

Mobilizing and Advocating for Presidential Term Limits in Africa: Strategies and Approaches

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&

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"It's our role! We are in our role! ... We are fighting to put a definitive end to the instrumentalization of the Constitution in Africa and manipulation of the Constitution, with the sole purpose of preserving power and sharing resources with a presidential camp and also the political family . If we succeed this fight in Senegal, it will snowball on the African continent.

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Introduction

During the last decade, we have witnessed a proliferation and intensification of pro-democracy and pro-limitation movements of electoral mandates, especially presidential mandates in Africa. After the Arab Spring that triggered a reconsideration of secular mandates in the Maghreb countries, the wind of protest has spread more and more to Africa south of the Sahara, leading to the birth of social movements more and more present, critical and active in the field. If in the past political struggles were the prerogative of political actors and political parties, we note that since the early 2000s, citizens have taken a fairly important and central part in the political debates, in the mobilization for either the respect for the limitation of presidential mandates already provided for in the constitutions of certain countries, i.e. for the establishment of a limited duration of the presidential mandates in the constitutions for the others. These actions have had varying degrees of success depending on the socio-political contexts of the countries concerned. Indeed, while in some countries the struggles have led to success¹, others have failed.²

In some countries, government institutions, in this case constitutional councils/courts, have helped the sitting presidents to stay. But in others, they have proved to be true last guarantors of the constitution by stopping officeholders from proceeding with their perilous plans. Wherever the debate on the limitation of presidential terms has been successful, we note that several people, several associations including associations and organizations of human rights defense, trade unions, political parties (especially of the opposition), pro-democracy social movements mobilized to say "no" to reign for life, the non-limitation of presidential terms, the untimely modifications of the constitution. Of course, these acts of mobilization were very often repressed by the power in place, with its corollaries of exiles, wounded, imprisoned, murdered, etc. The path is not yet over but the trend clearly shows that we are inexorably heading towards the advent of African countries where constitutions now provide for a limitation of presidential terms and where political actors respect the terms/durations of their mandates. It is clear that African citizens have become fully aware or have begun to realize the need to guarantee electoral mandates, especially those limited to presidential elections, and will no longer accept that their future remains in the hands of a single individual or a small group who very often only govern in their own interests. Therefore, it is important to make available to individuals, associations, organizations and pro-democracy civil society movements as well as all those who are already mobilized or who now wish to engage in actions in favor of respecting presidential mandates (when a limited duration of the mandate already exists in the constitutions) and/or the limitation of the presidential mandates, a tool able to help them in their dynamics of daily work. It is crucial to give advice and tips to these men and women, or to recommend approaches they can take through advocacy and citizen mobilization, while thinking of ways to manage the safety of those who engage in such initiatives. This guide does not offer "standard" solutions that apply equally to all scenarios. However, it strives to propose a methodology and set of strategies to improve the planning and conduct of actions aimed at limiting presidential terms.

The lessons of the most successful instances of social mobilization and advocacy on limiting presidential terms come from the individuals, the pro-democracy movements and organizations themselves, their daily experiences, and the tactics and strategies they have adopted over the years to achieve this goal.

¹ We consider an initiative a success when they have made it possible for presidents who wished to overstay their mandate to respect term limits, or when they have led presidents to renounce their attempts to change their country's constitution to remain in power.

² We consider that an initiative fails when the arguments and votes in favor of not enforcing presidential term limits take the upper hand, or when even in the face of strong opposition movements, proponents of constitutional changes to end term limits prevailed.

That said, defenders of the limitation of electoral mandates, especially presidential, can significantly improve their work, their commitment by respecting rules and procedures that have proven themselves.

This document represents a modest contribution to the common goal pursued by many different organizations to defend the extremely valuable but delicate work of human rights defenders and pro-democracy movements on issues of respect and limitation of electoral mandates. The latter are the main stakeholders as the main protagonists of this adventure.

Vision of the guide

You can imagine an Africa in which the devolution of power is without bloody conflicts, without cries, without tears, without injuries, without uncertainties of a threatening tomorrow. You can dream of days when presidents at the end of their mandate at the head of the state, organize the handover without trying to stay in power, or leave the power to focus on other business. You can see the day when political opponents honestly and effectively carry out their work as political opponents, to raise awareness and educate people to stand in solidarity with the Head of State on questions of national interest, to build the nation-state where living together predominates over selfish interests, and without thinking of crushing the state.

This new Africa is possible. But many sacrifices and personal commitments must be made to create the Africa we want. Every citizen should imagine, from his position and from where he is, what his contribution, strategic and effective, can be to raising our continent to this level. We can do it individually, but it will be just as fast, if not faster, to organize ourselves, pool our efforts and know-how, and position ourselves as real actors of change in the field for the struggle to institutionalize the respect of term limits and electoral mandates, especially presidential ones.

Currently, socio-political changes are a concept well known and studied by many citizens of the world, including in our different African countries.

Mobilization and advocacy for presidential term limits can be successfully developed, adapted and executed in any context regardless of the repressive environment and regardless of the financial or social status of those seeking to bring about significant change.

Purpose of the Guide

This guide is a companion document to all initiatives and productions dealing with advocacy and mobilization issues in a variety of areas. This guide has the particularity of offering avenues of reflection, strategic approaches and practical advice to any person, group, association and/or social movement who wishes to engage effectively in actions in favor of the limitation of presidential mandates. It calls for a thorough analysis and understanding of the specific contexts of each country to propose and build relevant and innovative approaches, often at risk, with a view to achieving and enforcing the limitation of presidential terms. This guide focuses on experiences from rapidly changing Sub-Saharan African countries, which have often been the subject of multiple socio-political struggles, but whose experiences have often remained unstudied. This guide therefore proposes, beyond their seemingly simplistic approaches, real lessons, techniques, approaches and tips for building pro-democracy struggles and pro-limitation of winning presidential terms, to guard against certain reprisals that are inherent to such initiatives and, above all, to establish genuine citizen movements capable of mobilizing, resisting and producing the necessary changes on the constitutional limitation of electoral mandates, including presidential mandates.

Who is this guide for?

This guide is intended for any person, any association, any organization or any group of individuals wishing to engage in citizen mobilization and advocacy actions in favor of term limits, the promotion of democracy and the rule of law in Africa. It is not a document for intellectuals only. On the contrary, this guide can be used, in the light of the practical information, tips, advice and precautions it contains, by ordinary citizens, organizations and associations of pro-democracy civil society, citizen movements, youth associations, women, and other groups of activists or social movements.

Guide Development Methodology

This guide was developed in a participatory manner with full collaboration and input from civil society leaders. The development of this guide has been done in several phases. It involved several organizations working in the field of citizen mobilization, advocacy and the promotion of the rule of law and democracy. Part of a literature review to gather and analyze the various existing guides and strategies in the fields concerned by advocacy and/or citizen mobilization, consultants proposed a draft practical guide that served as a form of support to collect the contributions of leaders of civil society organizations (CSOs) from the African continent during the summit on constitutionalism and democracy in Africa held in Niamey (Niger) from October 2-4, 2019. During this workshop, participants made significant contributions, based on their experiences, backgrounds and knowledge of the subject, thus making the guide a practical document that is adapted and adaptable to different national contexts. At the end of this workshop, the exercise continued through a concrete application in the field of the approaches, techniques, tips and methods proposed in the guide to learn, to deepen, confirm and reframe some of the proposals. These field experiences led to this guide, which aims to be a tool and a practical document for the use of individuals, associations and organizations serving CSOs, organizations and social movements that wish to engage in actions in favor of the limitation of presidential terms through a process of citizen mobilization and advocacy.

Contents of the guide

During our work we have noted that there are guides that focus on teaching human rights, the protection of human rights defenders, and on nonviolent struggles. There are also advocacy/mobilization guides, advocacy strategies and awareness campaigns that are either general or aimed at specific subjects (sexual and reproductive health, children's rights, advocacy for peace, guides to non-violence, etc.).

However, we did not find a guide that deals with citizen mobilization and advocacy for the limitation of presidential terms.

That's why we decided not to do a literary review of all the existing catalogs, strategies and guides, but to take a step that will allow us to offer our readers and all the people who will use the present guide to have information and relevant approaches that can help them in their actions of citizen mobilization and advocacy, focused mainly on the limitation of presidential terms in African countries.

This guide has two main parts: the first part (Part A) entitled "Constitutionalism, rule of law and democracy" and the second part (Part B) entitled "Action strategy in favor of constitutionalism". The first part is divided into two main points: theoretical and conceptual approach: definitions and characteristics; and constitutionalism and pro-democracy citizen movements in Africa. To set the scene, the first section discusses key concepts such as the constitution, constitutionalism, its characteristics and implications, as well as the links to notions of the rule of law and democracy.

Then section 2 of Part A of the guide offers an overview of the dynamics and impulses of constitutional amendments in different African countries aimed at challenging the limitation of presidential terms by highlighting the role played by different actors, in particular civil society organizations and citizen movements for the respect of the constitution, the return to the limitation of terms and the safeguard of democracy in these countries.

The second part (Part B) titled “Action Strategies for Constitutionalism” is devoted to the reflections, actions, and approaches that can be used by individuals, groups of individuals, associations, social movements and coalitions to develop and conduct advocacy and citizen mobilization actions in the struggle for respect or to obtain the limitation of electoral mandates, including presidential ones. This part is also subdivided into two main points, namely Advocacy (I) and Citizen Mobilization (II). The advocacy section first identifies the different definitions of advocacy as well as the definition of advocacy as used in our guide. It also makes it possible to discuss the main features of advocacy for limiting mandates before proposing the steps, tips and precautions necessary to successfully carry out advocacy actions pursuing such objectives.

As for the section on citizen mobilization, which comes as a logical and indispensable complement to advocacy, it discusses the question of who can and how to conduct citizen mobilization, not only as individuals but also and especially through groupings, associations and social movements. We also discover the principles for organizing social movements marked by non-violent culture. This section finally proposes possible actions and ideas to undertake struggles for the limitation of presidential mandates, while keeping in mind the need to know and master its context, to combine multiple actions, to take into account the involvement of young people, women and digital actions and finally precautions to preserve the repression that occurs very often during such struggles.

A. PART I: Constitutionalism, rule of law and democracy

I. Theoretical and conceptual approach: definitions and characteristics

1. What is the Constitution?

The Constitution is the basic law or supreme law of a democratic country. In the formal sense, the Constitution is the supreme legal act of the State which records the applicable fundamental rules. In the material sense, it is a set of written or customary rules that determine the form of the state, the organization of its institutions, and the devolution and conditions of access and exercise of power, and that guarantee rights and freedoms.

When it comes to written rules, its adoption is often done through recourse to the people via the referendum (popular). Its revision, by referendum or by parliament, obeys very strict rules and conditions to ensure the fundamental law a certain stability.

2. Constitutionalism: What is it Referring To?

In common parlance, constitutionalism is defined as **belief in, or adherence to, the principle of constitutional governance**. It is the confidence in the ability of the Constitution to keep a government in the right path, guide the actions of officials, and regulate the operation of institutions. It appears as the doctrine that governs the legitimacy of government action. It checks whether the action of a government is legitimate and whether the political authorities fulfill their public obligations in accordance with the pre-established laws and in accordance with the fundamental law.

Constitutionalism refers to peoples' historic struggles for the constitutional recognition of their rights and respect for those rights.

Constitutionalism implies something deeper than simply having a constitution or the mere idea of legality. Indeed, the fact that a state has a constitution is not enough to talk about (guaranteeing) constitutionalism. This is why constitutionalism implies that the country's constitution fulfills specific criteria or characteristics. And it is through these characteristic elements of constitutionalism that the inextricable link between constitutionalism, the rule of law and democracy emerges. In the African Union's African Charter on Democracy, Elections and Governance (*Centre Africain pour la Démocratie et la Gouvernance - CADEG*), adopted under the auspices of the African Union, African states are committed to promoting and strengthening adherence to the rule of law based on respect and supremacy of the Constitution and constitutional order in their political organization.

3. Characteristics and Implications of Constitutionalism, the Rule of Law and Democracy

Various authors and conventional instruments tend to define the implications of constitutionalism by referring to specific principles and features that can serve as a basis for the construction of an argument in advocacy for constitutionalism. The Additional Protocol of the Economic Community of West African States (ECOWAS) goes so far as to define common constitutional principles with a view to converging the fundamental rules of member countries. Article 6 of the founding treaty of the East African Community (*Communauté des Etats d'Afrique de l'Est – CEA*) states that the fundamental principles that must guide member countries towards their objectives are, among others, good governance, including respect of the principles of democracy, rule of law, responsibility, transparency, social justice, equality of opportunities, gender equality, as well as the recognition, promotion and protection of human rights in accordance to the provisions of the African Charter on Human and Peoples' Rights. The following is a non-exhaustive list of characteristic elements that are taken into consideration when speaking of constitutionalism.

a) Popular Sovereignty

The principle of popular sovereignty means that the people are the ultimate source of all legitimacy and authority. This sovereignty is expressed through popular referendums or through organizing regular, democratic, free, fair, transparent, and equitable electoral consultations.³ The consultations (referendum and elections) allow the sovereign people to choose their leaders or representatives and to decide on important issues affecting their lives.⁴

With the CADEG, African states committed to promoting democracy and including citizen participation through universal suffrage as an inalienable right of the people.⁵ It follows that unconstitutional changes in government constitute violations of the principle of popular sovereignty for which the CADEG plans to sanction regimes.⁶ AU member states have also committed to promoting representative governments and holding transparent, free and fair elections to institutionalize legitimate governments and authority. This also legitimizes democratic changes in government by making it one of the objectives of the charter and taking appropriate measures to ensure respect for the constitutional order, in particular for constitutional transfers of power. States are also encouraged to ensure that the process of amending or revising their constitution is based on a national consensus including, where appropriate, the use of referendums.

b) Separation of Powers or Functions⁷

This principle states that there should be no monopoly or concentration of power in the hands of a single institution. Furthermore, the same individual should not assume or combine executive, legislative and judicial functions. The division of powers between the government, the parliament and the judiciary system ensures the control and balance of powers, thereby avoiding, in theory, dictatorship and arbitrariness. The separation of powers is one of the principles of reference listed in art. 3 of the CADEG. The separation of executive, legislative and judicial powers is the first constitutional principle common to all ECOWAS member states. This principle is often put under severe strain by the presence of executive power in the High Council of the judiciary, where executive power can nominate, evaluate and influence judges. This is especially true given that the judiciary's budget depends on the allocations determined by the executive branch and on the legislative branch's decisions to approve or not approve budgets.

c) Responsible and Accountable Government

This means that there is a service relationship between the government and the people; the Government is in the service of the people and must act diligently in the best interest of the people. Accountability is a key principle of good governance. In the CADEG, African States have committed to implementing programs and undertaking activities to promote democratic principles

³ Democratic election means that an election is free, transparent, honest, fair and equitable. Many times, the Constitution provides that the source of any legitimacy derives from it and, consequently, any power that does not derive its source from the Constitution and therefore from democratic elections, especially that resulting from a coup d'état or a putsch is illegal. In this case, the right to civil disobedience is recognized to citizens.

