



Regular Article

Extending term limits, constitutional referendums and elections in francophone Africa

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ABSTRACT

All five francophone Africa presidential elections in Guinea, Côte d'Ivoire, Togo (2020), Chad and Congo-Brazzaville (2021) occurred with incumbents imposing their candidacies beyond presidential term limits which had expired, via controversial constitutional referendums, followed by elections which the incumbents went on to win. This research article discusses how they did it. The paper argues that once incumbents had successfully conducted the constitutional referendums to extend term limits, the election management boards (EMBs) that organized the extension referendums effectively ran the follow-up elections to simply endorse the extension. The successful extension referendums relegated opposition rivals to second rate contestants on the electoral landscape and ensured outright wins for the incumbents in the first round of each election, so as to avoid any second-round risks altogether.

1. Introduction

Across the globe, the convention or norm for the presidential system of government is that a president leaves office once their maximum term or mandate expires, and may be re-elected non-consecutively, as occurred with United States president Grover Cleveland, Russian president Vladimir Putin, Congo-Brazzaville president Denis Sassou Nguesso and Brazilian president Lula da Silva. Consecutive presidential extensions are an anomaly which features quite often in African politics, with the francophone countries dominating. France the former colonial power was itself not practising term limits until 2008. The presidential system of government is the most practised internationally, with at least 80 countries adhering to two maximum presidential terms and as few as twelve adhering to one-term presidencies (Young, 2014). In all the five most recent or latest presidential elections in francophone Africa - Guinea, Côte d'Ivoire and Togo in 2020, Chad and Congo-Brazzaville in 2021, the incumbents imposed their electoral candidacies beyond their stipulated presidential term limits which had expired, through controversial constitutional referendums, followed by elections which they went on to win. This research article discusses how they occurred.

It had been observed previously that francophone Africa was in a constant state of flux (Fomunyoh, 2001; Toungara, 2001) with more than its fair share of extensions to presidential term limits (Carter, 2016; Reyntjens, 2016; Yarwood, 2016) and subsequent electoral victories for the incumbents (Reyntjens, 2020). The five cases presented in this

article therefore reflect an existing trend of a clear francophone majority in presidential extensions beyond term limits on the African continent. Out of at least 18 African countries known to have experienced extensions to presidential term limits, ten are francophone, three anglophone, three belgicophone, and two lusophone (Amoah, 2019, pp. 3–25). Currently, all heads-of-state in presidential extensions are francophone except for Uganda which is anglophone and Equatorial-Guinea which is lusophone. Incidentally, a byproduct of the phenomenon appears to be tactical replacement by their offspring when they cease to be presidents. Across the continent, notable examples of francophone presidents who extended their presidencies beyond the two-term limits include: Omar Bongo of Gabon (42 years in office) whose son Ali Bongo replaced him after his passing in 2009; Paul Biya of Cameroon (41 years and counting); Denis Sassou-Nguesso of Congo-Brazzaville (40 years and counting - in two separate presidential bouts from 1979 to 1992 and from 1997 to date); Gnassingbé Eyadéma of Togo (38 years) whose son Faure Gnassingbé replaced him after his passing in 2005 and was elected into a controversial fourth term in 2020; Ben Ali of Tunisia (34 years); Felix Houphouët-Boigny of Côte d'Ivoire (33 years) in a country where the current president Alassane Ouattara was re-elected into a controversial third term in 2020; Idriss Déby of Chad (31 years) whose son Mahamat Déby replaced him after his passing in 2021; Blaise Compaoré of Burkina Faso (27 years); Abdelaziz Bouteflika of Algeria (22 years); and many more.

In response to the above context is a growing scholarly attention.

