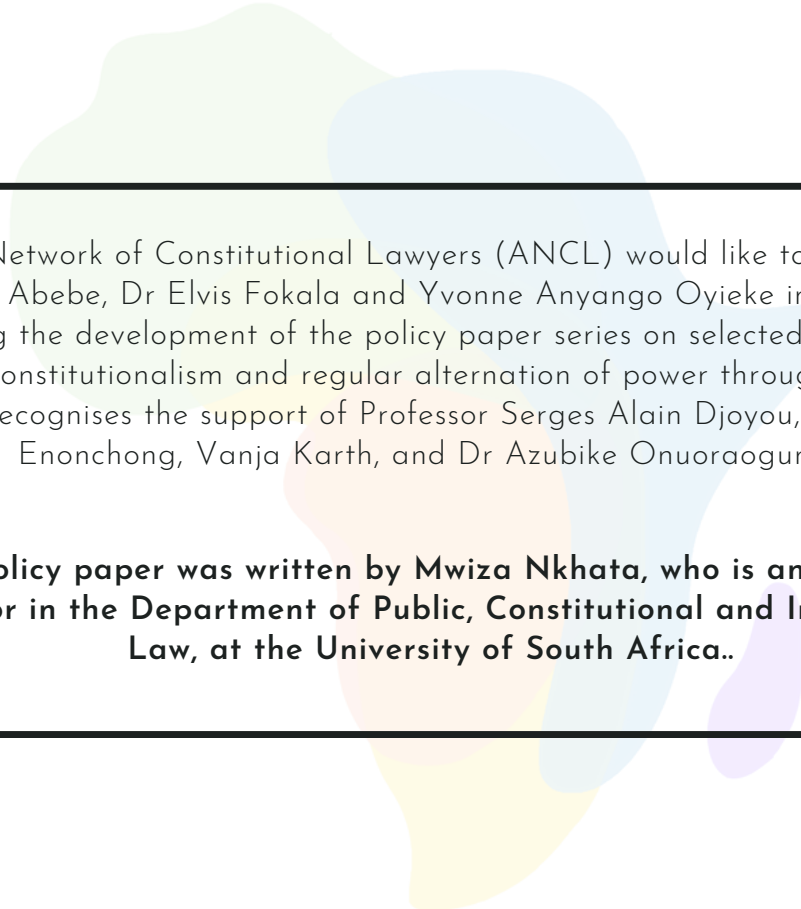


PROMOTION OF CONSTITUTIONALISM
THROUGH TERM LIMITS IN AFRICA:
THE ROLE OF TRADITIONAL AND RELIGIOUS LEADERS

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I. Introduction

The practice of imposing term limits for holders of elective offices is of considerable antiquity. Evidence of term limits has been found in ancient Greece and also the Roman Republic.ⁱ In Africa, however, the prominence of presidential term limits is traceable to the constitution-making that accompanied the third wave of democratisation in the 1990s.ⁱⁱ Nevertheless, before 1990, presidential term limits were present, for example, in the constitutions of South Africa (1961), Comoros (1978), Tanzania (1984), Liberia (1986) and Tunisia (1959 as amended in 1988).ⁱⁱⁱ The iteration of presidential term limits during the third wave, however, posited them as a fundamental tenet of democracy and constitutionalism meant to safeguard against authoritarianism. This was on the assumption that term limits represented the will of the populace. Little or no effort, however, was invested in critically interrogating the autochthony of such constitutional visions and institutions.^{iv}

Although presidential term limits have been embraced across Africa, developments from the end of the 1990s have revealed a mixed picture with incumbent opposition to the limits among the most prominent responses. This opposition has taken the form of a total repudiation of term limits or modification of the limits to facilitate extension of tenure by incumbents. In reality, constitutional changes affecting presidential term limits have been very polarising in Africa. As correctly noted by Mangala, developments in Africa, in relation to presidential term limits, remain a never-ending debate.^v While these debates routinely ensnare various sections of society, this paper's focus is on the role of traditional and religious leaders on this debate. By drawing on experiences from some African countries, the paper analyses the contribution of traditional and religious leaders to the debate on term limits.

