

Extension of Presidential Mandate in Africa

By Barrister Felix Agbor Nkongho*

The extension of presidential mandate is not alien to Africa. There have always been attempts to amend the constitution to enable the president have another term of office. Thus it wasn't surprising when I read that the Nigerian Senate sub-committee has proposed that President Olusegun Obasanjo should be allowed a third term in office.

Even in the days when there were no constitutional limits on the term of office, Presidents such as Ahmadou Ahidjo of Cameroon, Mwalimu Julius Nyerere of Tanzania and Leopold Senghor of Senegal stepped down willingly, however, it was only after they had held office for close to 20 years.

Amongst the new democratically elected leaders of the 90s, the practice of prolonging the term of a president began in Namibia. In November 1998, the Namibian Constitution was amended to allow Sam Nujoma to have a third term.

This was the same situation in Burkina Faso where the Constitutional Court ruled that Campaore could run for re-election. Others such as Chiluba of Zambia and Bakili Muluzi of Malawi tried to mount a campaign to amend the constitution to enable them to seek a third term of office but failed.

Whilst others such as Miguel Travoada of Sao Tomé and Príncipe and Mali's Alpha Oumar Konare retired following the end of their second terms.

There is a lot of similarity in the call for an extension of the mandate in Nigeria with that of Cameroon. It is often organized by some members of the ruling party with the argument that limiting presidential term is undemocratic.

A few months ago, there were calls by some members of the ruling CPDM party headed by Ferdinand Leopold Oyono et al that the constitution should be amended to give President Biya; the head of the geriatric predatory autocracy and neo-patrimonial government, the opportunity to be re-elected in 2011.

There is no gainsaying that the constitution makes provision for amendment and it's a democratic right to amend it. The constitution of January 18, 1996 states in its article 6 (2) 'The President of the Republic shall be elected for a term of office of seven years. He shall be eligible for re-election once.' Article 63 (1) makes provision for amendment proposal by either the president or parliament.

Also Article 6 (4) provides that 'The President of the Republic may decide to submit any bill to amend the Constitution to - a referendum; in which case the amendment shall be adopted by a simple majority of the votes cast'.

In each case, a fraudulent referendum or other presidentially engineered shenanigans may get a revision passed and the exponents of the amendment will be dancing to the rhythm of the party coupe de calé. It is undesirable to amend the constitution to allow for another term of office for the president. We still have not fully implemented the 1996 constitution.

The arguments for an extension of term of office speak of retaining the experience of the incumbent, of allowing time to complete reforms begun, of ensuring political stability and of the failure of any obvious successors to have emerged.

The nation needs national heroes who serve and retire without being removed from office in disgrace. The president should leave office with his reputation and integrity intact, and

not go the way of Kaunda and other African leaders, who have been discredited by serving virtual life terms in office.

The extension of the term creates a danger of further unlimited terms of office with ultimate loss of legitimacy, dictatorial tendencies and loss of power in disgrace. If it seems only a minor change in the constitution, it should be remembered that the same power that can change the constitution as regards its requirements of terms of office could also be used to demolish other restraints that might now be respected.

Like in Ivory Coast, Togo and Central Africa Republic, any modification of the constitution, revision, or amendment has a lot to play in the political life or political regime.

In our highly personalized and poorly institutionalized country, with shaky constitutional arrangements and sturdy habits of clientelism, the fate of democracy may hinge on whether civil society groups, the clergy, opposition parties, journalists, students and ordinary citizens can match wits and strength with resourceful rulers, who aim to cling to power.

The ability of Cameroonians to put a final period to the era of the "president for life" will, in my opinion, constitute the biggest step yet taken on the long road to genuine democracy.

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