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Reyntjens (2016) and Yarwood (2016) noted Congo-Brazzaville's presidential extension of 2015 which reset the presidential clock for further terms, and which I discuss in more detail later in this paper. Mueller (2013) pointed out that "Tandja's attempt to circumvent presidential term limits" in Niger was among the grievances for the 2009–2010 uprisings in the country. Vandeginste (2015) also discussed how the issue was fundamental to Burundi's 2015 electoral crisis when Pierre Nkurunziza pursued a third term. Frère and Englebert (2015) have also shown that term limits formed the basis for Blaise Compaoré's downfall in Burkina Faso in 2014. Reyntjens further highlighted, that extensions to term limits have increasingly become an empirical and constitutional reality which precede elections that consolidate the extensions, and "that incumbents who run often win at the election" (2020: 275) because of incumbency bias (2020: 282–284). In this article therefore, I present the most recent presidential elections of Guinea, Côte d'Ivoire, Togo, Chad and Congo-Brazzaville, all of which were preceded by constitutional referendums conducted by the respective incumbents to extend their expired presidential terms, in order to then stand as presidential candidates, with each incumbent winning the post-extension elections in all five cases.

2. The institutional and political landscape

It is useful to set out the international institutional framework for elections, as well as the local or national political framework within which the elections took place. The effects of partisan electoral commissions or EMBs on voting outcomes have become a real and increasing threat to election administration (Boyko & Herron, 2015). The International Institute of Democracy and Electoral Assistance (IIDEA) has categorized three models of EMBs as independent, governmental, or mixed. Respectively, this means the EMB could be: (a) autonomous from the executive branch of government; (b) organized and managed by the executive branch of government through a government ministry (for example, Permanent Bureau of Elections in Chad or Ministry of Interior in Congo-Brazzaville); or (c) a combination of the two models working in tandem (IIDEA, 2014, pp. 6–26). This research examined the respective EMB models and their conduct in each of the five selected cases, and explores the argument that, once the incumbent had successfully conducted referendums which granted the constitutional amendment to impose their expired candidacies, it became impossible for the incumbent not to win the subsequent election on that very unlevel playing field created by the successful referendum. Birch, van Ham, and Carolien (2017) have noted that *de jure* independence does "not always translate into *de facto* impartiality, and electoral commissions can fall under the sway of incumbent political forces" (2017, p. 489). Hence the often-touted EMB autonomy is hardly ever independent from political manipulation and control, even under normal circumstances (Kelley, 2012).

In any tight two-horse race in winner-take-all political systems (Amoah, 2020; Kelley, 2012), the political stakes become quite high between the incumbent and the main opposition, as occurred in: (a) Gabon, Ghana and Gambia during the 2016 presidential elections, and Kenya during the 2017 presidential elections (Amoah, 2020); (b) Ghana again during the 2020 presidential elections which resulted in a 51.3% win for the incumbent and 47.36% for the runner-up; (c) Gambia again in 2021 where the electoral race became tight and tense, as the incumbent Adama Barrow formed a new party just before the election and stood against the main opposition candidate who was leader of the original party that brought Barrow into the presidency in 2016. This article presents the perspective that, to avoid such high stakes and any potential risks, the opposition candidates were disadvantaged on the electoral landscape, first by the imposed constitutional changes which paved the way for an expired incumbent to enter an electoral competition hitherto barred, and subsequently by other forms of intimidation as the discussions would later demonstrate in this article. The opposition candidates had therefore been rendered to second rate contestants who

posed minimal threat on a playing field heavily tilted in favour of the incumbent. In the cases of Guinea and Côte d'Ivoire, the EMBs that conducted the extension referendums were also in charge of the post-referendum elections won by the incumbents. In Togo, Chad and Congo-Brazzaville where citizens were historically accustomed to their incumbent's already existing hegemony over several decades, the EMBs simply carried on with business as usual to run an incumbent's election.

