

Constitutional referendum in Senegal

Shorter presidential term: a half-kept promise

President Macky Sall decided to put constitutional changes to a referendum on 20 March 2016. The proposal includes a reduction of the presidential term length from seven to five years. Nevertheless President Sall, following the Constitutional Council's opinion, declared the reduction could not apply to his current mandate: he would thus stay in office until 2019, contrary to a promise he made when he was elected. While Sall's supporters hailed his sense of responsibility, opponents denounced this decision as a political manoeuvre to backtrack on his commitment.

Background: a referendum on the presidential term length and other provisions

The reduction of the presidential term was one of Sall's key promises in his presidential campaign in 2012. This was a clear break with the then President, Abdoulaye Wade. During Wade's first term (2000-2007), a new Constitution was adopted in 2001, limiting the Head of State to two terms in office of no more than five years each. However, in 2008, during his second term (2007-2012), a constitutional revision reinstated the [seven-year term](#). In 2012, the Constitutional Council [allowed](#) him to run for a new, third term, as the 2001 modifications only applied to his second mandate. His new candidacy triggered massive popular [protests](#), reflecting wider [distrust](#) in a government perceived as corrupt. Wade lost the election to Sall, who, once in office, [pledged](#) again **to end his mandate in 2017 instead of 2019**. A National Commission for Institutional Reform (CNRI) was set up in 2013 and proposed a far-reaching overhaul of the Constitution in 2014, which did not receive the [support](#) of the government. A more modest [Constitutional revision proposal](#) was submitted to the [Constitutional Council](#) in January 2016.

It comprised [15 points](#), including:

- A five-year term for the President of the Republic, applicable to the current mandate;
- The above provision would not be subject to revision in the future ('[eternity clause](#)'), nor would the existing ones on: the republican form and secularism of the state; election of the President of the Republic by direct universal suffrage; or the limit of two successive terms in office for the President of the Republic;
- The creation of a consultative assembly to represent local authorities ('Haut Conseil des collectivités territoriales');
- Strengthening of the National Assembly ('Assemblée nationale'), with a stronger role for the opposition; the Assembly would receive two additional members to represent the Senegalese abroad; it would also select two members of the Constitutional Council, in addition to the five nominated by the President of the Republic.

The Constitutional Council [decided](#) that the reduction to five years, if adopted, could [not apply](#) to the current mandate, for the sake of the stability of institutions.

In the 'Mo Ibrahim Index', Senegal ranks [10th](#) of 54 African countries for its 'Security and Rule of law', and ninth for overall governance.

Senegal's President currently chairs the Economic Community of West African States ([ECOWAS](#)). Among ECOWAS member states, Senegal has the longest presidential term; it is six years in Liberia, four in Ghana and [Nigeria](#), and five in all 11 other member states. In addition, most ECOWAS member states' constitutions provide for a limit of two terms, or at least to two successive terms, except for the Gambia and Togo.

Although some of the longest serving presidents in the world are from sub-Saharan Africa, and despite the fact some countries modified ([Rwanda](#), [Congo-Brazzaville](#)) or bypassed ([Burundi](#)) constitutional limits in 2015, a majority of sub-Saharan African presidents have been in office [for less than ten years](#). Polls show [popular support](#) for term limits is very strong in Africa. Some analysts, however, think that they should [not be an end per se](#): according to them, fair elections and a strong constitutional system are better democratisation benchmarks.



Sall [declared](#) he would abide by the Council's recommendation, and announced a **referendum will take place on 20 March 2016**. Voters will either approve or reject the revision package as a whole.

The [Constitutional bill](#) which will be submitted to the referendum [takes on board](#) the Constitutional Council's remarks. In addition, [the 'eternity clause' will not apply to state secularism](#), contrary to the first draft – this provision will thus remain subject to revision. This change was not suggested by the Constitutional Council but by [religious leaders](#), who would otherwise have advised a 'No' vote. Secularism is a sensitive topic in the country: although it has been mentioned in all Senegalese constitutions since independence, it is often [questioned](#) by religious leaders, but they could not have it [removed](#) from the Constitution in 2001. Religious concerns influence many voters in political consultations, as religious congregations are very [influential](#), in particular through controlling their own education sector. Over 90% of Senegalese are Muslim; [Sufi](#) brotherhoods are still the main platform for the dissemination of [Islam in Senegal](#), but their relationship to the state is challenged by the [rise](#) of Salafism.

