war that ensued by the killing of Hutu President Melchoir Ndadaye in 1993 which left about 300,000 dead in Burundi. He took up arms and became a leader of the Hutu CNDD-FDD rebel group afterwards. Nkurunziza was sentenced to death in absentia by a Burundian court in 1998 for laying land mines, but received amnesty under the peace accord that ended the civil war. (Williams, 2015). Paul Kagame commanded the rebel force that ended the 1994 Rwandan Genocide. He came to power in 2000 after having served as Vice President and Minister of Defence from 1994 to 2000. He had his childhood years in Uganda after his family had fled to Uganda in 1959 when he was just two years old. In the 1980s, Kagame fought in Yoweri Museveni's rebel army. Kagame joined the Rwandan Patriotic Front (RPF), which invaded Rwanda in 1990. He later took control of the group upon the death of Fred Rwigyema, its initial leader. Kagame was reputed to have ended the genocide in Rwanda with a military victory.

Joseph Kabila also fought along with his father in the campaign to oust the Mobutu regime. He was the commander of the 'Kadogos' (child soldiers) during the period. Not long after his further military training at the PLA National Defence University in Beijing, China, Kabila became a Major General. He became the Head of State at the age of 29 after his father was assassinated in January 2001. Kabila went on to win the 2006 election as an elected president and was re-elected for a second term in December 2011.

Going by the above, students of political history would argue that leaders of revolutionary movements hardly relinquish power voluntarily. "It's important to note that no leader of a revolutionary movement that captured power after a protracted revolution has left office voluntarily except Fidel Castrol of Cuba after ruling for 48 years – and that was only because he was too ill to continue. From Vietnam (Ho Chi Minh) to China (Mao Tse Tung), North Korea (Kim Ill Sung) to Zimbabwe (Robert Mugabe), Angola (Augustino Neto) to Mozambique (Samora Machel), Ethiopia (Meles Zenawi) to Eritrea (Isias Afewarki) and Uganda (Yoweri Museveni), no leader of such a movement has yet retired from power. They die in office – except for those who are still alive. The Sandinistas in Nicaragua were removed by American power but have retained their leader, Daniel Ortega, and returned to power after a few years in the opposition. Therefore, if Kagame respects term limits and leaves the presidency in 2017, he will have been the second (after Castrol) to relinquish power voluntarily. Given that Castrol left after 48 years and due to advanced age and illness, Kagame – who will be 60

years in 2017, will have pulled off a feat without precedent in the history of all the revolutionary movements." (Bireete 2015).

Put another way, authoritarian precedents continue to shape institutional outcomes in Africa. (Riedl 2014). Signs of a return to authoritarianism thus mark the political landscape of Africa. (Bates *etal* 2012).

The above analysis also finds potency in leadership trait analysis.

Among the most prominent in the study of the application of personality trait to policy choices is Margaret Hermann's Leadership Trait Analysis framework, an approach which focuses upon politically relevant personality traits (Herman, 1980, 2005). Leadership Trait Analysis conceptualizes personality as a combination of seven traits: belief in ability to control events, conceptual complexity, need for power, distrust of others, in-group bias, self-confidence, and task orientation. An individual's score on these variables is measured through a content analysis of their verbal output. More specifically, an assumption is made that the more frequently leaders use certain words and phrases in their interview responses (and other verbal behaviour), the more salient such content is to them. (Hermann, 2005).

Using this technique, Hermann and others have studied the personality and leadership style of a wide range of individuals including political leaders and presidents. (Hermann 1980, Dyson, 2006). Individual characteristics have been linked to factors such as the degree to which a leader challenges or respects constraints in the environment, their openness to information, their motivation for leading, and their preferences over the structure and operation of advisory systems and decision processes (Hermann, 2005).