3. Methods

This paper has been developed from secondary data analyses of election results, existing constitutions, reported activity by civil society organisations and credible news media, while also examining the institutional frameworks for conducting elections as reported to the IIDEA. The selection of countries focussed on the latest presidential elections in francophone Africa where the phenomenon of presidential extensions has predominated in the past, to see if the trend continues. The sampling criteria therefore generated the presidential elections of Guinea, Côte d'Ivoire and Togo in 2020, Chad and Congo-Brazzaville in 2021. Statistical data presented in Tables 1–5 are the official results from the EMBs, the relevant government ministry or constitutional court. The research explored the respective political contexts leading up to each vote and assessed the constitutional provisions which existed prior to the constitutional referendums or revisions that subsequently allowed each incumbent whose mandate had expired to stand in elections hitherto barred. Articles or relevant sections of the respective constitutions are duly cited in the analyses. The research noted instances of civil unrest and resistance to extension referendums, as well as government repression of the civic resistance, including internet shutdown where occurred. The research examined the role of election observers, and to what extent both local and international observers were allowed or limited in all five electoral circumstances. The research also took a close look at voter turnout, which is a recurring theme in elections (Lijphart, 1997) and has analytical importance to observer guidance and decision making (Schelker & Schneider, 2017). For each case, the research explored the election management processes, institutional design and conduct of the EMBs, while noting the results to signify electoral landscapes heavily tilted in favour of the incumbents.

Table 1
Guinea election results by presidential candidate.

Candidate	Party	Votes	%age
Alpha Condé	Rally of the Guinean People	2,438,815	59.50
Celou Calein Diallo	Union of Democratic Forces of Guinea	1,372,820	33.49
Ibrahima Abé Sylla	New Generation of the Republic	63,676	1.55
Ousmane Kaba	Party of Democrats for Hope	48,623	1.19
Ousmane Doré	National Movement for Development	46,235	1.13
Makalé Camara	Front for National Alliance	29,958	0.72
Makalé Traoré	Party of Civic Action for Work	29,589	0.72
Abdoul Kabélé	Guinean Rally for Development	22,507	0.55
Camara Abdoulaye Kourouma	Rally for Renaissance and Development	19,073	0.47
Mandiouf Moro Sidibé	Alliance for the Forces of Change	10,362	0.25
Laye Souleymane Diallo	Party of Freedom and Progress	9619	0.23
Bouya Konaté	Union for the Defence of Republican Interests	7544	0.18
Total		4,098,921	100.00
Valid votes		4,098,921	96.05
Invalid/blank votes		168,653	3.95
Total votes		4,267,574	100.00
Registered voters/turnout		5,367,198	79.51

Source: Independent National Electoral Commission (CENI)

Table 2
Côte d'Ivoire election results by presidential candidate.

Candidate	Party	Votes	%age
Alassane Ouattara	Rally of Houphouëtists for Democracy and Peace	3,031,483	95.31
Kouadio Konan Bertin	Independent	64,011	2.01
Henry Konan Bedie	Democratic Party of Ivory Coast	53,330	1.68
Pascal Affi N'Guessan	Ivorian Popular Front		1.01
Total		3,180,810	100.00
Valid votes		3,180,810	97.28
Invalid/blank votes		89,003	2.72
Total votes		3,269,813	100.00
Registered voters/turnout		6,066,441	53.90

Source: Independent Electoral Commission (CEI) <https://www.conseil-constitutionnel.ci/archives-et-decisions/decision-ndeg-ci-2020-ep-01009-11ccsg-du-09-novembre-2020-portant-proclamation>; [cei.ci](https://www.cei.ci).

Table 3
Togo election results by presidential candidate.

Candidate	Party	Votes	%age
Faure Gnassingbé	Union for the Republic	1,760,309	70.78
Agbéyomé Kodjo	Patriotic Movement for Democracy and Development	483,926	19.46
Jean-Pierre Fabre	National Alliance for Change	116,336	4.68
Aimé Gogué	Alliance of Democrats for Integral Development	59,777	2.40
Wolou Komi	Socialist Pact for Renewal	29,791	1.20
Georges Williams Kuessan	Santé de Peupel	19,923	0.80
	Civic Movement for Democracy and Development	16,814	0.68
Total		2,486,876	100.00
Valid votes		2,486,786	89.80
Invalid/blank votes		282,411	10.20
Total votes		2,769,287	100.00
Registered voters/turnout		3,614,056	76.63

Source: Constitutional Court ([courconstitutionnelle.tg](https://www.courconstitutionnelle.tg))

Table 4
Chad election results by presidential candidate.