⁴ "Before a government makes a decision or takes any action which affects the interest of the public, constitutionalism requires it to consult the public and listen to what the public says."

⁵ The CADEG, the ECOWAS Additional Protocol on Democracy and Good Governance and the African Union Declaration on the Principles Governing Democratic Elections in Africa contain provisions related to the holding of elections as a democratic requirement.

⁶ This is why the AU and regional economic communities such as ECOWAS have adopted mechanisms that prevent and condemn unconstitutional changes (articles 23 to 26). This is the case with CADEG and the 2001 ECOWAS Additional Protocol.

⁷ The separation of powers has been mainly theorized by Locke (1632-1704) and Montesquieu (1689-1755).

and practices as well as to consolidate a culture of democracy and peace; and to this end, to promoting good governance, particularly transparency and accountability.⁸ The issue of transparency and accountability is pressing when it comes to countries' management of natural resources and is often at the heart of socio-political conflicts and crises. The pursuit of resource exploitation and enjoyment has encouraged heads of states to cling to power and disregard all limitation to their electoral mandate. While international law recognizes the sovereignty of States over their natural resources, states must ensure that natural resources are exploited and utilized for the benefit of the people.⁹ In the ECOWAS Protocol, States committed themselves to fight against corruption, manage national resources with transparency and with an eye to ensure their equitable distribution, and to create appropriate mechanisms to this effect (Article 38). As for the CEA, accountability and transparency figure among the fundamental principles of the community (Article 6).

d) The Rule of Law

The rule of law means the primacy of law and implies that no one is above the law. Everyone, including the state or the administration, is subject to the law. It also includes the principle of the legality of criminal offences and penalties, the recognition of the role of courts in the protection of individual rights, beyond the recognition of human rights in the constitution; as well as the principle of equality before the law and equal protection by law, as a fundamental prerequisite for a just and democratic society. There can be no rule of law without good justice, good public administration, good legislation that meets the requirements of human rights, and good and sound management of the state. A system that ensures proper functioning of the state, the public administration and justice contributes to the consolidation of the rule of law.¹⁰

At the African Union level, promoting and respecting the rule of law, based on respect for the supremacy of the constitution and the constitutional order is at the heart of the objectives of the CADEG. African States have made a commitment to promote democracy, the rule of law and human rights and to ensure that their citizens effectively benefit from their fundamental human rights and freedoms while taking into account their universality, their interdependence and their indivisibility.

e) The Independence of the Judiciary

The independence of the judiciary is a fundamental characteristic of liberal democracy and the cornerstone of a free society and of the rule of law. It is an essential element to ensure the rule of law and maintain the supremacy of the constitution (constitutionality of laws). The judiciary is one of the three branches of the modern state, together with legislative and executive powers. The independence of the judiciary implies that judges are independent in the impartial conduct of their cases and in their decisions. The separation of powers and the protection of human rights cannot be achieved without an independent justice. This is why this principle is part of the constitutional principles common to all ECOWAS member states as affirmed in the 2001 Additional Protocol.

The CADEG encourages states to ensure not only the establishment of public institutions that guarantee and support the promotion of democracy and the constitutional order, but also to ensure that the constitution guarantees the independence or autonomy of these institutions as well as their

⁸ See CADEG, Article 12.

⁹ J. GILBERT, "The Right to Freely Dispose of Natural Resources: Utopia or Forgotten Right?," *Netherlands Quarterly of Human Rights* 31/2 (2013), pp. 314s.

¹⁰ Member states and the executive secretariat of ECOWAS are committed to ensure that national and regional plans are in place for defining the conditions for effective rule of law, people's rights, good justice and good governance.

accountability. With a view to strengthening political, economic and social governance, states committed to undertake regular reforms of their legal and judicial systems; the establishment of an independent judicial system is, in the eyes of CADEG, a means to institutionalize good governance.¹¹

The individual independence of the judiciary is under severe strain due to prosecutors who are overly dependent on the chancellery on the one hand, and the possibility of nominating judges outside of the judiciary circuit on the other hand.

f) Respect for individual (human) rights

The simple recognition of human rights in the constitution is not enough; it is important that it is enforced even in a state of emergency in accordance with the United Nations Charter, and other relevant legal instruments, including the African Charter on Human and Peoples' Rights. National courts should guarantee human rights. The objectives of the CADEG are to promote the adherence of states to the universal values and principles of democracy and respect for human rights.¹² Respect for human rights and democratic principles is the first principle that should guide states in the implementation of the CADEG. Respect for human rights is also part of the core values of the African Charter of Values and Principles of Decentralization, Local Governance and Local Development.

CEA member States see adherence to universally accepted principles of good governance, democracy, rule of law, respect for human rights and social justice as one of the conditions for accession, contact or cooperation between a third-party country and the community. The objectives of CEA's shared foreign and security policy include the development and consolidation of democracy, rule of law and respect for human rights and fundamental freedoms.

g) Respect for self-determination

Self-determination refers to the right of a people living in a territory (colonies or dependent states) to determine its political and legal status, either by creating its own state or by choosing to become part of another State. As decreed by the United Nations Charter (1945), the right of peoples to self-determination has been the legal and political basis of the process of decolonization in Africa.¹³

In this regard, the African Charter of Human Rights is very explicit. First, in Article 19, it states that: *"All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another,"* and a second time, it stipulates in Article 20 that: *"1. All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen. 2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community. 3. All peoples shall have the right to the assistance of the States parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural."*

¹¹ Cf. art. 32 of the CADEG

¹² Cf. art. 2 et art. 4 of the CADEG.

¹³ Article 1 of the United Nations Charter states that one of the purposes of the United Nations is to "develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace". This principle led to the birth of more than 60 new states in the second half of the 20th century.

h) Civilian Control of the Army

Civilian control of the armed forces involves the submission of the military to civilian authority and the depoliticization of the military. Although technical matters may be left in the hands of military personnel, it is the democratically elected people who govern or control the army and the army must remain republican (Article 19 (1)).

The CADEG stipulates in its Art. 14 that "*State Parties shall strengthen and institutionalize constitutional civilian control over the armed and security forces to ensure the consolidation of democracy and constitutional order (...)*".

The additional protocol of ECOWAS also affirms that the army is apolitical, republican and in the service of the Nation. The mission of the armed forces is to defend the independence, the integrity of the territory of the State and its democratic institutions; they can be used for national development tasks.

The army must be submitted to the regularly established political authority (Article 20). For this purpose, all active military personnel cannot, under the Protocol, claim an elective political mandate. The Protocol also stipulates that civil authorities must respect the apolitical attitude of the army. Therefore all political and trade union activities and propaganda are forbidden in the barracks and in the armed forces.

Beyond numerical representation of different groups or ethnicities within armed forces, attention should be given to their representation in the leadership of the armed forces. Civilian and democratic control of the armed forces should involve military budgets and expenses, the subordination of military power to the common interest and the principles of democracy, and the nomination of military leaders alike.

i) Law Enforcement and Judicial Review

The police, which is responsible for the maintenance of order and peace, is required to honor and respect human rights and dignity as well as individual and civil liberties, including those of offenders and suspected criminals. The ECOWAS Protocol devotes a section to the role of the army and the security forces in democracy and defines the mission of the public security forces: to ensure the respect of the law and to ensure the maintenance of order and the protection of people and property. The Additional Protocol (2001) states that the use of weapons for the dispersal of non-violent meetings or demonstrations is prohibited. In case of violent demonstration, only the use of the minimum and proportional force is authorized. In any case, the use of torture and cruel, inhuman and degrading words and treatment by the security forces is prohibited in times of peace and war, and combating terrorism cannot, under any circumstances, be an excuse for tolerating such acts.

j) Alternation (limitation of power) and constitutional change

Alternation is the devolution of power from one majority to another according to the democratically established constitutional rules and after free, fair and regular elections. To do this, it assumes that the constitution has provided for a limit in the number of terms that a leader can solicit and under which he will have to give up his place. This is not always the case everywhere in Africa and in many countries where the Constitution has provided for a limit to the number of terms, there are attempts to question. Yet the CADEG prohibits any amendments or constitutional revisions that undermine the principles of democratic alternation. To this end, it provides that any constitutional amendments or revisions of legal instruments that undermine the principles of democratic alternation, as well as the refusal by an existing government to hand over power to the winning party or candidate at the end of free, fair and regular elections can be sanctioned in the

same way as a coup, a coup d'état against a democratically elected government and the intervention of mercenaries and rebellions (see article 23 CADEG).

In 2015, ECOWAS undertook the amendment of the ECOWAS Protocol on Democracy and Good Governance during the preparations for the 47th session of the Conference of ECOWAS Heads of State and Government to introduce the principle of the number of presidential terms, in accordance with the principle of constitutional convergence in the member states.¹⁴ However, this project was opposed by some countries, notably Gambia and Togo. Nevertheless, the African countries that have ratified the CADEG are bound by the obligation to abstain from amending the constitutions in a manner that calls democratic alternation into question.

In the vein of power transition, some constitutions set age limits above which candidates do not qualify, as well as conditions related to health status. Certain changes had the effect of lifting the age limit. In addition, there are questions around the governing ability of presidents who suffer from diseases during their terms of office. Finally, the transition problem in Africa also raises the issue of dynasty succession, especially the issue of succession from father to son and between brothers. This area is subject to almost no law and allows for unconstitutional practices.

II. Constitutionalism and Pro-Democracy Social Movements in Africa

Many countries have faced consecutive sociopolitical crises as a result of the leaders' desire to amend the Constitution, thereby challenging many of the characteristic principles of Constitutionalism mentioned above. In this section, we will discuss these initiatives of constitutional amendment or the desire to keep certain leaders in power, as well as the pro-democracy social movements that did or did not successfully mobilize in defense of the constitution and term limits, respect for democratic alternation and principles or other characteristic principles of constitutionalism.

The examples listed here are intended to allow users of the guide to learn both successes and failures of mobilization against constitutional changes, in order to better guide their own actions in favor of constitutionalism. We distinguish between, on the one hand, the initiatives that led to the defeat of attempts to undermine constitutionalism and, on the other hand, the dynamics in which the struggle for constitutionalism failed to bring the hoped-for changes, and lastly, ongoing struggles whose results are difficult to foresee.

1. Successfully checking the impulse to modify constitutional term limits

a) Niger: Mobilization against and defeat of the *Tazarché* in 2010

Tazarché, or *continuity*, was President Mamadou Tandja's attempt to remain in power beyond the constitutional limit of two consecutive years. Elected in 1999 and re-elected in 2004, his term as president of Niger was set to expire in 2009. After months of propaganda in support of *tazarché*, President Tandja's government announced on May 8, 2009 that a referendum would be held on August 4, 2010 to adopt a new constitution that would extend presidential term limits.¹⁵

President Tandja forcefully advanced *Tazarché* despite a ruling by the Constitutional Court on May 25th declaring the referendum unconstitutional. He dissolved the National Assembly,

¹⁴ <http://lemedium.info/politique/politique-cedeao-limitation-des-mandats-presidentiels-faure-gnassingbe-en-aucun-moment-na-pris-la-parole-sur-cette-question-a-accra/>

¹⁵ Cf. 20 Minutes « [Niger: Mamadou Tandja ou le président qui ne voulait pas quitter le pouvoir](#) »

disbanded the Constitutional Court, and suspended select articles of the Constitution.¹⁶ He set up a repressive machine, undermining the freedom of the press while repressing political opponents and leaders of civil society. The mobilization against the *tazarché* was led by several civil society organizations, trade unions and numerous political parties. The international community called for President Tandja to respect Niger's constitution as countries, international organizations, and technical and financial partners tried in vain to dissuade him.¹⁷ The ECOWAS Council of Elders cited the ban on ECOWAS member states from amending their constitution in the six months leading up to a non-consensus election of the country's political actors. It warned Niger that it would face sanctions ranging from suspension to economic blockade if it continued pushing for the unconstitutional referendum. Despite all the threats and warnings, President Tandja held the referendum on 4 August 2009 in which he secured the ability to remain in power.¹⁸ His victory was short lived, however, as he was overthrown by a coup on February 18, 2010.¹⁹ After a short transition, the original constitution was restored in March 2011 with the election of President Mamadou Issoufou of the political opposition.²⁰ Factors determining the success of the Nigerien case included the role played by the Constitutional Court, which affirmed its independence through a historic decision; the resistance and unity of action of the opposition parties and civil society despite the repression; and the pressure exerted by the international institutions and the partners of the country, in particular ECOWAS. Although the military was invited into the debate by a coup, it handed the power to a civil regime after a brief transition that allowed the organization of elections deemed transparent, free and equitable.

b) Senegal: Defeating Abdoulaye Wade's Bid for a Third Term in 2012

Senegal is one of the few countries in West Africa to have not suffered a coup d'état. Since 2001, the constitution has prevented any head of state for serving more than two consecutive five-year presidential terms.

President Abdoulaye Wade was elected in 2000 for a seven-year term and then re-elected in 2007 for five years after the constitutional revision of 2001. The revision established a limit of two consecutive five-year terms as head of state. He attempted to run for a third term following a new constitutional revision that re-established seven-year presidential terms in 2008. The candidacy of President Wade, who was then 85 years old, was considered unconstitutional by a coalition of opposition political parties and civil society organizations called the Movement of June 23 (M23). The Senegalese Constitutional Council, whose members were hand-picked by President Wade, ruled his candidacy as constitutional on February 26, 2012. They claimed that the constitutional reform of 2001 did not apply to Abdoulaye Wade.

The M23, led by Alioune Tine, was a citizen resistance movement that called for peaceful rallies. The group was composed of about 400 individuals, mostly from the educated Senegalese middle class.²¹ "We are not considering any other options other than preventing Wade from committing

¹⁶ It thus activated Article 58 of the Constitution to govern ordinances and decrees.

¹⁷ The UN, the African Union, the European Union and countries like the United States, Canada and Belgium have condemned Tandja's approach and threatened to suspend aid.