Some of the traits identified by Herman are as follows; High Belief in Ability to Control Events: indicates the individual's subjectively perceived degree of control over the political environment. Leaders higher in this trait believe themselves to be efficacious in relation to the political environment on a personal level, and perceive that they are an influential political actor. A higher belief in ability to control events leads to a more proactive policy orientation, and a perception that the barriers to successful action are surmountable. In application of this trait in this analysis, it is arguable that when combined with need for power, belief in ability to control events predicts the extent to which a political leader would challenge constraints within the constitution to prolong his stay in power; High Need for Power: individuals higher in the need for power require greater personal control and involvement in policy, and have an increased concern that the policy output reflect their preference, rather than be a consensual group decision. By contrast, the lower the need for power, the greater the willingness to delegate and to accept an outcome contrary to the individual's desire. Hermann, (2005) suggests that individuals high in the need for power will acquire a great degree of expertise in sizing up situations and people, such that they will be very skilled in ensuring that outcomes reflect their preferences. They tended to concentrate debate and decision within tight ''inner circles'' of advisers who did not necessarily occupy positions of formal authority, but were of like mind and personally dependent upon the leader. By contrast, individuals lower in the need for power exhibit less activist leadership styles, and were more comfortable with delegating responsibility and working through regularized structures that diffuse authority to others.

While this paper borrows from Margaret Hermann's Leadership Trait Analysis framework, as recapped above, to partly explain why some African leaders decide to stay longer in power than constitutionally allowed, a full analysis of the verbal behaviours of these leaders based on Herman's "at-a-distance" technique to reach conclusions about the leader's personality trait will be a subject of future research. The argument is that African leaders embarking on a journey of 'third termism' usually display "High belief in ability to control events" and "High need for power" discussed heretofore. They are usually unmoved by public outcry, civil unrest, political opposition or even donors' condemnation and threat of sanctions.

Other factors that could be responsible for 'coup from within' include fear of persecution (African leaders are fond of investigating their predecessors), personal economic interest (guaranteed by access to the state's resources), sense of ownership, lack of a trusted successor and lack of post term opportunities.

African Union Instruments: Between Theory and Practice

Both the AU's Constitutive Act and its 'Charter on Democracy, Elections and Governance' provide clear guidelines for democratic renewal of government and alternation of power.

African Charter on Democracy, Elections and Governance was formulated and adopted by the eighth ordinary session of the AU assembly, held in Addis Ababa, Ethiopia, 30 January 2007 "to entrench in the Continent a political culture of change of power based on the holding of regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies" (AU, 2007). The AU realised that unconstitutional changes of governments are one of the "essential" causes of insecurity, instability and violent conflict in Africa.

Article 10 further states that "State Parties shall entrench the principle of the supremacy of the constitution in the political organization of the State; State Parties shall ensure that the process of amendment or revision of their constitution reposes on national consensus, obtained if need be, through referendum."

Chapter 8 of the charter deals with "Sanctions in Cases of Unconstitutional Changes of Government."

Article 23 stated unequivocally that illegal means of accessing or maintaining power constitute an unconstitutional change of government and shall draw appropriate sanctions by the Union. It listed such illegal means as; "Any putsch or coup d'état against a democratically elected government; Any intervention by mercenaries to replace a democratically elected government; Any replacement of a democratically elected government by armed dissidents or rebels; Any refusal by an incumbent government to relinquish power to the winning party or candidate after free, fair and regular elections; or; **Any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government (emphasis mine)**".

Article 24 states that "When a situation arises in a State Party that may affect its democratic political institutional arrangements or the legitimate exercise of power, the Peace and Security Council shall exercise its responsibilities in order to maintain the constitutional order in accordance with relevant provisions of the Protocol. Article 25 also states that "When the Peace and Security Council observes that there has been an unconstitutional change of government in a State Party, and that diplomatic initiatives have failed, it shall suspend the said State Party from the exercise of its right to participate in the activities of the Union in accordance with the provisions of articles 30 of the Constitutive Act and 7(g) of the Protocol. The suspension shall take effect immediately."

Article 25 further states that "The perpetrators of unconstitutional change of government shall not be allowed to participate in elections held to restore the democratic order or hold any position of responsibility in political institutions of their State; Perpetrators of unconstitutional change of government may also be tried before the competent court of the Union. The Assembly shall impose sanctions on any Member State that is proved to have instigated or supported unconstitutional change of government in another state in conformity with Article 23 of the Constitutive Act. 7. The Assembly may decide to apply other forms of sanctions on perpetrators of unconstitutional change of government including punitive economic measures.

Despite all the laudable provisions of this charter, the AU has not 'delivered' especially in the area of sanctioning leaders who manipulate their own constitutions to prolong their stays in power. The organisation has not been proactive and has been inconsistent in applying the laudable provisions of this charter. With little or no deterrence by way of sanctions, African leaders have increasingly but also brazenly pursued tenure elongation. AU has not taken "all appropriate measures" to ensure constitutional rule, particularly constitutional transfer of power.