Candidate	Party	Votes	%age
Idriss Déby	Patriotic Salvation Movement	3,663,431	79.32
Albert Pahimi Padacké	National Rally of Chadian Democrats	476,464	10.32
Lydie Beassemda	Party for Democracy and Independence	145,867	3.16
Félix Ramadoumngar Nialbé	Union for Renewal and Democracy	87,722	1.90
Brice Guedmbye	Movement of Patriotic Chadians for the Republic	64,540	1.40
Baltazar Alladoum Djarma	Chadian Socialist Action for Renewal	59,965	1.30
Saleh Kebzabo	National Union for Democracy and Renewal	47,518	1.03
Théophile Bongoro	Party for Rally and Equity in Chad	34,610	0.75
Théophile Yobombé	Union of Progressive Workers for Cohesion	19,923	0.43
Ngarlely Yorongar	Federation, Action for the Republic	18,693	0.40
Total		4,618,733	100.00

Source: Independent National Electoral Commission (CENI)

4. Guinea's presidential election of 2020

The 2020 presidential elections occurred on 18 October. Incumbent president Alpha Condé of the Rally of the Guinean People (RPG) won with 59.5% of the vote, followed by Cello Calein Diallo of the United Democratic Forces of Guinea (UFDG) who got 33.49%. Other candidates on the ballot obtained too few votes to matter, for example, Ibrahima Abé Sylla of New Generation for the Republic (NGR) got 1.55% of the vote, and this was the next best after Diallo. The elections were

Table 5
Congo-Brazzaville election results by presidential candidate.

Candidate	Party	Votes	%age
Denis Sassou-Nguesso	Congolese Labour Party	1,539,725	88.40
Guy Brice Parfait Kolélas	Union of Humanist Democrats-YUKI	139,561	7.96
Mathias Dzon	Patriotic Union for National Renewal	33,497	1.92
Joseph Kignoumbi Kia Mbongou	La Chaîne	10,718	0.62
Dave Mafoula	Sovereignists	9143	0.52
Albert Oniangué	Independent		
Anguios Nganguia Ebganbé	Party for Action of the Republic	3157	0.18
Total		1,741,778	100.00
Valid votes		1,741,778	98.03
Invalid/blank votes		35,008	1.97
Total votes		1,776,786	100.00
Registered voters/turnout		2,645,283	67.17

Source: Constitutional Court ([cour-constitutionnelle.cg](https://www.cour-constitutionnelle.cg))

conducted by the Independent National Electoral Commission (CENI) which has been designated by IIDEA as independent (2014, p. 380). Guinea has a two-round system of voting, so that a first round without an absolute majority proceeds to a second round, according to Article 28 of Guinea's Constitution of 2010 ([Constitute, 2010](https://www.constitute.org/constitution/constitution-2010)).

The maximum two-term limits for Condé expired in 2020. However, he ran for a third term that was made possible by a constitutional referendum on 22 March 2020 which reset the term limits clock to recommence from 2020 so that Condé could feature as a presidential candidate in the October 2020 elections. The referendum was violently protested across the country, despite having passed by 89.76% with a 58.24% voter turnout according to the [Republique de Guinée Cour Constitutionnelle \(2020\)](https://www.republique-de-guinee.gouv.gn/cour-constitutionnelle). The protests were severely repressed, and the referendum's credibility was tarnished. It was reported that at least 50 people were "killed with impunity during protests" ([Amnesty International, 2020](https://www.amnesty.org/en/latest/news/2020/03/guinea-referendum-protests)). Human Rights Watch had also catalogued "serious human rights concerns" ([Human Rights Watch, 2020](https://www.hrw.org/news/2020/03/22/guinea-referendum)). Prior to the referendum, credible election observers such as the Economic Community of West African States (ECOWAS) Observer Mission and the European Union Election Observer Mission (EU EOM) had expressed concerns over the electoral database, as some 2.5 million unregistered voters were discovered, and the African Union (AU) cancelled its observer mission for similar reasons ([Deutsche Welle, 2020](https://www.dw.com/en/guinea-referendum-observers-cancelled); [The Independent, 2020](https://www.independent.co.uk/news/world/africa/guinea-referendum-observers-cancelled)). Additionally, there were reports of severe disruptions of internet, telephone services and social media platforms on the day of the referendum ([Internet Starters, 2020](https://www.starters.com/news/2020/03/22/guinea-referendum)). The presidential vote therefore featured an uneven playing field heavily tilted in favour of the incumbent who had systematically used state apparatus to intimidate the opposition and the public in the months leading to the poll. Against this context, the not-so-independent CENI was not in the position to preside over an electoral process for the incumbent to lose ([Reyntjens, 2020](https://www.reyntjens.com/2020/03/22/guinea-referendum), pp. 275, 282–284).