II. Still under contest? Presidential term limits in Africa

The generation of African leaders that assumed office immediately after independence, generally, enjoyed no limits on their tenure. Where limits to tenure existed, the same were quickly discarded. The result was that many first-generation African leaders were in office for very long periods of time. Examples of such leaders include Malawi's Hastings Banda, Cote d'Ivoire's Félix Houphouët-Boigny and Zimbabwe's Robert Mugabe. Presently, Africa still boasts some very long

serving presidents who have tampered with term limits to remain in office including Cameroon's Paul Biya, Congo's Denis Sassou Nguesso and Uganda's Yoweri Museveni.

As earlier alluded to, presidential term limits in Africa are most closely associated with the third wave of democratisation.^{vi} To put this into perspective, 49 of the 64 African constitutions that were adopted in the two decades after 1990 included a presidential term limit.^{vii} While there were variations regarding the length of each term or the maximum number of terms, most constitutions, typically, prescribed two terms as the maximum.^{viii} Term limits were principally aimed at the presidency but some countries, for example, Botswana, Ghana and Tanzania adopted a model that also includes the office of the vice president.^{ix}

What facilitated the inclusion of term limits in African constitutions varies from country to country. In the majority of sub-Saharan African countries, the inclusion of presidential term limits was made possible because constitutions were negotiated under an inclusive environment where even the opposition had a voice.^x However, even in countries where incumbents had high level of control over the constitution-making process, such as Kenya, Ghana, Guinea and Burkina Faso, term limits were nevertheless included.^{xi} McKie argues that in situations where one party (particularly the one in power) has control over the writing of the constitution, presidential term limits are readily included where there is electoral uncertainty i.e. the party in power being unsure of its future ability to win elections.^{xii} In this context, presidential term limits are incorporated as a political insurance mechanism. Additionally, even in dominant party systems, term limits were adopted as means for ensuring circulation of power within the party, as was the case in Tanzania. In other instances, incumbents readily agreed to the inclusion of term limits as a tactic to buy time fully aware that they could subsequently muster the required majority to change the requirement, as was arguably the case with Togo under Gnassingbe Eyadema and the 1992 Constitution.^{xiii}

The justifications for the inclusion of presidential term limits in constitutions are many but Mangala mentions four: promotion of rotation of leadership, reducing the likelihood of tyranny, improving participation in politics, and promoting efficiency and effectiveness.^{xiv} The first three justifications are often reflected in the reasons given by jurisdictions that were amongst the earliest to introduce term limits for elected office

holders. Regarding the final justification, the argument is that term limits allow other people to, periodically, come in with new ideas and that this promotes good governance. Despite the above, there are also arguments against term limits. For example, it is contended that term limits are undemocratic, they promote inefficiency, and reduce accountability.^{xv} The democracy argument posits that an electorate should be allowed to return a candidate for as long as they maintain popular support. Considering these competing perspectives, it is unsurprising that contestation on term limits persists. Senegal and the Central African Republic offering offer current examples of such contestation. In the Central African Republic, President Faustin-Archange Touadera's re-election in 2021 ought to have been for a final term but proposals have been made to extend the two terms that the Constitution currently prescribes.^{xvi} In Senegal, the threat that President Macky Sall may seek a third term remains a distinct possibility, notwithstanding the unrest that it is generating, particularly given his reticence on the matter.^{xvii} Clearly, the last chapter in Africa's presidential term limits narrative is yet to be written.

In some countries, term limits have been tampered with for purposes of extending the maximum number of terms that an incumbent can serve, while in other countries the objective has been to completely remove the limits. The case of the Republic of Congo under Denis Sassou Nguesso is an example of a situation where the country's Constitution was amended to increase the limit of terms from two to three in 2015. In Uganda, however, the Constitution was amended in 2005 to completely remove presidential term limits. In other countries, tampering with the prescribed term limits was done by way of amending the law to permit re-election of an incumbent, as Paul Kagame did in Rwanda in 2015. In yet other countries, such tampering was achieved simply by the incumbent remaining in power beyond the prescribed period. The latter situation occurred in the Democratic Republic of the Congo (DRC) where Joseph Kabila used the Electoral Commission to suspend the holding of elections with the result that he remained in office for more than two years after the lapse of his final term.^{xviii} Another ploy favoured in tampering with term limits is 'constitutional revision that resets the countdown and discards the mandates already served'.^{xix} It is this mechanism that Guinea's President Alpha Conde used to qualify himself to run for a third term in 2020.