¹⁸ https://www.lemonde.fr/afrique/article/2009/08/08/le-president-mamadou-tandja-obtient-par-referendum-le-pouvoir-de-rester-a-la-tete-du-niger_1226779_3212.html

¹⁹ See : Perspective monde (Université de Sherbrooke), « Renversement du président Mamadou Tandja au Niger », <http://perspective.usherbrooke.ca/bilan/servlet/BMEve?codeEve=1297>

²⁰ Re-elected in 2016, he pledged to effectively leave power at the end of his second term in 2021. His party has already appointed a dauphin in the person of Mohamed Bazoum, current Minister of the Interior of Niger:

<https://www.jeuneafrique.com/181991/politique/mahamadou-issoufou-lu-pr-sident-du-niger-avec-57-95-des-voix/>;
<https://www.jeuneafrique.com/mag/825536/politique/niger-comment-mahamadou-issoufou-prepare-la-releve/>.

²¹ "All the opposition parties are represented, but we also bring together associations, citizen movements and independent personalities, all of whom answered the call on 23 June 2011," said the M23 Movement Coordinator.

this coup. We have joined the Economic Community of West African States, the European Union, and the United States. The next step will be the African Union,” he added.

Unlike the case of Niger, the Senegalese Constitutional Council could not be trusted to protect democracy by upholding the Constitution. Their stamp of approval validating President Abdoulaye Wade’s candidacy triggered violence and subsequent arrests of civil society leaders.²² Citizen and youth movements like "Y'en a marre" played a decisive role in the fight against the third mandate. Although President Wade managed to run again in the presidential election, he was defeated in the first round by the opposition on March 25, 2012.²³ The political opposition and civil society united against what they called a constitutional coup d'état. Their efforts proved fatal for Wade’s government, which accepted the electoral defeat²⁴ Unlike the Nigerien case and many other African cases, the army did not get involved. They remained non-partisan and left it to the sovereign Senegalese people to arbitrate at the ballot box.

c) Burkina Faso: Public rejection to amending article 37 in 2014 and the resistance to the coup d'état in 2015

The socio-political crisis in Burkina Faso that concluded with the popular uprising of October 2014 was a reaction to President Blaise Compaoré’s attempt to amend article 37 of the Constitution. The president, who had been in power since 1987, wanted to amend the article in order to run for president again in 2015. Such a modification that abolished presidential term limits²⁵ had already taken place in 1997. In 2000, a new amendment to the constitution not only reintroduced the limitation of the number of terms, but also reduced the term of office from 7 to 5 years.²⁶ In the 2005 presidential elections, Compaoré having already served two seven-year terms from 1991 to 1998 and from 1998 to 2005, a debate took place on whether or not the constitutional law was retroactive and if it was possible for the president to seek another term in regard to the reintroduction of the limitation of mandates in 2000. On the basis of the non-retroactivity of the constitutional law, President Compaoré was able to seek two other mandates (from 2005 to 2010 and from 2010 to 2015). But in the run-up to the 2015 presidential elections, he embarked on a process that would lead to the parliamentary review of the Constitution on October 30, 2014, despite the opposition of political and civil society organizations.²⁷ However, the popular resistance to constitutional meddling led to an uprising, the burning of Parliament, the resignation and flight into exile of President Compaoré and the President of the National Assembly which complicated the constitutional mechanism for power devolution in case of vacancy. Transitional institutions were established and the elections of 2015 marked the return to a normal constitutional order. Civil society and youth movements and organizations such as Le Balai Citoyen, through several awareness raising and citizen mobilization actions, played a leading role in the fight against the extension of term limits in Burkina Faso.²⁸ The army was invited to the debate after the forced

²² <https://www.france24.com/fr/20120131-senegal-dakar-presidentielle-prison-opposition-alioune-tine-abdoulaye-wade-politique-election-manifestations-m23>

²³ <https://www.jeuneafrique.com/153954/politique/sn-gal-l-opposition-contre-un-troisi-me-mandat-de-wade-affaibli-par-la-rue/>

²⁴ Senegalese opposition stands against Wade <https://www.youtube.com/watch?v=GYck-FtDdtc>

²⁵ In 1997 Law No. 002/97 / ADP of 27 January 1997 revising the constitution of Burkina Faso proceeded to the grooming of the Constitution by eliminating revolutionary slugs and broke the bolt of the limitation of presidential terms to two.

²⁶ In 2000 Law No. 003-2000 / AN of April 11, 2000 dedicated the reduction of the duration of the presidential term from seven to five years, the return to the limitation of the number of term of office to two as well as the break-up of the Court Supreme in four different structures (Court of Cassation, Council of State, Court of Accounts and Constitutional Council). For a historical overview of the constitutional changes in Burkina Faso see here: <https://www.wipo.int/edocs/lexdocs/laws/fr/bf/bf017fr.pdf>

²⁷ Since 2012 the forces of the Nations have expressed their opposition to any constitutional amendment to article 37 on the occasion of the framework of consultation on political reforms (CPRC).

²⁸ For history on these constitutional modifications, see: <https://www.wipo.int/edocs/lexdocs/laws/fr/bf/bf017fr.pdf>

resignation of President Compaoré, playing an important role in the transition. But the success of this struggle is largely due to the synergy that has been created between the political opposition united within the leader of the political opposition (CFOP), civil society organizations, citizen movements, and unions.²⁹ When the coup d'état of the Presidential Security Regime (*Régiment de sécurité présidentielle*- RSP), the presidential guard of Blaise Compaoré, occurred in 2015, the same groups once again rallied to resist the coup. This helped to defeat the putsch of September 16, 2015 and safeguarded the constitution and institutions of the transition.

d) Mali: the rejection of the 2017 constitutional referendum

At the end of the agreement for peace and reconciliation in Mali resulting from the Algiers process signed in May 2015,³⁰ President Ibrahim Boubacar Keïta undertook consultations in 2017 to revise the Constitution, while Mali was preparing for the 2018 presidential election, in which the President intended to run for a second term. Officially, this revision was intended to allow the proper implementation of certain commitments of the Algiers Accord. It also provided for the creation of a Court of Auditors, a Senate to ensure the representation of local authorities, some of whose members would be appointed by the President, and the inclusion of decentralization in the constitution. As soon as the announcement was made by the President, there was an outcry against the possibility of a referendum.³¹ In June 2017, opposition politicians and Malian civil society mobilized a lot of people in Bamako against the new draft constitution. Contestation has grown, with daily rallies and the rise of new actors, including magistrates, who have expressed their anger against several provisions in the text. Subsequently, some parties from the presidential bloc asked to postpone the same referendum that was originally scheduled for the 9th of July.³² Opponents of the new constitution also point to the fact that the new draft constitution is the result of a unilateral process, conducted without consultation or dialogue with the people, while the current (1991) Constitution is the result of a republican consensus, and was drafted following a national conference. Moreover, others suspected President Ibrahim Boubacar Keïta of not only seeking reelection in the upcoming presidential election, but also considering adding a third term on the basis of the non-retroactivity of constitutional law.³³ The popular uprising finally ended the constitutional referendum; the date of the referendum was postponed and finally abandoned in the face of popular pressure.³⁴ The Collective for the Defense of the Republic (CDR) as well as the citizen platform "Antè a Bana - Don't Touch My Constitution" on this occasion, among others, spearheaded the victorious contest against the referendum in Mali.

Here too, the unity of action between the political opposition and civil society was very decisive for the protest's outcome. The fear of seeing the protest continue and last closer to the 2018 presidential elections, risking cracks in the ruling majority, led the President to postpone the referendum.

²⁹ Specific movements are spontaneous groupings of citizens with or without existence receipts but whose purpose is to fight against the amendment of Article 37. This is the case of the Anti-Referendum Collective (CAR) or more movement is enough, etc.

³⁰ <https://photos.state.gov/libraries/mali/328671/peace-accord-translations/1-accord-paix-et-reconciliation-francais.pdf> or <https://base.afrique-gouvernance.net/docs/accord-pour-la-paix-et-de-reconciliation-au-mali.pdf.pdf>

³¹ https://www.lemonde.fr/afrique/article/2017/08/15/monsieur-le-president-abandonnez-votre-projet-de-constitution-la-stabilite-du-mali-en-depend_5172677_3212.html

³² <http://www.rfi.fr/afrique/20170621-projet-revision-constitution-mali-contestation-ibk>

³³ One cannot help but think of the idea of an extension of the presidential lease for President IBK. Indeed, a new Constitution adopted in 2017 would reset the counter from the presidential election of 2018, ensuring the possibility of remaining in power until 2028.

³⁴ <http://www.rfi.fr/afrique/20170623-report-referendum-constitutionnel-mali-une-victoire-opposition>.

e) The Gambia: Yahya Jammeh's Defeat and Exile in 2017

Having come to power in 1994 following a coup, President Yahya Jammeh was elected head of state in 1996. Successively re-elected in 2001, 2006 and 2011, he remains opposed to the very principle of limiting the number of presidential terms in Africa. Defeated in the presidential elections of December 2016, he first recognized his defeat on December 2 before changing his mind and trying to retain the power that should have gone to his opponent, Adama Barrow, who led a coalition of seven political parties.³⁵ Despite the ECOWAS mediations attempting to reason with him and the threat of the use of force, Jammeh persists in his desire to preserve state power, working to undermine the foundations of the rule of law. He thus decreed a state of emergency on the eve of the official end of his term,³⁶ extended his term of office by a resolution of Parliament for three months,³⁷ and used every means to obstruct the swearing in of President Adama Barrow, who ended up swearing in at the Embassy of the Gambia in Senegal. Yahya Jammeh was forced to leave power and go into exile on January 20, 2017.

The success of this change is to the credit of the opposition coalition that supported President Barrow, but also diverse societal actors - unions of teachers, lawyers, doctors, nurses, the food and transport sector, musicians - who called on President Jammeh to cede power. Finally, the firm position of ECOWAS, which threatened Jammeh with an armed intervention, ended up favoring the effective seizure of power by the President-elect.

f) Democratic Republic of Congo: Backsliding and Alternation

In the Democratic Republic of Congo (DRC), President Joseph Kabila, who succeeded his father, who was assassinated in 2001, was elected in 2006 and re-elected in 2011 after a disputed election, pushing the country into a deep political crisis. The crisis was exacerbated by the postponement until April 2018 of the presidential election, which was meant to be held before the end of 2016.³⁸ Indeed, after two consecutive terms, President Kabila had to leave the presidency in 2016 in accordance with the provisions of the constitution. Unexpectedly, there has been a de facto and undue extension of the presidential mandate, which some have called "backsliding." This shift followed a futile attempt to amend the 2006 constitution planned for as early as September 2014.³⁹

From 2015 onwards, the political opposition as well as Congolese citizen movements increased demonstrations against Mr. Kabila to demand his departure at the end of his term, on December 20, 2016, and the holding of the presidential election before that date. Faced with the pressure of international and local actors including political opponents, civil society movements and organizations and the Catholic Church through the National Episcopal Conference of Congo (CENCO), Mr. Kabila resolved to organize elections. These saw the victory of Mr. Félix Antoine Tshisékédi Tshilombo after the highly contested election of December 30, 2018.⁴⁰

Several civil society organizations and citizen movements have played a leading role in this struggle for constitutional compliance in the DRC. Among these are the the Secular Coordination Committee (*Comité laïc de coordination*),⁴¹ "Lucha", "Filimbi", and "Congolese On Their Feet"

³⁵ [Présidentielle en Gambie: l'opposition unie derrière son candidat](#)

³⁶ <http://www.rfi.fr/afrique/20170117-gambie-veille-fin-mandat-jammeh-decrete-etat-urgence-barrow>

³⁷ <https://ici.radio-canada.ca/nouvelle/1011486/le-mandat-prolonge-du-president-jammeh-fait-perdurer-limpasse-politique-en-gambie>

³⁸ <https://www.voafrique.com/a/kabila-evoque-une-possible-modification-de-la-constitution/3593418.html>

³⁹ Cf. RDC: le projet de modification constitutionnelle divise le Parlement <http://www.rfi.fr/afrique/20140916-rdc-le-projet-modification-constitutionnel-divise-le-parlement>

⁴⁰ <https://www.jeuneafrique.com/701452/politique/rdc-felix-tshisekedi-elu-president-de-la-republique-selon-les-resultats-provisoires-proclames-par-la-ceni/>

⁴¹ https://www.lepoint.fr/afrique/rdc-comite-laic-de-coordination-ce-fer-de-lance-de-la-contestation-31-05-2018-2223010_3826.php

(*Les Congolais debout*) movements, whose leaders and activists have been victims of various persecutions: murders, assassinations and disappearances, arbitrary arrests, etc.⁴² Established in 2012, Lucha (“Struggle for Change”) incorporated Filimbi (“whistle” in Swahili), a larger organization, in 2015. These two Congolese organizations caught the world's attention starting from March 2015, as they intensified their struggle for respect of the constitution. Several of their activists were arrested, including Fred Bauma and Yves Makwambala, who were detained for more than 18 months, becoming symbols of the fight against Kabila. The Congolese struggle for alternation of power has, only in part, borne fruit thanks to the perspicacity and tenacity of the various actors and the conjunction of their efforts. Even if the 2018 election results have been widely disputed, there is today a cohabitation between the new presidential majority brought into office by President Tshisekedi and another parliamentary majority, the Common Front for Congo (FCC) coalition, faithful to the former President Kabila, which controls parliament. On the other hand, there is a certain relaxation and opening, which is characterized by the release of those who had been arrested as part of the fight against the shift in Kabila's mandate. In the case of the DRC, the role played by faith-based organizations, especially the Catholic Church through the National Episcopal Conference of Congo, sponsor of the Saint Sylvester agreement, and the Lay Coordinating Committee, at the origin of the December 18 anti-Kabila marches, has been instrumental in encouraging alternation.⁴³

2. The Disappointments of the Struggles for Constitutionalism in Africa

Contrary to previous examples where struggles have achieved to a certain extent the desired results thanks to popular mobilization, there were many cases where struggles against constitutional changes or dictatorship have come to an end. It is important to learn from these obvious failures in order to better guide both ongoing and future actions in favor of constitutionalism on the continent.