5. Côte d'Ivoire's presidential election of 2020

The 2020 Ivorian presidential elections occurred on 31 October. Incumbent Alassane Ouattara got re-elected with 95% of the vote for a third term, in an election which encountered a blanket boycott by opposition parties and their candidates. Kouadio Konan Bertin who was an independent candidate got just under 2% of the vote. The elections were conducted by the Independent Electoral Commission (CEI) which has been designated by IIDEA as independent (2014, p. 378). Article 56 of Côte d'Ivoire's new 2016 constitution allows for a two-round system of voting in which a second round occurs when the absolute majority is not obtained in the first (Constitute, 2016).

Ouattara's presidency was to expire in 2020 when he fully served out his two maximum terms from the 2000 constitution that ushered him into office in 2010. Article 35 of the 2000 constitution stated that "he is only reeligible one time". However, soon after his second term began in 2015, he pushed through a new constitution in 2016 which stated in Article 55 that "he may be re-elected only once" (Constitute, 2016). This 2016 constitution also reset the clock of presidential term limits to commence from 2020, so that he could present himself as a candidate in 2020. Ouattara's rhetoric, either on 4 January 2017 (International Business Times, 2017) or 5 March 2020 (Reuters, 2020) that he would not run again as president, was not to be believed by serious analysts who think he should have rejected his party's nomination to be presidential candidate in the first place. As Ouattara was already bent on maintaining his grip on power, he presented his Prime Minister Amadou Gon Coulibaly as the presidential candidate for the Rally of Houphouëtists for Democracy and Peace (RHDP), who unfortunately died in July 2020. Rather than find someone else, Ouattara made himself the presidential candidate, as conveniently schemed for by his new 2016 constitution that was now in place.

The CEI was deemed as not credible. A report issued by the African Court on Human and Peoples' Rights in July 2020 had already indicated that the CEI had not fully complied with its compositional obligations due to "the manifest imbalance in the number of chairpersons of the local electoral commissions proposed by the ruling party" (ACHPR, 2020, pp. 4 & 6). Voting was characterised by serious security incidents across the country, including political violence at community levels, to the extent that 23% of polling stations could not operate, and 6% of those that did were forced to close before the counting and announcement of results could be completed, according to the non-governmental organization Indigo funded by the National Democratic Institute (NDI) which deployed almost 1000 election monitors across 750 polling sites in the country. Indigo further reported that "the election was marred by violence not conducive to a large voter turnout and optimal voting conditions" (The Africa Report, 2020). The inoperability of that high percentage of polling stations and the inefficacy of some others, do cast a definitive doubt on the CEI's reported voter turnout of 53.9% for 2020, which appears to be more than the 52.86% voter turnout for the 2015 presidential election that was not boycotted by opposition parties and experienced better voting conditions.

6. Togo's presidential election of 2020

The 2020 presidential elections in Togo occurred on 22 February. Incumbent Faure Gnassingbé of the Union for the Republic (UPR) got re-elected for the fourth presidential term, with a 70.78% victory over his main rival Agbémomé Kodjo of the Patriotic Movement for Democracy and Development (PMDD) who got 19.46%. Other minor candidates such as Jean-Pierre Fabre of the National Alliance for Change (NAC) got 4.68%, and Professor Aimé Gogué of the Alliance of Democrats for Integral Development (ADDI) got 2.4%, whilst Wolou Komi of the Socialist Pact for Renewal (SPR) got 1.2%. The elections were conducted by the Independent National Electoral Commission (INEC) which has been designated by IIDEA as independent (2014, p. 392).