Ultimately, however, term limits re-entered African constitutional discourse because of local initiatives aimed at curtailing the prevalence of unconstrained personal rule.^{xx} It is thus unsurprising that debates surrounding attempts at tampering with terms limits draw a multitude of local actors

representing various constituencies. These actors often include opposition political parties, civil society organisations, development partners, the media, trade unions, the academia, students, and traditional and religious leaders. While being mindful that debates on term limits affect many constituencies, the rest of this paper focuses on the role(s) of traditional and religious leaders in Africa.

III. Traditional and religious leaders and debates on presidential term limits in Africa

Traditional and religious leaders have played various roles in debates surrounding extension of term limits. The analysis herein focuses, first, on traditional leaders before dealing with religious leaders. This categorisation is merely for convenience of presentation as, in some countries, traditional and religious leaders have played similar roles and even acted in concert.

Traditional leaders

In some countries traditional leaders have come out openly in support of proposals for extending term limits. For example, in Malawi, some traditional leaders supported proposals to amend the Constitution to remove presidential term limits by Bakili Muluzi.^{xxi} Ironically, this support was galvanised notwithstanding the fact that some development partners had made efforts to familiarise traditional leaders with the proposed Open Terms Bill, which sought to remove term limits, in the hope that they would join the opposition against the Bill.^{xxii}

The support of Malawian traditional leaders to Muluzi's proposals for term extension was, largely, procured by the incumbent's provision of incentives; however, when looked at holistically, this support was not totally surprising.^{xxiii} Generally, traditional leaders in Malawi, despite their protestations, tend to be 'pro-government'. There are several possible explanations for this. For starters, the executive plays a significant role in the elevation or appointment of traditional leaders of a certain level. It is the President, for example, that appoints Paramount Chiefs, Senior Chiefs, Chiefs and Sub-Chiefs.^{xxiv} Incumbents in Malawi also deliberately cultivate the support of traditional leaders by, for example, appointing them into boards of statutory corporations.^{xxv} In relation to the Open Terms Bill, as the debate on the proposal was ongoing, the government raised the stipends of traditional leaders by 25 per cent.^{xxvi} It is not farfetched to surmise that this may have made some traditional leaders to feel beholden to the government of the day thus guaranteeing their support for its proposals inclusive of those dealing with term limits.

The Republic of Congo is another country where traditional leaders supported proposals to amend the constitutional provision on term limits. In this case, when President Nguesso called for a National Dialogue on Constitutional Change, the opposition boycotted it alleging that the outcomes thereof were already decided.^{xxvii} Among the delegates invited to this Dialogue were traditional and religious leaders and representatives of political organisations, trade unions and civil society. The Dialogue was held in ‘a small town in the interior of the country, far from opposition strongholds’.^{xxviii} It is argued that the choice of venue for the Dialogue was deliberately chosen to exclude voices critical to the proposals by President Nguesso. By being part of the Dialogue, which recommended the removal of presidential term limits, especially in the face of a boycott by the opposition, it can fairly be concluded that traditional leaders provided a veneer of legitimacy to the incumbent’s proposals.

In some African countries, however, traditional leaders have openly opposed proposals for extending term limits. In Zambia, for example, when President Frederick Chiluba’s administration announced, in 2001, its intention of amending Zambia’s 1991 Constitution to remove presidential term limits, various pro-democracy groups came together under the ‘*Oasis Forum*’ to oppose the proposals. The pro-democracy groups included the Law Association of Zambia (LAZ), human rights and governance NGOs, and trade unions. Importantly, even traditional leaders joined what was a ‘broad-based movement to oppose constitutional reforms’ aimed at giving Chiluba a chance to seek a third term.^{xxix} These developments from Zambia confirm that traditional leaders can rise against those in power for purposes of preventing the erosion of democratic values. Many factors may have contributed to the traditional leaders’ stand but one of them is certainly the strong statement that came from the *Oasis Forum* calling upon traditional leaders to uphold Zambia’s cultural values and to desist from being used as instruments for manipulation.^{xxx}

Burkina Faso is another country in which traditional leaders showed strong resolve to oppose calls for alteration of presidential term limits. While traditional leaders were, initially, amongst those that had helped Blaise Compaoré’s regime by ‘lending support and helping to control and calm social movements’, when proposals were made, in 2014, to modify constitutionally prescribed presidential term limits, traditional leaders started distancing themselves from the regime.^{xxxi} Some important chiefs joined religious institutions in explicitly opposing the proposals. It should not be ignored, however, that this occurred at a time when Compaoré’s

regime was, generally, losing popular support and legitimacy as marked by mass protests and divisions even within Compaoré’s own political party. The lack of support, from traditional leaders, therefore, may have been part of the broader erosion of support for Compaoré’s regime.

