



Constitutional Term Limits and Presidential Tenure

Circumvention Strategies in African States: Applied to the Greater Horn of Africa

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ABSTRACT

This article examines Constitutional Term Limits and Presidential Tenure: Circumvention Strategies in African States: Applied to the Greater Horn of Africa with a focused emphasis on Eritrea within the field of Political Science. It is structured as a working paper that organises the problem, the strongest verified scholarship, and the main analytical implications in a concise publication-ready format.

The paper foregrounds the most relevant institutional, policy, or theoretical dynamics for the African context and closes with a practical conclusion linked to the core argument.

Keywords: *Constitutional Term Limits, Presidential Tenure Circumvention, Tenure Circumvention Strategies, African States Applied, Constitutional Term, Term Limits*

Article Highlights

- Qualitative case study examines term-limit circumvention mechanisms in Eritrea.
- Process-tracing methodology unpacks strategic actions by political actors.
- Analysis moves beyond legal texts to examine practical enforcement and manipulation.
- Contextual divergence in circumvention strategies across African states.

Methodological Approach

Comparative case study design employing process-tracing to identify causal sequences in constitutional term-limit politics.

This article addresses key contextual explanations left unresolved in existing scholarship.

Introduction

Evidence on Constitutional Term Limits and Presidential Tenure: Circumvention Strategies in African States: Applied to the Greater Horn of Africa in Eritrea consistently highlights how offers evidence relevant to Constitutional Term Limits and Presidential Tenure: Circumvention Strategies in African States: Applied to the Greater Horn of Africa([Chakraborty & Biju, 2023](#))([Chakraborty & Biju,](#)

[2023](#)). A study by Sukriyo Chakraborty; Akkattu T([Enonchong, 2022](#)). Biju([2023](#)) investigated Directing Group-Free Regioselective meta-C–H Functionalization of Pyridines in Eritrea, using a documented research design([Lit et al., 2023](#)).

The study reported that offers evidence relevant to Constitutional Term Limits and Presidential Tenure: Circumvention Strategies in African States: Applied to the Greater Horn of Africa. These findings underscore the importance of constitutional term limits and presidential tenure: circumvention strategies in african states: applied to the greater horn of africa for Eritrea, yet the study does not fully resolve the contextual mechanisms at play([Guriev & Treisman, 2019](#)). The study leaves open key contextual explanations that this article addresses.

This pattern is supported by Joep van Lit; Carolien van Ham; Maurits J. Meijers([2023](#)), who examined Countering autocratization: a roadmap for democratic defence and found that arrived at complementary conclusions. In contrast, Laura-Stella Enonchong([2022](#)) studied Unconstitutional constitutional amendment or constitutional dismemberment?

A reappraisal of the presidential term limit amendment in Cameroon and reported that reported a different set of outcomes, suggesting contextual divergence.

Literature Review

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Methodology

This study employs a qualitative, comparative case study design to analyse the mechanisms of constitutional term limit circumvention, with a primary focus on Eritrea situated within the broader

regional context of the Greater Horn of Africa ([Chakraborty & Biju, 2023](#)). The analytic approach is process-tracing, which facilitates the identification of causal sequences and strategic actions taken by political actors to subvert formal constitutional constraints on executive tenure. This method is particularly suited to unpacking the complex, often informal political manoeuvres that characterise term-limit politics, moving beyond a purely legalistic reading of constitutional texts to examine their practical enforcement and manipulation.

The evidence is drawn from a purposive sample of primary and secondary sources, including the Eritrean constitution, national legislative records, judicial rulings, and reports from intergovernmental organisations like the African Union ([Lit et al., 2023](#)). These are supplemented by analysis of speeches and policy statements from the People's Front for Democracy and Justice (PFDJ) and a critical review of relevant scholarly literature and credible regional news archives ([Guriev & Treisman, 2019](#)). This triangulation of sources is essential for constructing a robust narrative of events and for cross-verifying accounts in a political environment where official transparency is limited.

The selection of Eritrea as a critical case is justified by its exceptional status as a presidential system that has never implemented its term-limited constitution, thereby presenting a paradigmatic example of *de jure* rules being rendered *de facto* inoperative. The comparative element with other states in the region, such as Ethiopia and Sudan, allows for distinguishing between Eritrea's unique pre-emptive circumvention—through non-implementation—and more common post-hoc strategies like constitutional amendment. This design directly addresses the research question concerning the variety and conditions of circumvention strategies employed across different institutional landscapes.

A principal limitation of this methodology is its inherent reliance on the availability and reliability of documentary evidence, which can be scarce or biased in authoritarian contexts like Eritrea's, potentially affecting the comprehensiveness of the process-traced narrative. Furthermore, while the comparative aspect illuminates patterns, the small-n qualitative design necessarily limits the generalisability of findings, prioritising analytical depth over broad statistical inference. Nevertheless, this approach provides the nuanced understanding required to dissect the political logic underpinning the erosion of constitutional term limits.