a) The Egyptian Spring (2011): A Revolution Stolen by the Army

In the midst of the Arab Spring started in Tunisia, Egypt contested the presidency of Hosni Mubarak, who had been in power since October 1981. Beginning January 25, 2011, protests ended with the resignation of President Mubarak in February 2011, after several attempts to repress and stifle the growing protests. While the economic crisis and social motives (unemployment, corruption, etc.) might have fueled the protest, the quest for true democracy and ending dictatorship figured mostly among the popular demands. After the resignation of Mubarak, the Constitution was suspended and the army ensured the transition. After the elections of June 2012, Mohammed Morsi, candidate of the Muslim Brotherhood (Freedom and Justice Party) was elected to the presidency. However, following another major protest movement, Morsi was overthrown in July 2013 by the army, led by General Abdel Fattah Al-Sisi. The latter then proceeded to repress the protesters, killing more than a thousand people in a day in Rabia Square in Cairo in August 2013. Since then, General Abdel Fattah Al-Sisi has led Egypt with an iron fist. In spite of these massacres, Al-Sisi was elected in 2014 to the presidency and managed to change the constitution, which was limited to two terms. In April 2019, the Parliament's legislative committee, dominated by his supporters, approved a constitutional amendment that allows him to remain in power until 2030.⁴⁴

⁴² Luc NKULULA 33 ans, activiste pro-démocratie membre de la Lucha a été retrouvé mort après l'incendie de sa maison en juin 2018. Lucha signifie lutte pour le changement. <https://information.tv5monde.com/afrique/rdc-mort-du-militant-politique-luc-nkulula-dans-l-incendie-de-sa-maison-2427>

⁴³ Cf. In the DRC, the Catholic Church is change strategy in its fight for political alternation <https://www.la-croix.com/Religion/Catholicisme/Monde/En-RD-Congo-LEglise-catholique-change-strategie-lutte-lalternance-politique-2018-03-20-1200922401>

⁴⁴ While the number of terms in office had been limited to two, this amendment makes it possible to change the second term of the president from four to six years on the one hand; and on the other, Al-Sisi could run for a third term of six years in

The struggles in Egypt, far from favoring change, have led to a real democratic retreat and a leap into the unknown. Social movements or citizens who once believed in the possibility of collaborating with the army, singing that "the people and the army are one," ended up disillusioned. Looking at the role that the international media and social networks played in challenging the power of Mubarak and Morsi, the Al-Sisi government has severely restricted freedom of the press and access to social networks, including Facebook, which was a tool for relaying calls to events.⁴⁵ Today we are witnessing the installation of a new military dictatorship and the prospect of an awakening of citizen movements seems far away. The ties between the popular movement and the army were ultimately fatal at first glance. We are witnessing some resurgence and protest attempts that are quickly stifled by the authorities.

b) Burundi: Third Term Crisis and Constitutional Referendum of 2018

In power since 2005, President Pierre Nkurunziza decided to stand for a third term in 2015, in violation of the two consecutive five-year terms provided for in the Constitution, which emanates from the Arusha Agreement that ended a decade-long civil war.⁴⁶ After the failed coup d'état in May 2015, a deep political crisis followed along with a repression of protesters.

Finally re-elected in July 21, 2015 for a third term in a presidential election boycotted by the opposition, President Pierre Nkurunziza and his party filed, in October 2017, a draft for a new Constitution which was adopted in May 2018, despite the opposition's call to boycott.⁴⁷ The new constitution strengthens the powers of the President and gives him the opportunity to be a candidate again for two consecutive seven-year terms, from 2020. In addition, the 2018 constitution detracts from several provisions of the Arusha Peace and Reconciliation Agreement, mainly several key provisions for peace and reconciliation in Burundi and the restoration of the rule of law concluded on August 28, 2000.⁴⁸ In January 2015, several associations created the citizen campaign "Stop President Nkurunziza's Third Term." Civil society organizations and social movements who opposed the third term of the president, along with constitutional reform, have been subject to persecution and a number of them live in exile.⁴⁹ Accused of rebellion and undermining the internal security of the state, Germain Rukuki, arrested July 13, 2017, is arbitrarily detained for collaborating with ACAT.⁵⁰ In a surprise move, President Nkurunziza announced that he will not be a candidate to the 2020 elections.⁵¹

c) Congo (Brazzaville): Standing up against the Referendum and Third Term of Sassou-N'Gusso

Since independence, the Republic of Congo has known eight constitutions, with the most recent being adopted by referendum on October 25, 2015. The 7th Constitution of January 20, 2002 states

2024.

⁴⁵ <https://8e-etage.fr/2016/01/04/egypte-linde-bloquant-linternet-gratuit-de-facebook/>

⁴⁶ Perspective monde, Référendum constitutionnel au Burundi :

<http://perspective.usherbrooke.ca/bilan/servlet/BMEve?codeEve=1585>

⁴⁷ The 2018 constitutional referendum resulted in a victory of 73.2 % Yes against 19.3% no and 7.5% null or cancelled votes.

<http://www.rfi.fr/afrique/20180521-oui-referendum-constitutionnel-burundi>

⁴⁸ In the new Constitution, the presidential mandate passed from 5 to 7 years and is renewable, and references to the Arusha Peace Accords and reconciliation in Burundi are purely and simply erased.

Cf. <https://www.aa.com.tr/fr/afrique/crise-burundaise-troisi%C3%A8me-mandat-r%C3%A9vision-de-la-constitution-jusqu-o%C3%B9-ira-nkurunziza-1127588>

⁴⁹ Cf. Rapport de la FIDH (2018) https://www.fidh.org/IMG/pdf/note_fidh-iteka_burundi_recrudescence_des_violences_a_lapproche_du_referendum_constitutionnel_fevrier2018.pdf

⁵⁰ <https://www.acatfrance.fr/actualite/un-ancien-membre-de-lacat-burundi-en-prison->

⁵¹ <https://www.dw.com/fr/burundi-pierre-nkurunziza-ne-sera-pas-candidat-en-2020-r%C3%A9actions/a-4411355>

in Article 57 that: "*The President of the Republic is elected for seven years by direct universal suffrage. He is eligible for reelection once.*" In power since 1997 after a military coup, elected for 7 years in 2002, and re-elected in 2009 for a final seven-year term running until 2016, President Denis Sassou-Nguesso organized a referendum in 2015 that resulted in the adoption of the eighth constitution, which now provides in Article 65 that "*The President of the Republic is elected for a term of five (5) years renewable two (2) times.*".⁵² Although the duration of the presidential term goes from 7 to 5 years in the 2015 Constitution, this change reset the counter to zero under the principle of non-retroactivity of the law, and allowed President Sassou-Nguesso to stand for re-election in 2016 (along with which jumping the age limit lock that was 70 years, and extending to three the number of consecutive terms possible).⁵³ In theory Mr. Sassou-Nguesso can remain in power until 2031. This new constitution leads to the questioning of alternation, which was nevertheless one of the best legacies bequeathed by the National Sovereign Conference of 1991.

A section of the political class as well as citizen movements have tried to mobilize the Congolese for the defense of the Constitution of 20 January 2002. The citizen movement for the respect of the constitutional order called for a boycott of the referendum.⁵⁴ This movement was put in place by a part of the opposition which later merged with the Republican Front for the Respect of the Constitutional Order and the Democratic Alternation (FROCAD), The dissidents of the ruling majority, opposed to the referendum but who did not intend to join the FROCAD create the Initiative for Democracy in Congo (IDC).⁵⁵ The contestation of the referendum and the third mandate of Sassou-N'Gusso was still a failure. This failure is explained both by differences and rivalries within the opposition, and by the weak synergy across civil society. The movement Carton rouge was created in 2013, the collective Sassoufit was created in 2014, the movements Ras-le-Bol,⁵⁶ Les Voix du Peuple, Les Combattants, Les Indignés 242, Sauvons Le Congo, Orice (Republican Observatory for Civic Integrity and Equity), are all movements that have also been represented in the fight against the referendum and the third mandate of Sassou-N'Gusso. They were subjected to various persecutions that continued even after the re-election of President Sassou-N'Gusso.⁵⁷

The campaign against the referendum and the third term was also done through the internet and social media networks such as Facebook, Twitter, WhatsApp, and YouTube with the use of the hashtag #Sassoufit. The digital mobilization had such an impact that on Wednesday, October 21, 2015, the authorities opted to block access to the internet and all social media networks. In addition to the shutdown of the internet network and SMS, the waves of some international radio stations like Radio France Internationale were also cut. The constitutional change and the 2016 presidential elections have plunged the Congo into a deep socio-political crisis and the anti-referendum protests have since turned into clashes. In Congo, the fight for power transition is paired with the struggle for resource control. Indeed, the opaque way that natural resource exploitation, especially oil, is managed appears to be the principle motive for keeping the current

⁵² C'est en vertu de cette nouvelle Constitution que le Président s'est représenté et a été réélu en 2016 pour un mandat de cinq ans <https://www.jeuneafrique.com/mag/661751/politique/congo-brazzaville-la-garde-rapprochee-de-denis-sassou-nguesso/>

⁵³ https://www.lemonde.fr/afrique/article/2015/09/28/congo-manifestation-d-une-ampleur-inedite-contre-le-president-sassou-nguesso_4775584_3212.html

⁵⁴ <http://www.rfi.fr/afrique/20151222-congo-denis-sassou-nguesso-favorable-presidentielle-debut-2016>

⁵⁵ <https://www.parismatch.com/Actu/International/Congo-Brazzaville-De-trahisons-en-trahisons-la-guerre-du-Pool-1113734>

⁵⁶ Le mouvement Ras-le-bol est membre de la coalition Tourmons la page qui réunit plusieurs mouvement prodémocratie opposés aux manipulations des constitutions en Afrique et favorables à l'alternance démocratique. Cf.

<https://www.voaafric.com/a/lib%C3%A9ration-de-17-membres-du-mouvement-citoyen-le-ras-le-bol-%C3%A0-pointe-noire/4393063.html>

⁵⁷ See Congo-Brazzaville : le mouvement citoyen Ras-le-bol demande la libération de 23 de ses membres

<https://www.jeuneafrique.com/559488/politique/congo-brazzaville-le-mouvement-citoyen-ras-le-bol-demande-la-liberation-de-23-de-ses-membres/>

leaders in power.

d) Togo: The Relentless Pursuit of a Return to Term Limits

The 1992 constitution provided for the limitation of the number of mandates to two by providing in article 59 that “(...) in no case can anyone serve more than two terms.” But this was upset in 2002 by President Gnassingbé Eyadema. After succeeding his father in February 2005 following his death, Eyadema was elected on April 24, 2005, then on March 4, 2010 and finally on April 25, 2015. Since 2012, the “Save Togo” collective has been set up, which brings together political parties and civil society organizations, and is committed to the democratization of the regime. In 2014, the contestation has been growing: opposition and civil society called for political reforms before the presidential election of March 2015, including the introduction of a two-round presidential election and the term limits for the head of state under the old constitution (1992).⁵⁸ In 2017, the demonstrations resumed. For eighteen months, the protests continued through peaceful marches and sometimes violent demonstrations; the repression of these protests caused at least 16 deaths and ECOWAS played a mediation role that was highly criticized.⁵⁹ Overnight from May 8 to 9, 2019 after a long plenary, members of parliament ratified the constitutional reform limiting henceforth the number of presidential terms to two for the same person; the legislative term was increased from five to six years, renewable twice. However, the deputies specified that term limits would not take effect retroactively, which leaves the possibility for President Faure Gnassingbé to seek two terms and to spend another ten years in power after the end of his third term, which runs until 2020.⁶⁰ The struggle in Togo seems to have run out of steam since the adoption of the constitutional reform. The challenge for the political opposition as well as for civil society is to successfully train and raise citizens’ political awareness so that the people can take action by voting so that alternation takes place before 2030.

e) Chad: Continuing in a Repressive Logic

Having come to power by a coup d’état in 1991, Idriss Déby Itno was elected President of Chad in 1996 after the adoption of the 1996 constitution, which limited presidential terms to two; he was re-elected in 2001. But in 2005, he undertook to amend the constitution by referendum to remove this limitation. He is standing for a third term and was re-elected in 2006, 2011 and 2016. In April 2018, a new constitution was adopted by parliament in a session boycotted by the political opposition, which was convinced, just as were civil society organization and the Catholic Church, that the popular referendum is the appropriate way to adopt any new constitution.⁶¹ This new constitution, which creates the fourth republic, establishes an integral presidential regime thus reinforcing the powers of President Déby. The Constitution of the Fourth Republic changed the presidential term to six years, renewable once, versus five years renewable indefinitely, as in the previous constitution.⁶² In theory, Idriss Déby, who is on his fifth term to be completed in August 2021, could remain in power until 2033.⁶³ In addition, the minimum age for running for the presidency has been raised from 35 to 45. In the dynamics of repressing protests and social movements, Chad has since 2016 restricted the use of social networks, blocking the main social

⁵⁸ [https://www.france24.com/fr/20141213-video-togo-contestation-presidentielle-manifestation-Faure- Gnassingbe-Gnassingbe-Eyadema](https://www.france24.com/fr/20141213-video-togo-contestation-presidentielle-manifestation-Faure-Gnassingbe-Gnassingbe-Eyadema)

⁵⁹ Cf. <https://www.dw.com/fr/les-insuffisances-de-la-m%C3%A9diation-de-la-cedeao-au-togo/a-46162491>

⁶⁰ "Mandates already carried out and those which are in progress on the date of entry into force of this Constitutional Law are not taken into account in the count of the number of mandates for the application of the provisions of Articles 52 and 59 relating to the limitation of the number of mandates ", adds the paragraph 2 of art. 158.

⁶¹ It should be noted that the political opposition, as well as civil society organizations and the Catholic Church have unsuccessfully asked that the Constitution be submitted to the people for adoption by referendum.

⁶² Cf. https://www.lemonde.fr/afrique/article/2018/05/01/le-tchad-adopte-une-nouvelle-constitution- renforcant-les-pouvoirs-du-president_5292925_3212.html

⁶³ By virtue of the non-retroactivity of the law, President Déby has the option of applying for two 6-year terms.

networks starting on March 28, 2018, then proceeding to a total cutoff of the internet from December 2018. As of January 2019, Internet Without Borders and local organizations have launched a campaign against internet censorship, the blocking of social networks and the exorbitant costs of access.⁶⁴ The reestablishment of connectivity is effective since July 2019 after 16 months of unwarranted censorship.⁶⁵

f) Rwanda

President Paul Kagame, elected in 2003 and re-elected in 2010, whose second and last seven-year term ran until 2017, carried out constitutional reform in 2015. The revision process started with a popular initiative, in the form of a petition through which 3.7 million Rwandans were asked as to whether or not to continue the time in office of Mr. Kagame, 58, after the expiration of his term in 2017. This constitutional revision was approved by 98.13% of voters, versus 1.71% who voted “no” to allowing President Kagame to stand for reelection in 2017. He can potentially lead the country until 2034. The new constitution’s Article 101 certainly continues to limit the number of presidential terms to two, while reducing the term from seven to five years, but the new Article 172 stipulates that the reform will only enter into force after a new, transitional seven-year term from 2017 to 2024 that the incumbent president has already won; he remains legally eligible for re-election for the next five years.⁶⁶

This change was made despite the exhortations and threats of partners like the United States who called on Paul Kagame to respect the limitation of the presidential terms in force. The White House said: “President Kagame, who in many ways has strengthened and developed Rwanda, now has an historic opportunity to enshrine his legacy by honoring his commitments to respect the term limits set when he entered office.”