Religious leaders

The position of religious leaders on term limit debates in Africa demonstrates similar ambivalence as that of traditional leaders. It cannot, therefore, be categorically said that religious leaders are consistently in favour or against proposed term limit extensions.

For example, in Burkina Faso, when President Compaoré proposed lifting the presidential term limit, Catholic bishops, joined by evangelical churches, stood against the proposed reform.^{xxxii} Similarly, the Episcopal Conference of Uganda opposed the proposed reforms which were aimed at removing presidential term limits in the Constitution to allow President Museveni to seek a third term.^{xxxiii}

Equally in Zambia, churches were opposed to President Chiluba’s third term bid. Church leaders from the Christian Council of Zambia, the Evangelical Fellowship of Zambia, and the Zambia Episcopal Conference made it clear to Chiluba that his proposal was both unconstitutional and undemocratic and asked him to prioritise the rule of law over personal ambitions.^{xxxiv} Zambian churches, as earlier pointed out, did not act alone but formed an alliance with other pro-democracy groups.

In Malawi, ‘mainstream’ churches, particularly the Catholic Church and the Presbyterian churches, also played a significant role in foiling Muluzi’s attempt at removing term limits. A year before Muluzi’s third term bid became public, these churches issued statements condemning the deteriorating governance situation in the country and expressly cautioned against the manipulation of the Constitution for purposes of permitting presidential term extension.^{xxxv} Later, when Muluzi’s ambitions became public knowledge, the Catholic Commission for Justice and Peace urged Members of Parliament to reject the Open Terms Bill.^{xxxvi} Further, the Church of Central Africa Presbyterian led the coming together of various civil society organisations (CSOs) and non-governmental organisations to form the Forum for the Defence of the Constitution (FDC).^{xxxvii} The FDC held demonstrations and released statements to denounce Muluzi’s proposal to remove term limits.^{xxxviii} Also noteworthy were the efforts by the Public Affairs Committee

(PAC), an umbrella body consisting of various faith-based organisations across different congregations and faiths, which was also influential in opposing the proposed reforms. Among other things, PAC organised public demonstrations and issued statements against the proposed constitutional amendment.

In the DRC, religious leaders assisted in negotiating President Joseph Kabila's departure from office. In this instance, the Electoral Commission was facing challenges to conduct elections and the Constitutional Court had ruled that Kabila would remain in office until elections were held and a new president assumed office. Consequently, an agreement had to be made with main opposition political parties to maintain peace and prevent political upheaval. After the opposition boycotted the first proposed dialogue, the Catholic church intervened and successfully mediated between the parties. The outcome of the mediation was that Kabila would remain in power for about a year and within that period, he would organise elections.^{xxxix} Although Kabila breached this agreement, by holding elections over a year after the lapse of this additional period, the involvement of the church, and the fact that Kabila did not participate in the subsequent elections, demonstrates the potency of the church's involvement, of course, in tandem with the other domestic and international forces, in thwarting any plans that Kabila may have had for a third term.

Many reasons could explain why religious leaders, particularly those of the 'traditional' or 'mainstream' churches, stand up against attempts at extending term limits. In many instances, it is the case that the very religious groups that oppose term limit extensions were also part of the forces that fought against autocratic regimes. For example, the churches that opposed term extension bids in Malawi and Zambia were also at the forefront of fighting authoritarian regimes in these countries. Having contributed towards the democratic transitioning, when they were faced with efforts that, in essence, sought to reverse what they had fought for, it is not surprising that they opposed such efforts.

