



Summary

"Unknown waters - Senegal and the presidential elections"

22 February 2024, 11:00 - 12:15hrs

Virtual via Zoom

Background

On 2 February, three weeks before the election date, Senegal's President Macky Sall announced the postponement of the presidential elections. Just a few days later, after a turbulent session, parliament set 15 December 2024 as the new date. Meanwhile, protests against the election postponement took place in many parts of the country. Critics accused President Sall of a constitutional coup, while at least parts of the fragmented opposition welcomed the postponement of the elections. In the meantime, however, the Constitutional Council has declared the postponement of the election unconstitutional and invalid - the elections are now to be held as soon as possible.

The domestic political crisis in the country is also being monitored regionally and internationally, as Senegal was long regarded as an anchor of stability in West Africa - a region that has experienced numerous unconstitutional coups in recent years. The *Compact-with-Africa member* is also an important partner for Germany, both in the fight against terrorism and as part of the *Just Energy Transition Partnership*.

What is the current domestic political situation? What is the significance of the Constitutional Council's judgement? What do the recent developments mean for the region and will they influence future cooperation with Germany?

Highlights

- The judgement of the Constitutional Council, which declared the postponement of the election unconstitutional, received broad support in Senegalese society. At the same time, this judgement demonstrates the country's strong democratic foundations.
- Holding the election within the originally planned timeframe does not seem feasible - whether the elections, which must be organised according to clear steps defined in the constitution, will be held before the end of Macky Sall's official term of office on 2 April 2024 remains unclear and is causing political tensions.
- The situation in Senegal is not comparable to countries such as Burkina Faso, Mali or Niger, where military coups have taken place in recent years; basic democratic principles such as the separation of powers and the rule of law are deeply rooted in Senegal's understanding of democracy.

Welcome & Moderation

Sabine Odhiambo

Secretary General,
German Africa Foundation

Discussion

Dr Mamadou

Lamine Ba

Politician and freelance
consultant

Alexandra Heldt

Head of the West Africa
Project Office, FNF Senegal

Dr Gilles Olakounlé

Yabi

Founder of the *West Africa
Citizen Think Tank* (WATHI)

Closing Remarks

Denise Dittrich

Advisor in the Sub-Saharan
Africa and MENA Division,
FNF Potsdam



Developments to date

On 2 February, President Macky Sall withdrew last year's decree, which had originally set the election date for 25 February 2024, Alexandra Heldt explained the developments of recent weeks. Parliament then passed a law that postponed the elections to 15 December. The opposition party *Parti Démocratique Sénégalais* (PDS), whose candidate Karim Wade had been excluded from the election, had also agreed to this. Critical voices accused Macky Sall, whose second and therefore last constitutional term of office expires on 2 April, of a constitutional coup to keep himself in office. Heldt replied that 2 April was not in the constitution and was merely a matter of calculation. Dr Gilles Yabi disagreed and emphasised that the term of office of exactly five years was clearly laid down in the constitution; this could not simply be removed by postponing the election. The Constitutional Council's ruling also explicitly mentioned 2 April as the deadline for the five-year term of office, added one of the audience members during the discussion.

The judgement of the Constitutional Council

All panellists shared the view that the Constitutional Council's ruling was of great importance. It shows that democracy has been consolidated despite domestic political controversies. According to Heldt, the ruling comprises three central elements: (1) it classifies the law passed by parliament as unconstitutional, (2) the decree cancelling the original date is unconstitutional and (3) it calls on the president to organise elections at the best possible time. In particular, she emphasised the reference to the best possible time, in contrast to translations that speak of the quickest possible time. This decision by the Constitutional Council has since been accepted by President Sall and is welcomed and supported by the population, added Dr Yabi. For organisational reasons, it was no longer possible to hold the election on the original date of 25 February, but it should definitely take place before the end of Sall's term of office on 2 April, he demanded. Dr Lamine Mamadou Ba also shared the view that an election within the originally planned timeframe was no longer possible, but was sceptical as to whether regular elections could be held before the end of Sall's term of office. Meanwhile, the opposition has brought up 10 March as a possible election date.

Democracy in danger?

Senegal has a long democratic tradition that was strongly influenced by the values of the French Revolution and the Enlightenment, said Dr Ba. Of course, there are different democratic tendencies - a more socialist and a more liberal camp - but both share respect for the rule of law and the separation of powers. President Macky Sall could be seen as both liberal and socialist, but comes from a more left-wing party. Dr Yabi also shared the view that Senegal has a strong democratic foundation. Although there are different forms of democracy, which are also embedded in African contexts, there are no differences in basic principles such as the separation of powers. In the regional context, it was also important to differentiate between Senegal and the Sahel states, the panel agreed. Comparisons between Senegal and other countries such as Burkina Faso and Niger were largely misleading, as the judgement of the Constitutional Council had shown that democratic institutions were largely intact in Senegal. One challenge for politics and society, however, is the divide between younger and older Senegalese voters, as Heldt pointed out. There is high youth unemployment and a lack of prospects - one of the reasons why the opposition politician from the PASTEF party Ousmane Sonko, who was not allowed to stand as a



candidate due to a conviction, is seen as a beacon of hope for fundamental change.

The role of Germany

Germany is a strategic partner for Senegal and political foundations are important bridge builders, said Dr Ba. For example, some Senegalese civil servants have been trained in Germany, there are close contacts and important debates such as today's are organised. Germany and Europe must therefore continue to take responsibility so that cooperation can be extended to other countries. In this context, Heldt also argued in favour of a strong German presence in the country. Germany is held in high esteem and there is a great desire for further cooperation.

Status quo and outlook

When it came to assessing the current situation in the country and the influence of the Constitutional Council on this, there were some differing assessments. Heldt, for example, was cautiously optimistic and emphasised that democracy in Senegal had proved to be more stable than expected after the initial damage to its image. Accordingly, everything is now going its way - as ordered by the Constitutional Council. Dr Yabi and Dr Ba also welcomed the Constitutional Council's decision and spoke of broad support among the population for its ruling, but called for constitutional reforms due to the unresolved conflict between parliament and the Constitutional Council. Dr Ba also pointed out that the highest judges are appointed by the president, meaning that they are more or less well-disposed towards him and therefore less independent. Institutional reforms were therefore needed in the long term. With regard to the further course of the elections, Heldt named two possible scenarios. In the first, the existing list of candidates would be used to organise an election as quickly as possible. In the other scenario, the entire process, including the list of candidates, could be fundamentally re-run. This would have the advantage of being able to clarify unclear constitutional issues such as the admissibility of dual citizenship beyond doubt, but would have the disadvantage of further delaying the elections.