This reform was possible in Rwanda, as there is virtually no opposition or genuine civil society organizations capable of leading citizen mobilization against constitutional reforms involving alternation. But unlike Burundi, the constitutional amendment initiative did not lead to a deep crisis. It must be noted, however, that the Rwandan political context is very unfavorable for engaging in advocacy and citizen mobilization for constitutionalism, and external pressures have no effect.

g) Uganda: the controversial longevity of Yowéri Museveni

Ugandan President Yoweri Museveni is one of the African presidents who is characterized by his longevity in power and constitutional tampering. Indeed, after taking power in 1986, he was elected and re-elected many times. In 2005, he modified the Constitution of 1995 in order to exercise more than two mandates. Throughout his time as president, Museveni has worked to alienate the opposition. Then in 2017, faced with exceeding the age limit, he voted on an amendment to the Constitution raising the age limit of 75 years to be a presidential candidate. This amendment is validated by the Supreme Court⁶⁷, giving the possibility to Museveni to seek a sixth term in 2021. He has already been anointed by his party, the National Resistance Movement (NRM) for this purpose. The protest against these changes was repressed and several opposition leaders, including Kizza Besigye of the Forum for Democratic Change (FDC), were arrested on the sidelines of a

⁶⁴ <https://internetwithoutborders.org/campagne-internationale-pour-le-retablissement-dinternet-au-tchad/> See also: <https://www.business-humanrights.org/fr/tchad-la-soci%C3%A9t%C3%A9-civile-m%C3%A8ne-une-campagne-pour-le-r%C3%A9tablissement-dinternet-et-des-r%C3%A9seaux-sociaux-ferm%C3%A9s-depuis-des-mois>

⁶⁵ <https://internetwithoutborders.org/victoire-au-tchad-laccès-aux-réseaux-sociaux-retabli/>

⁶⁶ https://www.lemonde.fr/afrique/article/2015/12/19/le-rwanda-vote-la-revision-de-la-constitution-permettant-un-nouveau-mandat-pour-kagame_4835071_3212.html

⁶⁷ <https://www.jeuneafrique.com/765018/politique/ouganda-la-cour-supreme-supprime-la-limite-dage-pour-acceder-a-la-presidence/>

demonstration and detained arbitrarily. The silence of the international community has been observed in the face of President Museveni's constitutional amendment.⁶⁸ But the quest for change continues to make itself felt among young people who show their support for new opposition figures like the former singer turned MP Robert Kyagulanyi, aka Bobi Winequi, who intends to stand for the presidential election of 2021. Faced with the lifting of all restrictions (age limit and number of mandates), it is the political maturity of the Ugandan people and their ability to encourage the alternation or reintroduction of these limitations that are posed. It is important to reflect on the role of civil society, citizen movements in civic and political education of populations as well as their capacity to build alliances with political actors to promote alternation, respect for democratic principles, the rule of law and human rights.

3. Impacts of constitutional change: The ongoing struggles and debates

a) Guinea (Conakry): the debate on Alpha Condé's third term

In the Republic of Guinea, President Alpha Condé, elected in 2010 and re-elected in 2015, should, according to the provisions of the Constitution, give way to another president in 2020 at the end of his second and last five-year term.⁶⁹ However, both the political opposition and civil society, who have organized demonstrations and calls for mobilization in Conakry, suspect the president to want to stay in power through the revision of the Constitution. The temptation of a third term is very real. Although the President is keeping the country in suspense, the signs are worrisome: calls from the base of his supporters who express their enthusiasm for a constitutional change, through the turn of the screw in the media, the announcement by the President of the upcoming launch of consultations between institutions, political actors, trade unions and civil society organizations on the Constitution, etc. Defenders of the constitution are preparing for this eventuality and at the level of civil society, a National Front for the Defense of the Constitution (FNDC) was formed in April 2019 to oppose a third term for Alpha Condé.⁷⁰

b) Algeria: the challenge of the Boutéflika system

In power in Algeria since 1999, reelected in 2004, 2009 and 2014, President Abdel-Aziz Bouteflika had managed to stay in power despite the very worrying decline in his health. His candidacy decision for the presidential election of 2019 was too much for many Algerians, and led them to express their hostility to the possibility of a Bouteflika candidacy. Despite the postponement of the presidential election and the promise of far-reaching reforms, the popular protests on an unprecedented scale led to his resignation on April 2, 2019. However, the pressure of the street continues because beyond Bouteflika himself is a whole system that the Algerian people reject. The challenge of the interim power continues, and the position of the army in the maintenance of the system poses more and more problems. The memory of the Islamist violence of the Black Decade (1991-2002) rekindles the fears and undoubtedly hurts the outcome of the struggle for a real democracy in Algeria.⁷¹ Despite the presidential elections scheduled for December 12, the streets remain occupied and protesters reject any possibility of an election carried out by the same system. They also demanded the resignation of the head of state-major general of the armed forces.

⁶⁸ <http://www.rfi.fr/afrique/20180104-ouganda-pourquoi-silence-face-reforme-museveni>

⁶⁹ President Condé has never made a secret of his opposition to limiting the number of mandates challenging its relevance on the African continent

⁷⁰ https://www.lemonde.fr/afrique/article/2019/09/05/guinee-alpha-conde-entretient-le-suspense-sur-un-eventuel-troisieme-mandat_5506881_3212.html

⁷¹ <http://www.lefigaro.fr/international/2019/03/05/01003-20190305ARTFIG00225-l-algerie-face-a-la-memoire-douloureuse-des-annees-de-guerre-civile.php>

c) Sudan: countering Bashir and the military transition

In power in Sudan since 1989, Oumar al-Bashir was overthrown following an unprecedented popular protest movement. Part of the contestation of a governmental decision to increase the price of bread, this movement gradually became a challenge of the El-Bashir regime until it was overthrown on April 11, 2019. The establishment of a state of emergency on February 22 and attempts to suppress the protest by force have had no effect on the determination of the Sudanese. While the army showed signs of openness to the protesters, its attempt to stay at the head of the transition was also contested. The determination of the protesters made it possible to define the establishment of a civil transition. It should be noted that in Sudan, women occupy a leading role in the protests.⁷² The Sudanese have undoubtedly learned from the failures of the Egyptian revolutions and of cases in other countries where the army ended up remaining in power and neutralizing the challenge, even leading to democratic retreats. The following will teach us about the success factors of this movement that have surprised many observers of the Sudanese, regional and international political scene.

4. What lessons can be drawn from these struggles

From all the examples and cases listed above, it is possible to draw some constants and lessons on the factors of success or failure of these protest movements, born as resistance to the attempts of people in power to maintain their positions and to the perpetuation of the dictatorship.

The first lesson is that in order to succeed, a partnership or unity of action between civil society organizations, citizen movements and political actors is essential. The conjunction of the efforts of all those who defend constitutionalism, the principle of term limits and the transfer of power is required for change to be made. Wherever the actors have advanced in scattered ranks with clean agendas but without convergence or coherence with the general interest, the failure has been obvious. We also note the role of singular actors such as religious denominations; the Catholic Church, in particular, in the DRC, in Chad, and in Togo and even in Burkina Faso, did not fail to lead the way in favor of respect for constitutional and democratic principles.

The second lesson is the role of the institutions, especially institutions in charge of determining the constitutionality of laws as well as the regularity of elections and referendums (e.g. Constitutional Council, Constitutional Court or Supreme Court). These institutions have not always assumed their independence from political power, but in rare cases, appeals to these institutions and their resulting decisions have served as an argument for advocacy and citizen mobilization. They can therefore serve as a means for advocacy, which citizen mobilization advocates for constitutionalism should not ignore.

The third lesson, arguably the most important in the African context, is the role of the army and its relation to the citizen movements. A potential instrument of repression, the army has, in many cases, eventually become an arbitrator. While some citizen movements have explicitly called for the army to join the camp of the people and assume power, others have been cautious, drawing lessons from previous unfortunate situations. The army must remain republican and apolitical and therefore should not be an arbitrator or an instrument of repression and the preservation of power. The success of the movement will therefore depend on the attitude of neutrality of the army and its republican character.

⁷² <https://www.middleeasteye.net/fr/opinion-fr/le-second-printemps-arabe-legypte-est-lepreuve-de-verite-de-la-revolution-au-moyen>

Finally, it should be noted that beyond the national dynamics, there is more and more the articulation of a continental and transcontinental Africa-Europe platform of struggle for alternation of power, through the coalition "*Tournons la page*" (Let's turn the page). Digital media have played and continue to play a key role in the transmission of messages and the coordination of citizen movements, as digitization allows better organization and communication at lower costs via social networks (Facebook, Twitter, WhatsApp, etc.). Initiatives similar to "Africtivistes" exist. Africtivistes is a league of African bloggers and cyber-activists for democracy, and one of the platforms for the federation of virtual mobilizations on and off the African continent. Katiba Institute, established in Kenya in 2011, works to promote constitutionalism through, among other things, judicial remedies, information activities, public awareness campaigns and dissemination of the Constitution, research and publications, etc.⁷³

⁷³ To learn more : <https://oxfordhr.co.uk/wp-content/uploads/2019/03/Katiba-Institute-Executive-Director.pdf>

B. PART TWO: Action strategies for constitutionalism

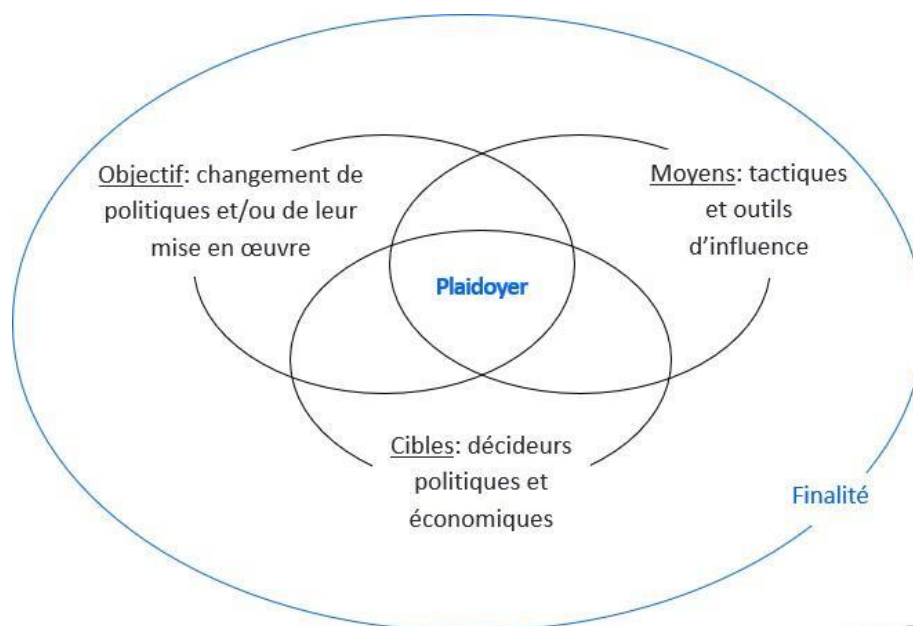
I. Advocacy for Term Limits in Africa

1. Advocacy approaches and definitions

In common parlance, advocacy means "*a set of targeted actions that support a cause or an issue, with the intention of building support for this cause or this issue, and bringing others to support them, or trying to influence or change the laws that affect them.*"

Although often used interchangeably, advocacy should not be confused with lobbying, which refers specifically to advocacy efforts aimed at influencing legislation, exerting pressure to reach solutions to a specific problem. Lobbying is but one aspect of advocacy.

Advocacy is a *strategic/deliberate process, a coordinated set of actions or campaigns focused on a single problem, conducted at a national, regional, or local level within a limited timeframe, that is intended to raise awareness of an issue among the public or decision makers, or to influence policies, programs, or decisions, to change laws, regulations, or lastly, to defend a right, a gain, or a benefit.*



Advocacy description and elements

There is no single form of advocacy in that most advocacy strategies involve several aspects of the definitions below. Moreover, these definitions reflect varying theories about how politics and power function, and how change occurs. We will first identify some of the main definitions of advocacy. To conclude, we will define advocacy as it is used in this guide.

Advocacy in the public interest: This type of large-scale, campaign-style advocacy often involves professional lobbyists, media specialists, survey institutes, and fundraising specialists. *These actors mobilize resources and influence in order to push reforms on issues related to the social and political order, with a goal of serving the wider public interest.*

Political advocacy: Political advocacy initiatives are exclusively focused on the political calendar, with a specific strategic objective. Generally speaking, actors in this type of advocacy follow the principle that *any political change will result in real change on the ground.*

Advocacy for social justice: This is how a number of international organizations describe their advocacy. This type of advocacy involves political and strategic influence over issues directly affecting people's lives, particularly those of poor and marginalized populations. Oxfam and Advocacy Institute (United States) offer this definition: "*Advocacy consists of organized efforts and actions based on the reality of 'what is.'*" These organized actions aim to expose serious issues that have been ignored and obscured, to influence public behavior and to promulgate and put into action laws and policies such that the ideal of 'what should be' in an equitable and acceptable society becomes reality." They highlight the necessity of "incorporating power relations and collective participation."⁷⁴

Advocacy focused on people: This consists of supporting the most disadvantaged people so that they may advocate for their own rights and interests themselves. This approach calls into doubt the idea that politics is a realm reserved for "specialists." According to ActionAid (United Kingdom), advocacy focused on people supports and *helps people to better defend* their own needs and fundamental rights themselves.⁷⁵

Participatory advocacy: Participatory advocacy broadens the scope of public decision-making by involving civil society groups in political debate. It is based on the idea that *democratic governance is the responsibility of citizens as much as of governments.*

This type of advocacy aims to *broaden the public space and develop the citizenry.*

2. Advocacy definition used in this action guide

Advocacy for presidential term limits is first and foremost participatory. It follows several of the principles outlined in the definitions above. As in these definitions, ours is explicitly based on the *values of democracy, rule of law, and respect for human rights*, and focuses on the necessity of securing and upholding presidential term limits in African constitutions. We are concerned with the way in which presidential term lengths are regulated by the fundamental laws of many African countries, which leads not only to ambiguity in the effective length of terms, but above all to the dire consequences of crises, electoral conflicts, and human rights violations. It is understood that term limits and the possibility of being reelected are associated primarily with the election of the head of state, and more rarely with the reelection of other elected officers (members of Parliament, local or regional councilors, mayors, etc.). We also hope to support other approaches to improve equity, justice, and rights.