In truth, however, the voices of religious leaders on term limits have not been uniformly against such proposals. Experiences from Malawi and Zambia reveal that the politics around term extension bids can breed suspicious churches and generate divisions amongst religious leaders. In Zambia, for example, Chiluba's third term bid coincided with the emergence of questionable religious organisations supporting his proposals. It is plausible that such organisations were created to benefit from the funds that Chiluba was distributing and to organise support for his third term campaign.^{xli} In Malawi, when Muluzi launched his Open Terms Bill, he was

able to secure support from the smaller Pentecostal churches and not the 'traditional' churches. Notably, although PAC played a critical role in organising opposition to Muluzi's attempts at tampering with term limits, the organisation itself experienced fragmentation along religious lines.^{xlii} The fault lines in this case pitted the Christian section against the Muslim section. A possible explanation for the split is that the Muslim section of PAC supported Muluzi based on religious identity while the Christian section may have been opposed to the proposed term extension not simply due to reverence for the Constitution but also due to a reluctance to have another term by a Muslim president.^{xliii}

It is also worth highlighting that in term extension debates people, inclusive of religious leaders, sometimes choose sides for reasons unrelated to the promotion of constitutionalism. Nigeria presents an interesting example in this regard. For example, when Obasanjo launched a campaign for term extension in 2006, some opposed him simply because they considered that the proposal was against 'an unwritten agreement between political actors that after President Obasanjo's tenure of eight years, power would shift back to the north'.^{xliiii} Others, however, supported Obasanjo's proposal so that they could make some political gains, secure re-election, or be shielded from prosecution for corruption-related offences.^{xliiv}

IV. Re-assessing the role of traditional and religious leaders: Some insights and recommendations

Traditional and religious leaders have consistently contributed to debates on term limits in Africa. Given the influence that these institutions tend to have over the population, it is important to, first, understand their contribution to the debate and, second, harness their positive contribution in support of constitutionalism. Ideally, this requires that, from the outset, traditional and religious leaders should have a role in all constitution-making processes and, subsequently, be permitted to participate freely and in an informed manner in any constitution change processes.

Based on the available evidence, the role of traditional and religious leaders on the term extension debates in Africa remains ambivalent. How this constituency reacts to a proposed term extension, is informed by local circumstances including, the incumbent's relationship with key leadership of the traditional and religious institutions. What seems to be clear though is that where traditional and religious leaders have decided to oppose proposals for term extension, they tend to work in conjunction with like-minded groupings such

as law societies, academia, the media, students and civil society organisations, generally. The contribution of traditional and religious leaders on the term limits debate, therefore, demonstrates that a proposed term limit extension is more likely to fail where its opponents have formed an alliance to fight the proposal together, i.e., their influence is most felt when they work in collaboration with other organizations.^{xlv}

Related to the above, it is also clear that the success or failure of term extension bids in Africa depends on the ability of stakeholders in the democratic process, including traditional and religious leaders, to pushback against any proposals aimed at diluting democratic values. The ability of traditional and religious leaders to effectively participate in resisting attempts at altering presidential term limits, however, is affected by several factors. The first is the nature of the relationship between such leaders and the political party in power. Where there are strong ties between traditional and religious leaders and the ruling party, their ability to oppose term extension bids is considerably diluted. For example, in Namibia and Uganda, the fact that ‘pro-democracy movements had had a close and long association with the ruling parties’, it has been argued, made it difficult for them to oppose Nujoma and Museveni’s efforts at extending their tenure.^{xlvi}

Financial autonomy is another critical factor in understanding the role of traditional and religious leaders on term extensions. Generally, where pro-democracy groups lack financial autonomy, they become vulnerable to being captured and may end up supporting term extension bids even when they undermine constitutionalism. Zambia and Malawi offer good examples in this regard. For example, in Zambia, when Chiluba launched his campaign to remove presidential term limits, he distributed money to solicit support for his agenda. Equally in Malawi, Muluzi offered material incentives to traditional leaders to entice them to support his Open Terms Bill.

