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'Presidential Term Limits in Africa. Does Constitutional Design Help?'

A JOB TALK BY

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June 15, 2017, Thursday, at 2:30 p.m. | room 302, Nádor u. 13

Abstract: One of the most salient features of the constitutions adopted or amended in Africa during the “third wave of democratization” after the end of the cold war has been the attempt to end “perpetual incumbency” of African presidents. Term limits became almost a norm in modern African constitutions (out of 64 constitutions adopted or amended between 1990 and 2010, forty-nine incorporated term limits). But observing the continuing obsession of several African leaders to stay in power and witnessing that constitutional term limits have been evaded in various countries, one may wonder about the actual legal value of constitutional term limit provisions. The lecture explores this question in three parts: first, it analysis and classifies the different ways in which term limits have been evaded over the last 15 years; second, it argues that these strategies have followed distinct patterns allowing to draw some lessons for future constitutional design options to prevent incumbent presidents more effectively from manipulating the system. Part three highlights that supranational dynamics in different regions of the continent and in the AU are supporting those efforts and are providing additional reasons for hope.

Markus Böckenförde is currently Executive Director of the Centre for Global Cooperation Research (University Duisburg-Essen). In 2011 and 2012, he was the Head of the Advisory Team to the Policy Planning staff at the Ministry for Economic Cooperation and Development (Bonn-Berlin) as well as a Senior Researcher at the German Development Institute (DIE, Bonn). From 2009 to 2011 he was Programme Officer and temporarily Acting Programme Manager for the Constitution Building Project at International IDEA, Stockholm, Sweden. Between 2001 and 2008 Markus Böckenförde was the Head of Africa Projects and a Senior Research Fellow at the Max Planck Institute for Comparative Public Law and International Law (MPIIL) in Heidelberg. In 2006 and 2007, he was seconded by the German Foreign Office to the Assessment and Evaluation Commission (AEC) in Sudan as its legal expert in the course of the implementation of the Comprehensive Peace Agreement.

He holds a law degree and a PhD from the University of Heidelberg, a Master of Laws degree from the University of Minnesota, and the equivalent of a Bachelor's degree in political science (University of Freiburg). He has been involved in various constitution-building processes, including in Afghanistan, Nepal, Sudan, Somalia, Tunisia, Yemen, and Libya, working in part with the relevant constitutional assemblies. He has published widely in the areas of international law, constitutional law, and constitution building. His principal research interest is constitution-building processes from both a procedural and substantive perspective, which entails working in the respective fields of comparative constitutional law, legal pluralism, law and development, and international (human rights) law.