Constitutional amendments of May 2019 changed the voting system

from the previous first-past-the-post system inherited from France and previously practiced by most francophone African countries, to a two-round system that would allow for a second round when the absolute majority is not obtained in the first. The first-past-the post voting system was discredited because a presidential candidate could win by the most marginal of votes and by the least voter turnout imaginable in a single round. Also included in the 2019 constitutional amendments, was the re-introduction of the maximum two-term limits for presidents that had been abrogated by former president Gnassingbé Eyadema in 2002 when he imposed Article 59 of the 1992 constitution then in operation to state that "he was reeligible" (Constitute, 2007). A vigorous campaign from August 2017 by political parties and civil society groups for the two-term limit to be applied retroactively failed. It would have disqualified Faure Gnassingbé as a fourth-term candidate.

It will be recalled that Faure Gnassingbé's father Gnassingbé Eyadéma was president for 38 years from 1967 to 2005 (the longest-serving president at the time of his passing on 5 February 2005). Faure Gnassingbé was sworn in the next day as president by the National Assembly even though Article 65 of the 1992 constitution which was then in operation required the President of the National Assembly to assume the vacancy (Constitute, 2007). He was subsequently nominated as the head of his father's Rally of the Togolese People (RPT) on 25 February 2005, and consequently as presidential candidate. He won the 2005, 2010 and 2015 elections, the last of which gave him a third term in office as he was simply reeligible. The protests from August 2017, principally about the third term, moved Faure Gnassingbé to approve plans for amending Article 59 to reintroduce a two-term limit, however, he insisted that the new presidential terms should commence from the 2020 elections rather than retroactively. The not-so-independent INEC could not conduct an election for the powerful incumbent to lose, as was the tradition over several decades when his father the former president was in office.

Against the above background, the game was set for the incumbent to perpetuate his tenure. Since the reforms sought by political parties, civil society groups and citizens did not gain traction within the new majority UPR National Assembly that came into session after the December 2018 parliamentary elections, the incumbent remained on the ballot paper going into the 2020 presidential elections.

About a month to the election, the Emeritus Archbishop of Lomé Philippe Fanoko Kpodzro, opposition leaders and civil society groups called for a suspension to allow sufficient time for reforms to be carried out. The reforms sought included "reorganization of the Constitutional Court, establishment of a reliable electoral register and the reorganization of the Independent National Electoral Commission" (CISA, 2020), but their calls were ignored. As Togo was notorious for internet shutdowns during previous elections, the Committee to Protect Journalists co-wrote to the government on 19 February 2020 not to shut the internet (Committee to Protect Journalists, 2020), but this was also ignored, and the opposite occurred (OONI, 2020). The NDI also reported that accreditation for their staff was revoked by INEC on 18 February and the NDI staff expelled from the country, as was the accreditation for the National Consultation of Civil Society of Togo which was also cancelled on 17 February. On 3 March, the constitutional court rejected the suit filed by the main opposition PMDD candidate Agbémomé Kodjo on 25 February to contest the election result, while the interior ministry (Ministry for Territorial Administration) disallowed all protests and deemed them illegal, as noted in a press statement by the Africa Center for Strategic Studies (ACSS, 2020). Faure Gnassingbé went on to win the elections, with the result being announced by the constitutional court and not INEC because of the petition that was filed against the result which then had to be adjudicated by the court.