The law also plays a key role in shaping the involvement of religious and traditional leaders in debates on term extensions. A notable ‘trick’ by incumbents, regularly used to unsettle opponents of a term limit extension, is to alter certain laws and thereby make it difficult for the opponents to conduct their operations. Such alterations may include the banning of public demonstrations, making it harder to register or operate CSOs, and giving the government more control over CSOs. For example, in Zambia and Namibia laws were passed with the purpose of stopping public demonstrations against the proposed reforms. In Malawi and Uganda laws relating to operations and registration of CSOs were amended so that the government could have more control over CSOs.^{xlvii} The

changes introduced in Uganda also restricted the holding of meetings by registered political parties, unregistered political groupings, and qualified political groups. This law was used to disrupt meetings and public rallies, many of which involved opposition groups voicing their discontent against the proposal to remove term limits.^{xlviii}

Laws such as the ones described above have the effect of making it difficult for pro-democracy groups, including traditional and religious leaders, to effectively challenge term extension bids. Ironically, this scenario opens possibilities for judicial intervention. It is thus not uncommon for courts to be invited to rule on the legality of mechanisms adopted by incumbents to stifle opposition to term limit extensions. In this spirit, the High Court of Malawi annulled Muluzi’s attempted ban on all public demonstrations.^{xlix} Courts, therefore, are critical guardians of constitutions and can and should be approached to rule on the constitutionality of proposed changes to term limits.

However, courts cannot always be counted upon to defend term limits as was demonstrated in Senegal when, in 1998, President Diouf successfully abrogated term limits, but went on to lose the elections in 2000.^l It is also notable that both Paul Kagame’s changes to the Rwandese Constitution as well as Burundi’s Pierre Nkurunziza’s third term in 2015 were obtained with the acquiescence of courts.^{li} In truth, therefore, whether courts are in a position to enforce restrictions on term limits depends on contextual factors including their degree of formal and informal power and independence from the regime.^{lii} Accordingly, traditional and religious leaders and other democratic forces should always consider courts only as part of their multipronged strategy to promote and protect constitutionalism.

To ensure that traditional and religious leaders play a positive role on term limit debates in Africa, it is important to guarantee and promote fundamental freedoms and the idea of constitutionalism among them.^{liii} Key freedoms in this connection include access to information, freedom of expression, and freedom of association. Where such freedoms are guaranteed and protected, traditional and religious leaders, and any other actors, will have the space to freely canvass for their respective positions. Attempts at term limit manipulation are, therefore, more likely to fail in countries where the citizenry is free to voice their political preferences and the civil society is free to mobilise against politicians that try to manipulate the constitution.^{liv} Seeking to build, maintain and reinforce these conditions, therefore, requires closely working with traditional and religious leaders to ensure they stand for democratic constitutionalism when it matters.

V. Conclusion

In Africa, constitution-making during the third wave of democratisation emphatically delivered presidential term limits as part of the new governance structures. It is now clear that term limits enjoy popular support in Africa.^{lv} Africa's record with presidential term limits, however, reveals a mixed picture. In some countries term limits have been honoured while in others they have been completely abandoned while in other countries attempts at altering term limits have failed only due to the presence of a determined opposition. While the contestation on term limits is bound to persist, term limits will continue to be a factor for enabling regular alternation of power.^{lvi} This in turn entails that attempts at tampering with term limits will keep re-surfacing.

Traditional and religious leaders have been key stakeholders in term limit debates in Africa even though their roles have not always been in favour of upholding constitutionalism. It is clear though that traditional and religious leaders tend to play a more positive role on the term limits debate where they have financial autonomy and where they join forces with other pro-democracy activists, among other factors. Given that term limits are set by law, it is also clear, that the law itself will remain relevant in all debates on term limits. This in turn requires that those agitating against changes to term limits to be creative about their recourse to the law to safeguard constitutionalism.