AU's handling of this menace has been half-baked at best. Not only has it not imposed sanctions on African 'third termists', the civil society and other opponents of term-limit abrogation have been left without much support from the organisation. Solomon Dersso provided a detailed but stinging critique of AU's handling of constitutional manipulations in Africa.

"In the case of Burkina Faso, the AU failed to express concern or initiate proactive diplomatic intervention to prevent the situation from erupting into a crisis. It was only when the developments reached a crisis level that the Economic Community of West African States (ECOWAS) and the AU reacted. The AU did not condemn Campaore's attempt at manipulating the constitution." (Dersso 2014).

He warned that AU's handling of the case of Burkina Faso will send a bad signal to a number of African countries where signs of tampering with presidential term limits have emerged as incumbent Presidents approach the end of their term.

"This is not the first case in which the AU failed to apply or show consistency in the application of its rules. Most recently, the AU made an exception to Egypt with respect to the rule prohibiting perpetrators of unconstitutional change from participating in elections. If this trend continues, it will not be long before the AU itself is accused of committing unconstitutionality, while seeking to promote constitutional rule in its member states." (Ibid 2014).

Conclusion

This paper has revealed that constitutional tinkering by African presidents to elongate their stay in power has become a major threat to democratic consolidation in Africa. Many African presidents now operate with impunity in this regard. This has a lot of implications. It has triggered forced migration and refugee crisis. About 150,000 Burundians sought refuge in neighbouring countries since the start of the violence on 26 April 2015 following Burundi's constitutional court ruling that Nkurunziza could run for a third term. It has also generated civil unrest which could have serious implications for regional stability. The UN had indeed warned of the possibility of another civil war in Burundi.

It also portends serious threat to the region's economic outlook. The direct impact of the refugee inflow creates considerable financial burden on the impoverished host nations. The second impact results from changes in domestic and international investment sentiment.

Could the AU have done better? The organisation's hands were tied because of the reluctance on the part of heads of state to condemn the dangerous trend apparently because many of them are also guilty of the

same political manipulation. Besides, the practice of decision-making by consensus within the AU makes it more difficult.

This has also affected sub-regional organisations like ECOWAS to act to prevent dubious constitutional amendments. On 19 May, 2015 a proposal put forward to the heads of state of the Economic Community of West African States (ECOWAS) at its meeting in Accra, Ghana to limit presidential term limits of member states to two terms was opposed by the presidents of the Gambia and Togo because of their personal interests. (Dulani 2015). The Gambian leader, Yaya Jammeh, has been in power since 1994 and is now serving his 4th term in office while President Faure Gnassingbé of Togo was controversially re-elected for a third term in 2015 amidst street protests against his candidacy. Many other African heads of state, including the AU's current chairperson, Zimbabwe's President Robert Mugabe, are unlikely to support a motion for a binding restriction on term limits. The Peace and Security Council report issued by the Institute for Security Studies in June 2015 provided some suggestions;

- A statutory agreement among AU member states that limits presidential terms to two mandates similar to the Lomé Agreement of 2000, which condemns unconstitutional changes of government. As with the Lomé Agreement, this would apply only to current situations and would not be backdated.
- The AU's early warning and preventative diplomacy, together with pressure from the international community, is likely to be the only tool available to the continental institution to prevent more crises from erupting.
- Pressure should be applied to heads of state, behind closed doors, by peers and non-African donor countries.

Civil society movements across Africa should be supported to take a strong stance on the issue of term limits. (ISS, 2015).

If 'Constitution adherence' test is a measure of democratic consolidation in Africa, then Africa has a long way to go in this democratic journey. Can we then have a home-grown democracy that will take account of Africa's pre-colonial political system, or should we remove the term limit altogether? The danger here is that African leaders who have mastered the trick of winning election at all cost will become life presidents should there be no term limit in the constitution. Africa should decentralise power to make the centre less attractive. The lesson from Nigeria shows that a vibrant civil society and a difficult constitutional amendment process could make it difficult if not impossible to manipulate the constitution as shown in the case of president Obasanjo's bid for a third term in office. AU should also gainfully engage past leaders who voluntarily handed power over to their successors to encourage other leaders to do the same. While the Charter is a progressive step towards advancement of democratisation in Africa, the AU must show the political will to act against 'democratic backsliders' in Africa.

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