7. Chad's presidential election of 2021

The 2021 presidential elections were held on 11 April. Incumbent Idriss Déby of the Patriotic Salvation Movement (MPS) ran for a sixth

term and won by 79.32% of the vote, while Albert Pahimi Padacké of the National Rally of Chadian Democrats (RNDT) won 10.32%. Article 71 of the 2018 constitution allows for a two-round system of voting, so that a second round could take place when the absolute majority is not obtained in the first (Constitute, 2018). The IIDEA has designated Chad's model of electoral management as mixed, comprising the Independent National Electoral Commission (INEC) and the Permanent Bureau of Elections (IIDEA, 2014, p. 214). However, the budget for this mixed body is approved directly by the executive branch of government, and not parliament.

Idriss Déby was head-of-state for 31 years from 1990 to 2021, during which he re-engineered constitutional revisions each time his two-term maximum expired. When his two five-year terms of 1996 and 2001 were to expire in 2006, he introduced a new Article 61 in 2005 which abrogated term limits and simply stated that he "is re-eligible", meaning unlimited terms. This reset the clock for presidential terms to recommence from 2006 and allowed him fresh five-year mandates for 2006 and 2011. The 2016 election based on the "re-eligible" 2005 constitution re-elected him for a fifth term. However, subsequent contextual agitations against unlimited presidential terms led to Article 66 of a new (2018) constitution which reversed the abrogated term limits to two terms, but extended the duration of the term from five to six years; Article 66 of this 2018 constitution now stated that the presidential term was "renewable once" (Constitute, 2018), and no longer unlimited. For the 2021 elections, intimidation from security forces caused the main opposition leader Saleh Kebzabo to quit the presidential race. Idriss Déby therefore comfortably won his sixth-term election of 2021, which was to retain him until 2027. Unfortunately, he died nine days later at the battlefield on 20 April 2021.

8. Congo-Brazzaville's presidential election of 2021

The 2021 presidential elections were held on 21 March. Incumbent Denis Sassou Nguesso of the Congolese Labour Party (PCT) was re-elected with 88.4% of the vote, in a country where the existing opposition is of no real consequence. The main opposition candidate Guy Brice Parfait Kolélas of the Union of Humanist Democrats-YUKI (UDH-YUKI) died of covid-19 on election day, having garnered just 7.96% of the vote. Article 67 of the new 2015 constitution allows for a two-round system of voting, so that a second round could take place when the absolute majority is not obtained in the first (Constitute, 2015). The IIDEA has designated Congo's model of electoral management as mixed, comprising the Ministry of Interior and the National Commission for the Organization of Elections (NCOE) (IIDEA, 2014, p. 378). It is not clear which roles each play, and how independent the NCOE really is (IIDEA, 2014, p. 8), especially if the constitutional court also weighs in to certify or announce an electoral result of which there was no dispute.

Nguesso has been head-of-state in two interspersed bouts. The first covered 14 years from 1979 to 1992. In his second coming from 1997, he has implemented two constitutional referendums to reset the clock for presidential term limits. The first referendum of 2002 introduced two maximum seven-year terms which expired in 2016. However, before the 2016 expiry, another constitutional referendum of 2015 introduced a new five-year term to commence from 2016. Article 65 of the new (2015) constitution stated that the term was "renewable two (2) times" (Constitute, 2015), meaning he could run for three more times from 2016. Opposition politics is weak, and functions only as a token.

In February 2021, the Catholic Bishops issued a statement expressing serious reservations about the electoral roll, the independence of the electoral commission, and an 8pm curfew imposed for election day. The Catholic Church's subsequent request to deploy over 1000 election observers on election day was denied altogether (Association for Catholic Information in Africa, 2021). Election period curfew and internet shutdowns (Sahara Reporters, 2021) made it practically impossible for any independent real time collation of results by anyone else apart from the government. Observer participation was extremely minimal. Key

international observer groups such as the EU EOM did not bother to send teams to the country.

9. Conclusions

We can therefore conclude, that in all five cases discussed, there was a systematic intimidation of the political landscape using the state apparatus, so that the opposition had been subdued to the point of incompetence in Guinea, Togo, Chad and Congo-Brazzaville, or ultimate boycott in Côte d'Ivoire. It became a common position that the post-referendum elections conducted by the not-so-independent EMBs always resulted in the incumbents winning.