⁷⁴ Advocacy Institute and Oxfam America, *Advocacy Learning Initiative* (preliminary), 1999.

⁷⁵ Chapmen, Jennifer and Amboka Wameyo, *Monitoring and Evaluation Advocacy: A Scoping Study*, ActionAid, London, 2001.

Definition of advocacy in this guide

Advocacy for electoral term limits, particularly presidential term limits, is a political (but citizen-driven) strategic process involving united, organized efforts in order to promote the principle of term limits or to change the policies, practices, ideas, and values that perpetuate unlimited terms and lifelong reigns. It builds citizen decision-making capacities and promotes the development of stronger, more responsible and just institutions.

This guide will explain how advocacy planning and efforts can encourage active decision-making and citizenship in order to support presidential term limits, and term limits in general.

3. Who can engage in advocacy?

Some people regard advocacy as a professional activity reserved for a minority working on behalf of the majority of the population. It is sometimes associated with lawyers or politicians. It is regarded as a confrontational activity rather than a collaborative one. This is a faulty perception of advocacy.

Any person who is affected or interested in an issue, a problem, or a situation may engage in advocacy. This role requires no particular qualifications.

An advocate may take on different roles depending on the context. S/he may also engage in representing, accompanying, promoting independence, mediating, modeling, negotiating, networking, pressuring, mobilizing, petitioning, or parlaying.

4. Strategies and stages for successful advocacy efforts

The different stages of advocacy are divided here into two essential parts. They are 1) planning the advocacy initiative or campaign by analyzing the context and developing the advocacy strategy itself, and 2) implementing the advocacy initiative.

Advocacy depends on a diverse group of leaders, activists, and organizations, with a variety of skills and talents, as well as engaged citizens who are prepared to take occasional risks to promote/produce the desired change.

When they are bound by shared principles and a common cause, they learn to respect their distinct roles and responsibilities, and create interdependent decision-making structures within their organizations.

This guide presupposes that citizens have the right to be involved in decisions related to the setting of term limits. If not, they must first work to gain this right.

Planning an advocacy campaign in support of constitutionalism and term limits

Planning an advocacy campaign or initiative requires understanding the country context as a whole and, more particularly, the context within which the desired change must take place, in order to establish effective goals, objectives, and targets for the advocacy initiative, and finally, defining a strategy by developing an implementation plan to uphold the constitution, if it already includes term limits, or to encourage reforms to establish the principle of term limits.

✓ Stage 1: Understand the issue and the context for constitutional change

In this case, the problem is well-known and sufficiently defined: it consists either of the political will to ignore political changeover by disregarding presidential term limits through a change/amendment in the constitution, or an absence of term limits as mandated by the current constitution. It is important to analyze the characteristics of the problem in depth, particularly the reasons for the lack of term limits or the political will to disregard these limits, which constitutes an infringement on constitutionalism and should be addressed in the context of democracy and rule of law (See part 1).

It is often challenging to assess the context for the amendment envisioned by the current leadership or by prodemocracy or pro-term limit activists, and to determine whether such a context is favorable to advocacy or not. In essence, any notions of constitutional amendment or change occur with a background specific to each country, region, or the world, and it is important to analyze this context in depth, and to have a complete understanding before undertaking any advocacy efforts. It is therefore necessary to:

- **Analyze the historical, sociological, economic, and political context of the country:** historical progression of the issue in your country, prior constitutional amendments, past sociopolitical crises, population structure (social makeup and classes), and rates of participation in elections, structure of the political class and balance of political power, level of political education and maturity of the population, particularly youth, women, etc.;
- **Map and analyze stakeholders:** determine internal and external actors liable to influence or be influenced by the issue of term limits, who makes decisions about amendments and who is involved in the constitutional amendment process, positions and opinions of key actors and institutions in regard to term limits: who is potentially for or against, and the arguments used by both to support their positions;
- **Analyze the forces at work (capabilities of stakeholders):** this requires looking beyond who the stakeholders are and analyzing the distribution of power among the different decision makers, gauging the strengths and weaknesses of actors, the potential contributions of allies, potential hindrances posed by adversaries (thinking long-term);
- **Analyze risks specific to advocacy work:** conducting an advocacy initiative may expose its leaders to risk, especially when the initiative deals with sensitive political topics. In many of the countries described above, where existing term limits have been disregarded, citizen movements that opposed such behaviors have been subject to repression. This is why it is important to assess in advance the level of political openness in your country, and the availability and openness of (political) dialogue leaders. It is also important to be familiar with the rules, restrictions, and conditions advocacy work must follow, as well as real or potential security risks tied to advocacy campaigns.

But beyond the country context, it is important to be familiar with the international context as well as regional dynamics that favor or oppose constitutional change/amendments or term limits. Ask yourself the following questions:

- Have there been initiatives in the region or on the continent to amend or change constitutions to remove term limits?
- What has been the reaction of national public opinion in other countries?

- What is the current position and prior positions of regional institutions or bodies (African Union, CEDEAO and other regional economic communities) on the term limit issue;
- What has been the position of the “international community,” in particular technical and financial partners (TFP) of the country on previous constitutional amendment initiatives?
- Does national or international case law exist in the area of term limits or constitutional amendments that may help you in your work or your understanding of the context?

Example elements of regional and international context

- ✓ Position statements or guidelines by the African Union, the CEDEAO, or other regional economic communities (REC) about constitutional amendments that challenge term limits or democratic changeover;
- ✓ The coup d'état against Mahamadou Tandja in Niger which put an end to tazarché was used as an argument to fight an amendment to art. 37 in Burkina Faso;
- ✓ The popular insurrection in Burkina Faso in 2014 was used as an argument to dissuade some African regimes in the same category from continuing in power;
- ✓ Resistance to the operationalization of the Senate in Burkina Faso which had been introduced with a 2012 constitutional amendment helped to inspire other countries to reject the establishment of a bicameral house based on the same arguments of cost, the nomination of certain senators by the president, which contributed to an increase in presidential powers (Côte d'Ivoire, Mali), and threatened the principle of separation and balance of powers;
- ✓ Position statements (of condemnation) by the United States, France, and other partner countries, on constitutional revision or amendment initiatives, etc.
- ✓ Possible sanctions against regimes that have violated the principle of term limits in the revision or amendment of their constitutions.

✓ Stage 2: Clearly define the goal or purpose of advocacy

To lead an effective advocacy effort, you must have a clear idea of what you want to change and set a measurable and time-bound goal. “Purpose” may be understood to mean the goal of the advocacy effort: is it to support respect for term limits prescribed by the constitution? To include term limits in a new constitution or in the current constitution?

An advocacy campaign/initiative that promotes constitutionalism in general and limiting the number of presidential terms in particular should have as its purpose one of the following elements:

- To preserve the principle of term limits by opposing any constitutional amendment or change removing this limit;
- Encourage political reforms that support the introduction of the principle of electoral/presidential term limits when the constitution does not already have them;
- Ensure respect for and implementation of constitutional principles upholding political changeover, rule of law, and respect for human rights.

✓ Stage 3: Determine strategy, target (audience), and change agents

It is important to address the following questions: who will conduct the advocacy, and for whom? How will you reach the target audience? How receptive is the target audience to the message to be conveyed?

An advocacy campaign/initiative may target a wide range of people or a narrower one, depending also on the modes of action or activities to be used. In any case, to garner support for the principle of term limits, it is necessary to determine several types of targets and adapt the message to each category:

- **Principal or 1st level targets:** these are the decision makers who hold power to effect change: the president, prime minister, president of the national assembly and/or certain institutional leaders, heads of political parties who carry significant political weight;
- **Secondary or 2nd level targets:** those one must pass through to reach or influence the principal targets. These may include other political decision makers, friends or parents, the media, religious leaders, etc.
- **Allies:** those who are likely to support your positions/efforts
- **Adversaries:** those who may oppose your positions, points of view, or efforts (resistance).
- **Undecided:** these are generally in the majority; these are people who know little to nothing about the merits of our cause, but who are or who could possibly be interested, who have heard about it and have a certain level of negative or positive biases. These people may change their minds and their involvement by becoming either our allies, or, on the contrary,

our adversaries, as long as we give them the facts and emotions that will allow them to overcome their biases and barriers to mobilization. We must therefore work to inform them, promote awareness, and convince them to join us in the struggle. In some cases, the undecideds may initially be in the majority, such that winning them over to our side may tip the balance of power. It is therefore necessary to get to know them and invest in studying them precisely (in advance, through surveys and/or studies, during and after advocacy efforts by identifying behaviors: what works and what does not), to identify the main barriers to action, so our campaign and its messages may succeed in convincing them to become our allies.

It is thus important to identify allies and adversaries in the political class, in civil society, TFPs, national institutions, and regional and international organizations, and to initiate dialogue to form alliances.

Examples of recurring targets

Embassies, chancelleries, and diplomatic missions, local representatives of international and regional institutions can be favorable targets and privileged partners in advocacy/lobbying in support of term limits. They are often in conversation with leaders of dialogue frameworks and bilateral or multilateral discussions, who could prove useful in raising these issues.

Because they are required to produce reports on the situation in the country, they can be useful channels to internationalize concerns related to ideas about constitutional change or amendment and to elicit pressure from abroad.

✓ Stage 4: Define key moments/stages and set an agenda

An advocacy strategy in support of term limits must not be static: it should be dynamic and flexible enough to recognize when the strategy needs readjustment, depending on changes in the political context or environment and unexpected opportunities that may present themselves.

To this end, it is necessary to address such questions as: what are **elements of the political and/or media agenda** within which advocacy efforts will take place? In other words, are there opportunities to be seized or niches to be developed: frameworks for citizen dialogue or political negotiation, political and institutional reforms in progress, sociopolitical crises, etc.? What are the **decisive moments** when messages will need to be communicated? How will the reform **agenda** be created, set, or influenced?

The advocacy agenda in support of term limits may be highly dependent on the political agenda, if

Elements of an advocacy strategy

Description of issue

Political context (national, regional, and international)

Approach/theory of change

Change objectives

Success indicators

Opportunities and events

Power mapping and analysis

Resources and people involved and responsibilities

Identify risks and mitigating responses

Monitoring and evaluation

constitutional reform is inspired by a current government that intends to revise the constitution in order to remove term limits, or if the reform takes place within the framework of a wider political dialogue. The challenge will be greater in cases where it is necessary to create momentum, initiate the process that will lead to constitutional revision to include term limits, and generate interest and commitment to the agenda that has been set. Furthermore, it is important to have a relatively clear idea of the checkpoints to cross in order to reach the desired change. These checkpoints will differ depending on the procedure selected to revise or adapt the constitution: parliamentary route or referendum route.

Implement advocacy plan in support of term limits

Implementing the advocacy plan or deploying the advocacy strategy involves developing and communicating messages or arguments in support of term limits, conducting activities and exercising tactics that will make an impact, forming alliances to support the advocacy initiative, and monitoring and evaluation of the advocacy campaign.

✓ Stage 5: Prepare and communicate messages and arguments

The goal for advocacy message development is first to delineate or pinpoint the problem and then to persuade the target or recipient to support your position or point of view. In this particular case, the issue is limited and precise: electoral/presidential term limits.

Prior to developing your messages, it is important to collect information: research and monitor the situation by addressing these and other questions: as already discussed, a history of how the issue has progressed over time in your countries, the existence (or not) of national or international case law in the area of term limits or constitutional amendment that might help you in your advocacy work, the legal grounds for your efforts (See above characteristics of constitutionalism and conventional reference tools).

To develop effective messages in support of term limits, it is important to answer the following major questions:

- What type of person or audience is the message aimed at, and what do they already know?
- What specific expectations do you have of the target audience after receiving your message: what do you want them to do (concrete action)?
- What channel will be used to broadcast or communicate the message to its target?

When the goal of advocacy is to introduce a limit on the number of terms in a constitution which has none, it is important to examine what a good number of electoral/presidential terms would be, an admissible number of consecutive terms, whether it is necessary to include a clause prohibiting amendment or reversal of the principle of term limits, whether the law will be retroactive or not?

Finally, it is important to pay attention to the number of messages, as a multitude of diverse messages may impeded the advocacy's effectiveness.

Consider the limitations/specificities of digital technology when developing messages

If advocacy includes a digital communication component, the message may often take the form of a slogan or hashtag, for example the campaign **#NonAuMur** which was a means of citizen resistance against **"the wall of shame"** in Dakar, or the campaign **#TaxePasMesMo in Benin**, which gave citizens a way to protest the government's plan to impose a surcharge on social network usage.

✓ **Stage 6: Define activities, tactics, and modes of action**

Once you have chosen the key messages for each of your targets, the next step is to select and program activities to communicate these messages. Modes of action or tactics will vary and need not be limited to lobbying, which is but one tactic among many. In addition to official advocacy meetings that may be held, it is also possible to develop public communication and awareness-raising efforts by using the media and social networks, taking part in negotiations or political dialogue initiatives, mobilizing citizens, or developing and putting forth your expertise on the issue, communicating effectively; any advocacy strategy must be based on a communication plan: communicating with the target audience, members, sympathizers, the base of your organization or the outside (the public, partners, etc.).

EXAMPLE OF ACTIVITY PLANNING TO DEVELOP AND COMMUNICATE KEY MESSAGES TO TARGET AUDIENCES

Target audience	Key messages	Activities
President of the Republic (PR)	“A unilateral amendment to the constitution and the reversal of term limits through parliamentary means runs the risk of plunging the country into a political crisis and dealing a blow to partner and investor confidence.”	<ul style="list-style-type: none"> - Conduct an opinion poll on the constitutional amendment bill and the PR’s popularity - Send a copy of the poll report to the president’s office; - Request an audience for an interview with the PR to present the results of the poll; - Question the president about his/her commitment to respecting the constitution and term limits
Prime Minister (PM)	“The government must withdraw the proposed bill to amend the constitution in order to preserve social cohesion.”	<ul style="list-style-type: none"> - Invite the PM or his/her representatives to a roundtable on the constitutional amendment bill - Question the PM about the implications of the constitutional amendment bill in terms of resetting the presidential term counter to zero.