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- ⁱⁱⁱ Catherine S Namakula, 'The Efficacy of Presidential Term Limits in Africa' (Discussion Paper, Mandela Institute for Development Studies, Dar es Salaam, Tanzania 3-4 August 2016).
- ^{iv} *ibid.*
- ^v Mangala (n 1).
- ^{vi} Andrea Cassani, 'Autocratisation by Term Limits Manipulation in Sub-Saharan Africa' (2021) 55 *Africa Spectrum* 228, 230.
- ^{vii} Boniface Dulani, 'Democracy Movements as Bulwarks against Presidential Usurpation of Power: Lessons from the Third-Term Bids in Malawi, Namibia, Uganda and Zambia' (2011) 11 *Stichproben. Wiener Zeitschrift für kritische Afrikastudien* 115.
- ^{viii} George Omondi, 'New Assault on Presidential Term Limits in Africa: Focus on Burundi' <www.africanleadershipcentre.org/index.php/2014-10-22-15-44-06/alc-newsletters/sept-2015-issue/385-the-new-assault-on-presidential-term-limits-in-africa-focus-on-burundi> accessed 7 April 2023.
- ^{ix} Namakula (n 3).
- ^x Grauvogel and Heyl (n 2) 217.
- ^{xi} *ibid.*
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- ^{xiii} John R Heilbrunn, 'Presidential Term Limits in Togo: Electoral Accountability Postponed' in Alexander Baturo and Robert Elgie (eds), *The Politics of Presidential Term Limits* (Oxford University Press 2019) 199-220.
- ^{xiv} Mangala (n 1) 9.
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- ^{xx} Grauvogel and Heyl (n 2) 217.
- ^{xxi} Peter VonDoepp, 'The Politics of Presidential Term Limits in Malawi' in Alexander Baturo and Robert Elgie (eds), *The Politics of Presidential Term Limits* (Oxford University Press 2019) 296.
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- ^{xxiii} Ollen Mwalubunju, 'Civil Society' in Nandini Patel and Lars Svåsand (eds), *Government and Politics in Malawi* (Kachere Series 2007) 286.
- ^{xxiv} Chiefs Act, ss 4 and 5.
- ^{xxv} For example, in 2020 President Chakwera appointed Inkosi Mbelwa V, Senior Chief Nkoola, Traditional Authority Chilikumwendo and Traditional Authority Makata as board members for Roads Authority, Southern Region Water Board, Lilongwe Water Board and Blantyre Water Board respectively – see Wongani Chiuta, 'Chakwera Appoints New Boards: Mixture of Professionals and Reward for Patronage' (*Nyasa Times*, 24 September 2020) <www.nyasatimes.com/chakwera-appoints-new-boards-mixture-of-professionals-and-reward-for-patronage/> accessed 25 April 2023.
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- ^{xxxii} *ibid.*
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- ^{xxxix} Dawson and Young (n 27) 282.
- ^{xl} Lumina (n 29) 211.
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- ^{xlii} Heiko Meinhardt and Nandini Patel 'Malawi's Process of Democratic Transition: An Analysis of Political Developments Between 1990 and 2003' (Konrad-Adenauer Stiftung 2003).
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^{xliv} Christopher Isike and Sakiemi Idoniboye-Obu, 'Throwing Out the Baby with the Bath Water: The Third-Term Agenda and Democratic Consolidation in Nigeria's Fourth Republic' (2011) 10 *Journal of African Elections* 143, 150-151.

^{xlv} Cf Dulani, 'Democracy Movements as Bulwarks against Presidential Usurpation of Power' (n 7).

^{xlvi} Dulani, 'Democracy Movements as Bulwarks against Presidential Usurpation of Power' (n 7) 134.

^{xlvii} *ibid* 133.

^{xlviii} Freedom House, 'Countries at the Crossroads 2006 – Uganda' (3 August 2006) <www.refworld.org/docid/4738691364.html> accessed 7 April 2023.

^{xlix} *The State, The President of Malawi and others and ex parte Malawi Law Society and others* [2002–2003] MLR 409.

¹ Charlotte Heyl, 'Senegal (1970-2016) Presidential Term Limit Reforms Never Come Alone' in Alexander Baturo and Robert Elgie

(eds), *The Politics of Presidential Term Limits* (Oxford University Press 2019) 347-348.

ⁱⁱ Tom Ginsburg, Adem K Abebe and Rosalind Dixon, 'Constitutional Amendment and Term Limit Evasion in Africa' in Rosalind Dixon, Tom Ginsburg and Adem Abebe (eds), *Comparative Constitutional Law in Africa* (Edward Elgar Publishing 2022).

ⁱⁱⁱ *ibid*.

ⁱⁱⁱⁱ Cf Nic Cheeseman, 'Should I Stay or Should I Go? Term Limits, Elections and Political Change in Kenya, Uganda and Zambia' in Alexander Baturo and Robert Elgie (eds), *The Politics of Presidential Term Limits* (Oxford University Press 2019) 312.

^{lv} Cassani (n 6) 239.

^{lv} Boniface Dulani, 'African Publics Strongly Support Term Limits, Resist Leaders' Efforts to Extend Their Tenure' (Afrobarometer Dispatch 30, 2015).

^{lvi} Grauvogel and Heyl (n 2) 217.