Each of the five countries had switched from the first-past-the post system of voting which ensured an outright win for whoever pulled the most votes in only one round, to a two-round system of voting. But the overwhelming incumbent advantage ensured that all five incumbents won the absolute majority at the very first round and avoided a second round anyway; the incumbents took no chances to risk a second round.

Due to the severely limited opposition participation on election day in Guinea, Togo, Chad and Congo-Brazzaville, or the blanket opposition boycott in Côte d'Ivoire, turnout became a moot point in the debate, especially as all five incumbents won the absolute majority in the first round of voting. Hence the turnout data quoted by EMBs became inconsequential, except for Côte d'Ivoire, where the voter turnout for the 2020 presidential elections (53.9%) under a blanket opposition boycott appears to be more than the turnout for 2015 (52.86%) which experienced full participation from opposition parties and better voting conditions.

Chad and Congo-Brazzaville operate a mixed model of EMB jointly, with a Permanent Bureau of Elections and Ministry of Interior respectively. However, it remains unclear the exact relationship between the EMB and the government ministry in both cases, except for the EMB's clear lack of independence. In Chad's case for example, the EMB's budget comes directly from government without parliamentary oversight.

Guinea, Côte d'Ivoire, and Togo are purported to have independent EMBs, although it is clear from the discussion that they were not that independent. Moreover, it is usually the case that an electoral dispute would be adjudicated by a constitutional court, hence Togo's final election result was announced by the court after looking at the dispute. However, it appears that Congo-Brazzaville's 2021 presidential election result was also announced by the constitutional court even though there was no dispute.

All five cases encountered instances of internet shutdowns by the government, which made it impossible for observers to collate real-time results. Overall observer participation had been restricted in all the cases, to the point that some accreditations in Togo had been revoked at the last minute.

There have been a few exceptions. In 2006, the Nigerian parliament objected to Olusegun Obasanjo's attempted presidential extension. In 2008, Abdoulaye Wade effected a constitutional amendment in Senegal which introduced a third presidential term but was prevented from reaping its fruits by a sound rejection of him at the 2012 presidential election when he lost in the second round to Macky Sall. In 2014, ordinary citizens in Burkina Faso rejected the attempt by Compaoré to extend his term limits and marched into the parliament building to disrupt the National Assembly's proceedings underway to legitimise the attempted extension. From 2015 to 2018, civil society in DRC resisted Joseph Kabila whose two maximum terms expired in December 2016 but wanted to remain in office (Amoah, 2022, p. 317). These are the few odd cases of unsuccessful attempts at presidential extensions. Otherwise, it is usually the case that extension attempts are successful and proceeded by elections often won by the incumbents, with francophone countries in dominance.

It has been argued that ECOWAS, and by extension the AU, failed in their institutional capacities to prevent each of these five heads-of-state

from pursuing extensions to their presidencies. In the case of Guinea, it was not enough for the AU to cancel its observer mission for the March 2020 constitutional referendum. Both the AU and ECOWAS should have opposed the Guinean incumbent, especially as 2.5 million unregistered voters were found on the electoral database for the referendum. Eventually, the incumbent pursued a third term and was subsequently overthrown by a military coup in September 2021, less than a year after winning the third term election in October 2020. Following this coup, the AU suspended Guinea, and ECOWAS also imposed sanctions on Guinea. If the AU and ECOWAS cannot prevent extended presidencies, then they have no business imposing sanctions on countries which incur coups because of extended presidencies. ECOWAS and the AU should have prevented the four others discussed in this article from pursuing extended presidencies to as much as a third term by Ouattara in Côte d'Ivoire, a fourth by Eyadéma in Togo, a fifth by Nguesso in Congo-Brazzaville and a sixth by Deby in Chad, not to mention the other cases that were not discussed in detail in this article. ECOWAS and AU should institute a policy to prevent extensions to term limits.

CRedit authorship contribution statement

Michael Amoah: Conceptualization, Methodology, Validation, Formal analysis, Investigation, Data curation, Resources, Writing – original draft, Writing – review & editing.

Declaration of competing interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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