President of the National Assembly (PNA)	“Members of parliament must abstain from voting in a constitutional law that includes a reversal of the principle of term limits and would obstruct political changeover.”	- Invite a representative of the PNA to the roundtable on the process of constitutional revision and disseminate the opinion poll report; - Request an audience with the PNA for an interview
Mr. X, highly-respected by traditional and religious leaders	“Traditional and religious leaders must commit to restoring peace by persuading the government to withdraw this bill.”	

✓ Stage 7: Forge alliances and work with others

In the context of advocacy, it will prove particularly important to identify and develop a network of allies within the framework of a coalition to sustain or support the initiative. It is possible and even desirable to collaborate with other people, organizations, or bodies with an interest in the issue of electoral/presidential term limits, who have the same vision of change, in order to boost its impact. Indeed, pooling the efforts, skills, expertise, and resources of coalition member organizations or people will make it possible to reduce risks, draw attention to key policies, and attain the desired change. If formal partnerships can be formed between organizations, situations may arise where informal ties take over. For example, in Benin, the #TaxePasMesMo movement that forced the government to back off from its plan to impose a tax on social networks, was sustained by a very heterogeneous alliance, whose only commonality lay in the aspirations and contradictions of a super-connected society.

In the case of negotiated partnerships that could result in sharing the responsibilities of an advocacy effort, it is important to confirm the credibility of other actors or stakeholders. Quite often the question of propriety is raised in regard to citizen movements and civil society organizations forming partnerships or working jointly with labor unions or opposition political parties. The decision whether or not to collaborate with such organizations must be determined by the specific circumstances and context.

CHECKLIST FOR EVALUATING PARTNERS' CREDIBILITY

- ✓ Can this actor/partner legitimately speak on behalf of those affected, interested, or concerned by the reversal or absence of term limits?
- ✓ Is the actor/partner known and respected by decision makers involved in this issue?
- ✓ Does the actor possess information or expertise relevant to the issue?
- ✓ Are the involved decision makers interested in this actor's opinion?
 - ✓ Are there people within this organization who are likely to lead an effective advocacy initiative on the constitutional issue of term limits?
- ✓ Is the actor perceived as objective and trustworthy, or politically partisan?

✓ **Stage 8: Implement monitoring and evaluation of progress in order to consolidate the advocacy strategy**

Advocacy initiatives require ongoing and attentive monitoring, in order to be able to adjust the strategy to the political climate/environment of the moment and progress on the ground. Advocacy efforts should be frequently revised and redirected. To this end, it is important to hold regular meetings, both to review and get feedback on activities on the ground, including advocacy meetings. This can help maintain the motivation of members and sympathizers and strengthen group spirit to continue the advocacy campaign, all of which will be crucial to the success of your efforts for electoral/presidential term limits.

5. Major characteristics and success factors for term limit advocacy

Approaches focused on constitutionalism and presidential term limits demonstrate four common characteristics:

1. The **advocacy planning process** encourages prodemocracy individuals and organizations, human rights activists, citizen social movements, youth and women's associations to

conduct analysis, develop strategies, and make decisions in order to defend the principle of presidential and/or electoral term limits in their country's constitution;

2. There is a specific pivot point between **citizen organization and education** and **the changes** to be effected in decision making for term limits, respect for the rule of law, and democracy;
3. **Constantly analyzing and negotiating power relations** helps to align efforts with a long-term vision for effective and irreversible change in the area of electoral term limits, in particular presidential term limits;
4. **Pursuing strategic alliances and relationships** with different actors, organizations, and interest groups builds consensus and lends the leverage and legitimacy that are conducive to change.

Citizen advocacy strategies can vary widely and may involve decision makers at all levels (international, regional, national, or local). They include:

- Using media to shape public opinion,
- Putting pressure on decision makers,
- Raising public awareness,
- Organizing interest groups,
- Developing citizen leadership,
- Raising political awareness,
- Conducting research,
- Creating coalitions and other activities.

The success of an advocacy effort is evaluated based on changes observed in the following areas:

- Strength of citizen engagement and organizational quality;
- Political discussions and decision making taking into account the opinions and interests of prodemocracy and pro-term limit citizen movements;
- Pro-term limit values, ideas, and behaviors being defended by decision makers/political leaders (MPs in the national assembly, president of the republic, constitutional council or court), as well as presumptions about the choice of political models.

II. Citizen Mobilization

“To succeed in effecting social change, activists and social movements must fulfill four roles: citizen, rebel, change agent, and reformer.” In Les quatre rôles de l’activisme social, p. 3

1. What is citizen mobilization?

In modern parlance, citizen mobilization refers to “the act of bringing together citizens, with their skills, interests, and values, around a common project or cause, which will contribute to improving quality of life and harmonious development of the whole community.”⁷⁶

In this case, it refers to generating wider public interest and engagement in the issue of constitutionalism in general, and support for the principle of electoral/presidential term limits in particular. Citizen mobilization, stemming from citizen oversight, constitutes one of the privileged modes of action by civil society organizations, specifically prodemocracy movements.

2. Who can engage in citizen mobilization?

In principle, anyone, any citizen, any activist, may engage in citizen mobilization. One does not need special qualities, like being a charismatic leader, to do it. They just need a few tricks, despite the fact that some people may act like they have prerequisites in terms of leadership or motivational skills. If one person can engage in efforts to defend and uphold and/or establish clear and irrevocable presidential term limits, it is even more worthwhile, if not indispensable, to gather citizen movements through associations in order to lead high-impact initiatives to fight for major results and successes. This does not mean that simply mobilizing will bring about success. Unfortunately not. Some mobilization efforts may not encounter immediate success. In these cases we must persevere, fight the good fight, and change and/or pool efforts to get there.

Activists must be aware of the roles that they and their organizations play in the wider social movement. To succeed in effecting social change, activists and social movements must play four roles: citizen, rebel, change agent, and reformer.

Each role has different goals, styles, skills, and needs and can be played effectively or not.

Strengthening grassroots participation is a good strategy insofar as the power of numbers is pooled for a single cause. “**Strength in numbers**” is the slogan of the Balai Citoyen movement in Burkina Faso. This slogan conveys the importance of numbers in nonviolent citizen struggles. Participation sometimes results in the **formation of an interest group, a social movement, an association, etc.**

Forming a group/coalition helps to strengthen the involvement of likeminded people in designing and leading advocacy and mobilization efforts. A well-designed group can improve organization and strengthen the people’s political voice, while also lending legitimacy and consistency to change efforts.

In speaking of advocacy, we have repeatedly mentioned the need to educate and organize citizens, to encourage them to get involved and make their voices heard. This is to say that advocacy is supported or strengthened through citizen mobilization, which will amplify your message, put

⁷⁶ This definition is taken from: <https://www.e-graine.org/2018/06/quest-mobilisation-citoyenne/>

pressure on decision makers to pass the bill or, on the contrary, refrain from proposing any bills contrary to public wishes.

Both individual activists and social movement organizations must understand that social movements require the four abovementioned roles, and that the participants and their organizations may choose which roles to play in accordance with their own characteristics and the needs of the movement.

Moreover, they must distinguish between effective and ineffective methods for fulfilling these roles (*see in annex the description of the four roles for effective and ineffective actions*).

It is important to understand that a social movement must play these four roles effectively, because this can also contribute to reducing conflict and promoting cooperation between different activist groups and organizations. When activists understand that the success of their movement depends upon these four roles, they can more easily accept one another, support each other, and work together.

3. Some potential actions/ideas

There are many possible activities to mobilize citizens in the area of upholding or establishing presidential term limits. However, we propose several ideas below with a view to helping those who wish to be able to develop grassroots activities, while still being innovative in approach and adapting to the context. This does not, therefore, constitute an exhaustive list of fixed ideas to follow unquestioningly. It consists rather of some activities and thoughts drawn from lived experience which demonstrate the necessity and the relevance of citizen mobilization efforts. These activities are also not necessarily linear, but they complement each other and may be implemented simultaneously or in a different order. Nevertheless, combining them will strengthen the effectiveness and impact of desired changes.

For each of the proposed actions, we have tried to provide some tricks, key steps, and/or precautions to take to avoid or overcome obstacles.

a) Educate and raise awareness about the merits of term limits

Very often, citizens do not have a good or clear understanding of the content of term limits prescribed in our constitutions. It is therefore important to give them sound information on current term length. They may not understand why it is necessary to limit these terms. Furthermore, young people are the majority in Africa and most often do not know or have not known more than a single president since they were born. It is therefore necessary to work to raise awareness among youth, who not only make up the majority, but also and above all are the most dynamic and active. They

are at the forefront of social mobilization for citizen demands, protests, etc. But to get there, we must create a critical mass of informed people who understand the validity of their engagement.

Examples of potential actions: Conference-debates, film showings, public concerts on themes related to constitutionalism/term limits with students of all ages, neighborhood youth, and the informal sectors; youth/leader training on citizen movements; awareness-raising about the field of civil resistance, etc.

Key elements

Be inclusive in organizing education/awareness activities. Set yourself up for success.

Host a debate when necessary.

Construct an argument about the necessity of presidential term limits (use examples of abuses over the course of a term and especially the potential risks after long terms)

Have resource persons in your organization or build relationships with them

b) Engage in civic acts and set an example

People who are engaged in supporting electoral term limits, especially youth, gain legitimacy when they engage in responsible civic acts that capture the attention of the population. Moreover, engaging in civic acts helps to mobilize more supporters, recruit new sympathizers, and strengthen the activist base.

Potential activities: organize cleanup days; organize days to visit sick people in the hospital; visit elderly/respected persons; help direct traffic; report problems with a public utility; call for a boycott or protest; donate blood, etc.

Multiply and publicize these actions

Take advantage of these times to convey civic messages

c) Host a debate and discuss ideas/concepts such as citizenship, democracy, civic rights and responsibilities; citizenship and political power.

These activities can be done in small groups or in assemblies/debate forums/discussions (10 minutes to convince; public arguments...)

Citizenship is much more than voting or fulfilling public obligations. It is not limited to choosing leaders and using the system: citizenship involves designing and fashioning the structures and rules of the system.

A shared vision of citizenship is useful for advocacy. It is also important to be aware that the values of citizenship may vary from one context to another.

d) Seeking out strategic supporters: artists, opinion leaders, intellectuals (law professors)

For citizen mobilization to succeed, it is important to be innovative in the activities you do. This entails being creative and seeking out collaborators who are capable of supporting your mobilization. To this end, having (hired) artists who can facilitate mobilization and awareness-raising concerts can be a good approach. It is necessary to take steps to win over certain opinion leaders capable of sharing and supporting our cause. It is also advisable to have intellectuals, including sociologists, historians, lawyers, and constitutionalists.

Conference-debates and democratic dialogues can be organized around themes like respect for term limits.

However, be careful of political crackdowns, “fight breakers”

Be aware that your combat strategies may be sold or communicated to your adversaries

e) Form partnerships and create coalitions with associations, social movements, labor unions

In the context of prodemocracy and pro-term limit campaigns, there is a benefit to working in coalitions, including with certain political parties (especially the opposition) and labor unions. However, it is necessary to consider carefully the choices you make. Some partnerships or coalitions could prove dangerous and detrimental to our cause.

f) Build relationships with the diaspora to amplify the message and extend the reach of your efforts

In many situations, the diaspora has played an important role in the success of civic efforts. The diaspora can help to better explain the situation to foreigners; to relay information; to compensate for interruptions in internet and media access at the national level; to mobilize support abroad, and fundraise if necessary.

g) Citizen petitions addressed to the National Assembly

The laws of certain countries allow citizens to use their right to petition in legal or constitutional matters, such as in the case of Burkina Faso (article 161 of the constitution). When possible, efforts on behalf of electoral term limits, particularly presidential term limits, should or could integrate the use of citizen petitions. An example is the petition launched by Le Balai Citoyen⁷⁷ in support of the rule of law in Burkina Faso⁷⁸ in 2014. Such an effort could allow the national assembly to legislate on the issue based on public opinion and citizen mobilization.

Be sure to respect legal requirements governing petitions for legislative or constitutional initiatives. Quite often, the law requires that persons who participate in such an initiative (who sign the petition) be in possession of their civil rights and be nationals of voting age.

It is also necessary to reach the required number of signatures in order to submit the petition.

Finally, in some cases this type of procedure requires you to gain the support of members of parliament who can endorse your request within the chamber.

⁷⁷ Le Balai Citoyen, a peaceful resistance movement, is a new citizen organization that mobilizes, rallies, and organizes Burkinabé youth to demand true democracy, good governance, and peaceful coexistence in Burkina Faso.

⁷⁸ https://www.avaaz.org/fr/community_petitions/Les_citoyens_du_monde_entier_POUR_LE_RESPECT_DE_LETAT_DE_DROIT_AU_BURKINA_FASO/

h) Submit a legal contestation or conduct strategic litigation

Another type of action capable of advancing the fight for presidential term limits consists of using review procedures before relevant judicial authorities, in this case the constitutional council/constitutional court, the supreme court or other regional (African or ECOWAS commissions and courts) and international legal frameworks (United Nations treaty bodies),

Strategic litigation consists in bringing landmark cases of human rights violations or any other violation of state obligations to national, regional or international courts. Strategic litigation aims to create or influence the jurisprudence in a way that is favorable to the actual implementation of protection of human rights, the fight against impunity corruption and the protection of certain principles and values. The goal of strategic litigation is not necessarily to win the case, but the simple fact of engaging the justice system shows confidence in the rule of law and institutions, whether national, regional or international. Strategic lawsuits serve to sustain the debate in public opinion. To achieve this, it will be necessary to collaborate with or mobilize lawyers, constitutionalists, and sitting judges, and perhaps the bar, to support your effort.

An initiative such as this may not be able to succeed in many countries and situations, if members of the judicial authority, in particular the constitutional council/constitutional court, are in the pocket of the head of state. This is why another strategic action, no less important, is to work upstream for the independence of constitutional authorities, in particular through representativeness and nomination procedures within these institutions.

Observe the principles/rules of nonviolent resistance: Unity, planning, and discipline.

“If the population does not obey, the leaders cannot govern,” Hardy Merriman, in *The Trifecta of Civil Resistance*.

Studies show that nonviolent campaigns have enjoyed a 53% success rate, while violent campaigns can only claim 26%⁷⁹ success. As observed by Hardy Merriman in the *Trifecta*,⁸⁰ “There are a great variety of factors based on ability and skills that can influence the success of a movement, but in looking more closely, three main characteristics emerge: unity, planning, and nonviolent discipline.” These struggles must therefore respect some rules and principles, including ***discipline, organization; nonviolent acts even in the face of repression, among others.***

It is necessary to prepare for crackdowns

Set up protocols/mechanisms to protect members and leaders

⁷⁹ Based on research conducted by Erica Chenoweth and Maria Stephan that identified and analyzed 105 civil resistance campaigns with an intent to change the government in countries and territories throughout the world between 1900 and 2006. Chenoweth, Erica, et Maria Stephan. 2011. *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict*. New York: Columbia University Press. p. 9

Données NAVCO 1.1 available at: http://www.du.edu/korbel/sie/research/chenow_navco_data.html

⁸⁰ www.opendemocracy.net/hardymerriman/trifectaofcivilresistanceunityplanningdiscipline

Excerpt from The Trifecta of Civil Resistance, pages 6 to 8.