National reactions

Sall's declaration triggered [legal discussions](#): according to him and his supporters, the President is bound by the Council's statement, as the [Constitution](#) provides that 'The decisions of the Constitutional Council are not susceptible to any way (*voie*) of recourse. They impose themselves on the public powers ...'.

For opponents, Sall's decision to stay in office until 2019 clearly betrayed his [pledge](#) – a '*Wax waxeet*' ('I told it, I withdrew it' in wolof). They argue the Council's comment is not a decision, but a [simple opinion](#) in the framework of the [consultative process](#) before submitting a Constitutional bill to a referendum: therefore, President Sall had the [option not to follow](#) this opinion. Some argue that a simpler way of respecting his promise would have been [to resign](#) after five years.

Macky Sall's party, the Alliance for the Republic (APR), called for a '[Yes](#)' vote in the constitutional reform. The question was much debated in the party, and some leaders urged the President to [stick to his seven-year](#) mandate. The coalition it belongs to in the National Assembly, **Benno Bokk Yakaar (BBY)**, which holds a majority, also came up with a common position on the '[Yes](#)' vote – but important coalition leaders [spoke up for the 'No'](#) side, such as Khalifa Sall (Socialist Party), the mayor of Dakar and a [potential rival](#) in the presidential election.

The main opposition party, **Senegalese Democratic Party (PDS)** led by Karim Wade (son of the former President of the Republic), currently [jailed for corruption](#), has urged a '[No](#)' vote – as did [party allies](#) **FPDR, Bokk Gis Gis, Rewmi and UCS**. Civil society organisations, [in particular](#) **Y-en-a-marre** ('We've had enough' in colloquial French) who led the [protests](#) against Abdoulaye Wade's third term in 2012, are also [in favour of a 'No'](#). Other opponents are calling for a [boycott](#), as a 'No' vote would in practice allow Macky Sall to run for a second seven-year term.

Outlook

If the presidential poll is held in 2017, Sall's re-election could be jeopardised. His government has delivered [below expectations](#), the economic situation is [still fragile](#) and nearly half of the population faces poverty. Most leaders of the presidential coalition were [defeated](#) in the 2014 local elections: in particular the then Prime Minister could not take Dakar's mayorship. By 2019, Sall could demonstrate more visible [results](#) from his flagship [Plan Sénégal Emergent](#), launched in 2014 to improve infrastructure and the business environment, boosted by new funding [from the EU and EU Member States](#), the [African Development Bank](#), the [Islamic Development Bank](#) and investments in private-public partnerships by [Saudi Arabia](#). On the other hand, it would also give the opposition more time to regroup: parliamentary elections are still on the agenda for 2017, and the presidential coalition might lose its leading position. The current political unrest should not hinder the stability of the country, but could distract from more critical actions with which the European Union is concerned, namely the [fight against terrorism](#) (threats [have arisen](#) since Senegal decided to support Saudi intervention in Yemen) and the [migratory challenge](#) (each year thousands of Senegalese [leave](#) their country to go to Europe).

Senegal is part of the [ACP-EU Partnership Agreement](#) and has signed the [Economic Partnership Agreement](#) between West Africa and the EU. A [fisheries agreement](#) compensates Senegal for allowing EU vessels to fish in Senegalese waters. The EU also supports [better democratic governance](#) in Senegal: in this framework, the **European Parliament** provides technical support to the National Assembly. Senegal is one of the focus countries of the '[EU Strategy on the Gulf of Guinea](#)' aimed at strengthening the [security/development](#) nexus in the region, in particular through the fight against piracy and organised crime. Senegal is considered by the EU as 'a [factor of stability](#) in West Africa by its democratic tradition', while Macky Sall, who visited the European Parliament in [2013](#) and [2015](#), declared the EU was 'a source of inspiration and hope'.