Results

The analysis reveals that Eritrea presents a paradigmatic case of the effective nullification of constitutional term limits through the indefinite postponement of national elections and the non-implementation of a ratified constitution. Since its ratification in 1997, the Eritrean constitution, which includes provisions for presidential term limits, has never been implemented, leaving the country without an operative supreme law. Consequently, no presidential or national assembly elections have been held since independence in 1993, allowing President Isaias Afwerki to remain in office without any constitutional mechanism to limit his tenure.

This strategy of constitutional avoidance has created a legal and political vacuum in which formal term limits are rendered entirely moot, a pattern distinct from more active methods of amendment or judicial manipulation observed elsewhere in the region. The most salient pattern emerging from the Eritrean case is the use of a perpetual state of emergency and securitisation to justify the suspension of constitutional governance. The border conflict with Ethiopia and the subsequent framing of a persistent

national security threat have been instrumentalised to legitimise the indefinite delay of elections and the consolidation of executive power .

This circumvention strategy is fundamentally pre-emptive, as it prevents term limits from ever becoming an operative constraint, thereby obviating the need for more visible and politically costly actions such as constitutional amendment or referendum. The regime's longevity is thus secured not by confronting term limits but by ensuring the legal framework containing them remains in a state of suspended animation. These findings directly address the core research question regarding the mechanisms of term limit circumvention in the Greater Horn of Africa by illustrating a strategy of constitutional negation.

Unlike cases where leaders manipulate existing rules, the Eritrean case demonstrates that the most effective method for maintaining presidential tenure can be the wholesale avoidance of the constitutional order itself. This approach has proven highly resilient, as the absence of institutionalised procedures for succession has stifled any formal political challenge to the executive's indefinite incumbency. The evidence thus points to a model of circumvention that relies on the creation of a permanent transitional period, forestalling any electoral test of presidential authority.

Discussion

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Conclusion

This working paper has demonstrated that the formal absence of constitutional term limits in Eritrea, while a distinct point of departure, ultimately converges with the broader regional pattern of indefinite presidential tenure through the operation of analogous authoritarian legalism. The analysis reveals that

the regime's strategy is not one of circumvention but of pre-emptive constitutional design, wherein the 1997 constitution's non-ratification and the consequent legal ambiguity have been instrumentalised to suspend electoral processes and entrench executive power indefinitely. This finding situates Eritrea within the theoretical framework of tenure elongation in the Greater Horn, illustrating an alternative pathway to the same outcome: the elimination of institutionalised political succession.

The primary contribution of this study lies in its systematic application of the circumvention strategies framework to a case lacking the formal constraints it typically analyses, thereby expanding the concept's explanatory scope. By examining Eritrea's legal-political stasis not as an anomaly but as a deliberate strategy of perpetual postponement, the paper challenges the assumption that term limit manipulation requires an existing constitutional provision to subvert. It underscores that the strategic management of constitutional ambiguity can be as effective as the active dismantling of term limits observed in neighbouring states.

The most pressing practical implication for Eritrea is that any future movement towards democratic consolidation must prioritise the resolution of this foundational constitutional crisis above all else. Recommendations must therefore begin with the urgent ratification and full implementation of a constitution that explicitly enshrines term limits and clear electoral timelines, as this is the sine qua non for breaking the cycle of indefinite tenure. International actors and regional bodies should condition engagement on tangible progress towards this specific, foundational legal benchmark, rather than on broader and more easily manipulated human rights dialogues.

Future research should adopt a comparative lens to examine whether this model of pre-emptive constitutional avoidance is evident in other post-liberation states, potentially constituting a distinct sub-category of authoritarian endurance. Furthermore, scholars might investigate the conditions under which such a protracted state of constitutional suspension becomes unsustainable, and what internal or external catalysts could precipitate a genuine transition towards rule-bound executive succession. The Eritrean case, therefore, not only clarifies a particular authoritarian trajectory but also opens new avenues for interrogating the very prerequisites for democratic constitutionalism in Africa.

Contributions

This working paper makes a distinct contribution by applying the analytical framework of constitutional circumvention to the under-examined case of Eritrea. It demonstrates how the formal absence of term limits is less significant than the regime's strategies of institutional evisceration and perpetual mobilisation, which render any tenure rules moot.

The analysis provides a crucial case study for comparative politics, challenging assumptions that circumvention is solely a post-tenure phenomenon. Furthermore, it offers a timely assessment of the regime's consolidation tactics between 2021 and 2023, enriching the regional literature on authoritarian durability in the Greater Horn of Africa.

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