Unity is important due to the fact that nonviolent movements draw their strength from the participation of people coming from diverse segments of society. Put simply: numbers are key. The more people there are who join a movement, the greater its legitimacy, power, and tactical repertoire. Successful movements continually seek to reach out to different groups in their society: men and women; youth, adults, and elderly; urban and rural; minorities; members of religious institutions; farmers, laborers, businesspeople and executives; wealthy, middle-class, and lower economic strata; police, soldiers, members of the judicial system, etc.

Successful movements also continually reach out to their opponents' supporters, understanding that one of the strengths of a civil resistance movement with a unifying vision is the ability to spark loyalty changes and defections among the ranks of your adversary. For example, regular civil disturbances carried out by the antiapartheid movement in South Africa, combined with a call to national reconciliation, allowed the movement to gather widespread support and create unity in the desire for change, even among some partisan whites who had previously supported the apartheid regime.

Planning: Participants in nonviolent movements must also make complex decisions about what direction their movements will take. Strategic planning is of capital importance for this to be done well. No matter the worthiness of the cause or the indefensible moral acts committed by an adversary, it is rare to overcome oppression with nothing but spontaneous and improvised acts of resistance, even if these acts prove to be well executed. On the contrary, movements gain traction when they plan ways in which their civil resistance can be systematically organized and adopted by the population they represent, in order to reach targeted and specific objectives.

Deciding which tactics to use and in what order; developing proposals that galvanize desire for change based on the aspirations and claims of the people the movement aims to represent; planning which individuals and groups will be targeted and through what tactics, and what objectives to pursue in the short, medium, and long term; and establishing lines of communication to negotiate and form coalitions, are just a few of the challenges for which nonviolent movements must creatively develop strategies. This requires an analysis of the overall situation in which the nonviolent struggle takes place. In their planning process, effective movements gather information formally or informally, listen to the population, continuously find areas for improvement throughout the entire conflict, and analyze themselves, their adversaries, and third parties.

Nonviolent discipline: Finally, a strategy is only effective if it is executed with discipline. The greatest risk of failure in terms of discipline in a nonviolent movement is that some of its members become violent. Consequently, nonviolent discipline, people's ability to remain nonviolent, even when provoked, is often instilled continuously in participants. There are practical reasons for this. In the context of a movement, violent incidents caused by individual members may considerably weaken the legitimacy of the entire movement, while also giving adversaries an excuse to repress it. What is more, a movement that is nonviolent on a consistent basis has a much better chance of drawing a wide range of potential allies, and even winning over the opposing side's supporters.

i) Communicate and take symbolic action

Communication is an important element for both advocacy work and mobilization. It is important to know how to communicate at the right moment with poignant messages. Taking advantage of online communication (Facebook, Twitter, Instagram, WhatsApp) is critical for the success and expansion of civic action. It is therefore necessary to communicate with traditional media when possible but especially to maintain well-known online accounts and pages where individuals, media, and partners can quickly find necessary information. Also necessary are communication systems and channels between members and sympathizers to facilitate mobilization and information for the base. However, it is important to be strategic in communication in order to stay focused, maintain motivation among sympathizers, and deconstruct detractors and fake news.

Large-scale symbolic actions that capture the public's heart should also be organized, such as silent marches or peaceful demonstrations in front of particular institutions, likewise to draw public attention.

Be careful of crackdowns, arrests, and detentions

Identify places of refuge (including embassies) to shelter or hide when necessary

Develop affinities with the population in advance, especially youth, neighborhood elders, or the places of refuge you identified, to be sure that you will not be reported or turned over to the police. All the same, keep your hiding places secret and confidential.

j) Organize digital campaigns (online action)

Mobilization efforts on the ground can be supported, strengthened, and complemented by online actions. In many cases, online efforts have been effective in terms of visibility, participation, and changes achieved. These could consist of online petitions to sign (when this practice is allowed in your country), but also visuals, hashtags, and viral efforts launched on the internet or through social networks.

To succeed in mobilization efforts, it is important to integrate online mobilization dynamics, through social networks and creating #hashtags or petitions (change.org).

Citizen mobilization through the campaign “No to the wall”

Although this campaign did not deal with constitutional issues, its impact is nonetheless inspiring.

Construction of the future embassy of Turkey on the beachfront in Dakar triggered deep indignation and protests in the city. In May 2014, the collective “No to the wall of shame,” made up of twenty associations such as “SOS Littoral” or the famous collective “Y'en a marre” protested against granting a 4000-square-meter plot of public coastline to Turkey for the construction of its embassy with an ocean view.

The campaign generated wide engagement on social media. **Public pressure** led to an **intervention by Senegalese President Macky Sall**, who requested that the **project be suspended**, followed by an announcement by the Turkish ambassador that he was abandoning the construction of his new premises on that land.

The collective “Notothewall,” at the forefront of the controversy, **commended the decision.**

Six (6) key tasks for designing a digital campaign plan

Identify the media outlets and social networks on which to conduct the advocacy campaign. To this end, knowing the habits of your target audience will be useful.

Choose a hashtag. This will be the campaign’s primary identity. It represents the cause of the campaign and the organization that supports it. It is also an excellent way to generate engagement by internet users and follow the content that references it on the web. The ideal hashtag? Short and simple, expressive, and without punctuation.

Create specific visuals and publish them on different social media profiles (Facebook, Twitter, Google+, YouTube, blog, etc.) with those of the advocacy campaign underway.

Set up a monitoring mechanism for the hashtag and major keywords for the advocacy campaign. This monitoring system will allow you to follow conversations related to your campaign, identify potential influencers, and interact with the community. For this step, services like Google Alerts, Talk Walker Alerts, or Mention can be very useful.

Engage your community. Ask members (fans and subscribers, readers) to share visuals of the campaign or use the hashtag in publications. Request interviews. Tag personalities and media on social networks like Twitter.

Evaluate the success of your campaign and make improvements if possible.

k) Organize mobilization / peaceful protests

Public or popular actions are sometimes necessary to discourage certain authorities who wish to maintain their power through untimely constitutional amendments.

As John Samuel of the National Centre for Advocacy Studies⁸¹ said, *“To effectively influence power structures within a government or business, other sources of power must be used. In the context of public advocacy, the six main sources are these:*

- *The power to mobilize persons and citizens*
- *The power of information and knowledge*

⁸¹ *Pouvoir, peuple et politique : Une Nouvelle Trame, page 42*

- *The power of constitutional guarantees*
- *The power of experience and direct grassroots relationships*
- *The power of solidarity*
- *The power of moral beliefs”*

In order to succeed, it is necessary to involve the diaspora in citizen mobilization efforts and to advocate internationally and outside the nation’s borders, in order to garner more support and amplify the message. The diaspora can also contribute to mobilizing resources and diplomatic pressure.

To successfully mobilize citizens in support of presidential term limits:

- ✓ Have strong internal organizational capacities: how will you organize internally? Who will do what? When? Where? And how?
- ✓ Have a broad and diverse activist base able to mobilize on a moment’s notice
- ✓ Build relationships, both formal and (especially) informal: this provides access to quick information, which can help you to plan ahead.
- ✓ Develop security protocols (online and physical) and anticipate risks: this allows you to face any potential retaliatory acts
- ✓ Have a system / mechanism in place to protect leaders if they are well-known figures
- ✓ Build affinities and informal ties with the police force (your friends, your study promoters, neighbors, etc.)
- ✓ Work on your pillars of support.⁸² “Pillars of support are institutions and segments of society that provide the regime with the sources of power necessary to continue expanding its capacity to exercise power,” Dr. Gene Sharp, *Waging Nonviolent Struggle*.
- ✓ Do not let up on the pressure even when promises have been made but not yet fulfilled. Be sure that these promises are in written form and made public in order to involve the public as witnesses.
- ✓ Remain vigilant and monitor the fulfillment of promises.

⁸² Within each society, many pillars of support can be observed. These pillars include: the police, the army, government institutions such as the legal system and electoral commissions, the civil service, the education system, organized religious institutions, state-controlled media, financial companies and institutions, and other organizations.

- ✓ If members are arrested or detained, demand their immediate and unconditional release before engaging in any negotiations.
- ✓ Document any incidents/violence that occur as a result of crackdowns by the state and/or its agents. Publish these abuses to involve the public as witnesses.
- ✓ Remain nonviolent in your actions: this may trigger defections among the forces of justice and garner public sympathy and support.
- ✓ Request that judicial authorities record and retain evidence of infractions.
- ✓ Alert the international community (regional, community bodies): work to gain the sympathy of some regional leaders who would be able to support you.
- ✓ Use appropriate existing regional and international tools to support your cause and advocacy.
- ✓ Respect these key principles to guide any action: credibility of leaders and transparency of management.

Be careful of leadership crises and conflicts

Be careful of infiltrations

Conclusion

Individuals, human rights associations, and prodemocracy movements are playing an increasingly active role in bringing about societies that are more stable and more democratic; their place is no longer limited to holding elections and claiming a place among government leadership for an individual or a small group. Although there may have been years of tentative first steps and (sometimes improvised) attempts at recognizing, legislating, and respecting presidential term limits, especially on the part of politicians, in light of the serious abuses and dire consequences left to posterity by the long reigns of African heads of state, we now see that citizens dream of more righteous governance and true democratic changeover characterized by presidential term limits. Up to now, attempts have had varied outcomes, some meeting with success, others with mixed results, and others complete failures. But overall, the dynamic is well-established, and the trend seems irreversible: mobilize at every level to establish and uphold electoral term limits in Africa, particularly presidential term limits.

To have the best chances of success, it is important to have a deep understanding of context, to be familiar with the powers at play and their impact, to follow basic rules and methods, and exercise caution. Citizen mobilization and advocacy are far from being an exact science; but learning, mastering, and following these principles, tricks, and tips can ensure the best results.

Citizens have an important role to play in the balance of political power and in the devolution of state power. This is why they must remain vigilant and mobilize to defend their choices. However, such initiatives may involve certain risks. It is therefore necessary to plan ahead to mitigate these risks and build a critical mass of support for our efforts by expanding our base of allies, by transforming or converting undecideds into engaged supporters.

What is especially important, even more so than physical and active mobilization on the ground, is to initiate online campaigns that mobilize all segments of society together, including friends (technical and financial partners) and nationals living abroad, and to engage in communication that steers political leaders to understand and conform to the citizens' will, to uphold term limits (where they already exist) and/or to establish term limits in constitutions.

Annexes

The Four Roles of Social Activism

Highlights	
<p>Effective</p> <ul style="list-style-type: none"> ● Highlights positive American values, principles and symbols, such as democracy, freedom, justice, nonviolence ● Normal citizen ● Integrated in the heart of society ● Promotes a society in which citizens act selflessly for the common good ● The active citizen is the source of legitimate political power ● Acts on the basis of the concept of "confirmation bias" ● Examples: Martin Luther King and Nelson Mandela 	<p>Ineffective</p> <ul style="list-style-type: none"> ● Naive Citizen: Believes official policies and does not understand that power holders and institutions serve the special interests of the elite to the detriment of the majority and the common good <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> ● Super patriotic: Automatically offers full obedience to those in power and to the country
REBEL	
<p>Effective</p> <ul style="list-style-type: none"> ● Says "No" to violations of widely shared positive human values ● Direct action and nonviolent attitude; demonstrations, rallies and marches, including acts of civil disobedience ● Target: those in power and their institutions, such as government, businesses ● Place issues and policies in the limelight and on the society's agenda ● Actions are associated with a strategy and tactics ● Autonomous, passionate, courageous, willing to take risks, at the heart of the public's attention ● Holds a relative and not absolute truth 	<p>Ineffective</p> <ul style="list-style-type: none"> ● Both authoritarian and anti-authority ● Anti-American structures and rules, anti-authority, anti-organization ● Identifies as a militant radical, a lonely voice on the margins of society ● All the necessary means: disruption tactics and acts of violence against goods and people ● Tactics without a realistic strategy ● Isolated from grassroots activists ● Victim behavior: angry, dogmatic, aggressive and powerless ● Ideological Totalism: holds an absolute truth and a moral and political superiority ● Virulent, arrogant, egocentric; puts personal needs ahead of the Movement ● Irony of the negative rebel: a negative rebel is similar to an <i>agent provocateur</i>

REFORMER

Effective

- Parliamentary: Uses official public system and institutions - for example, courts, legislature, city hall, companies - to get the goals, values and alternatives of the movement adopted into the official laws, policies and commonly accepted opinions.
- Use all kinds of means: lobbying, trials, referendums, rallies, candidates, etc.
- The professional opposition organizations are the main agents of the movement.
- Monitor successes to ensure implementation, expand success and protect against backlash
- OOPs encourage and support grassroots activists

Ineffective

- OOP: Domineering or patriarchal organizational structure and leadership
- Organizational maintenance of travel needs
- The "domineering" style undermines the democracy of the movement and weakens the base
- OOPs' "Realistic Policy": Promotes minor reforms rather than social change
- OOP co-optation: staff recognize themselves more in the official power holders than in the base of the movement

AGENT OF CHANGE

Effective

- Organizes citizen power and engaged citizens, creating a participatory democracy for the common good
- Raises awareness and mobilizes the majority of citizens and society at large on the issue concerned
- Involves existing grassroots organizations, networks, coalitions and activists on the issue at stake
- Promotes strategies and tactics to lead a long-term social movement and bring it to the sixth stage
- Creates and supports activism and grassroots organizations in the long-term
- Puts the issue on the political agenda
- Fights against new strategies of power holders
- Promotes alternatives
- Highlights paradigm shift

Ineffective

- Too utopian: Encourages perfectionist visions of alternatives without taking into account concrete political and social action
- Highlights only minor reforms
- The direction of the movement and organizations is based on patriarchy and control rather than participatory democracy
- Close vision: defends a unique theme
- Ignores the personal problems and needs of activists
- Disconnected from social and political change and paradigm shift

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2. African Charter on Democracy, Elections and Governance (*Charte africaine de la démocratie, des élections et de la gouvernance* - CADEG)
3. African Union Declaration on the Principles Governing Democratic Elections in Africa
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