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THE SYSTEMS OF GOVERNMENT OF SENEGAL AND IVORY COAST

COMPARATIVE ANALYSIS

ABSTRACT The paper deals with the contemporary systems of government in two Sub-Saharan African states which belonged to the French colonial empire – Senegal and Ivory Coast. The Senegalese constitution of 2001 contains regulations based on the semi-presidential model, whereas the Ivorian basic law of 2000 – on the presidential one (although it was not adopted in a pure form). Special attention is devoted to the similarities and differences between the two systems, taking into consideration their constitutional structure (e.g. powers of the head of state, political responsibility of ministers and other aspects of relations within the executive branch, as well as between the latter and the legislative one). It is also pointed out that since the two countries gained their independence in 1960 Senegal and Ivory Coast have had quite different political experiences, which have exerted a visible influence on the functioning of their systems of government in practice. One of the key factors that deserve to be taken into account is the ability to produce democratic alternation of power between presidential candidates and political parties taking part in the electoral process.

Keywords: Senegal, Ivory Coast, system of government, semi-presidentialism, presidentialism

The basic laws of the Francophone states in Sub-Saharan Africa which have been adopted since the turn of the 1950s and the 1960s are based on designs used in the former metropolis. This mainly concerns the Gaullist constitution of the French Fifth Republic enacted in 1958. As the most significant result of its adoption we may perceive the introduction in France of the semi-presidential system of government. An additional factor in the process was also the enactment of the constitutional amendment of 1962 that provided for presidential elections by popular vote. In this way the French semi-presidentialism has obtained a full and final shape. The semi-presidential system of government (in the version which has been introduced in France) exerted a significant influence on the provisions contained in the constitutions of former French colonies. As far as first basic laws adopted in this part of the world are concerned, the phenomenon of borrowing of constitutional designs was clearly visible, however some provisions were quite original and did not result from the French experience. Generally speaking, the constitutional position of the head of state in the francophone countries of Africa seemed to be much stronger than the status of the head of state in the former metropolis. These states relatively quickly introduced constitutional mechanisms that were characteristic of the presidential system. This phenomenon could be observed mainly in the early 60s. In the 70s, some of the aforementioned countries decided to adopt constitutional amendments which created the institution of prime minister. The role of presidents of the Republic, however, was still dominant¹. It should be emphasized that the existence of the institution of prime minister does not necessarily lead to the conclusion that the constitution does not provide for a presidential system of government.

Since then the constitutional regulations in French-speaking African countries have been replaced or amended many times. One of the most important factors that contributed significantly to the process of constitutional reforms was the democratic breakthrough at the beginning of the 1990s². In its wake the governments in the aforementioned states decided to adopt new constitutions that weakened to some extent the position of the president of the Republic and introduced more balanced executive power (divided between the head of state and the prime minister)³. For this

¹ Examples include Senegal and Cameroon. In the first of these two countries the institution of the prime minister was introduced in 1970 as a result of an amendment of the constitution. For a more broad discussion of the constitutional evolution of the former French colonies in the first decades of independence see: I.M. Fall, *Le pouvoir exécutif dans le constitutionnalisme des États d'Afrique*, Paris 2008, pp. 14-16 (*Études Africaines*); D.G. Lavroff, *Les systèmes constitutionnels en Afrique noire. Les États francophones*, Paris 1976, pp. 21-25 (*Afrique Noire*, 7); G. Conac, 'L'évolution constitutionnel des États francophones d'Afrique Noire et de la République Démocratique Malgache' in: idem (ed.), *Les institutions constitutionnelles des États d'Afrique francophone et de la République Malgache*, Paris 1979, pp. 1-68 (*La Vie du Droit en Afrique*).

² For a more broad discussion of the democratic movements and the so-called national conferences in Francophone Africa see: P. Manning, *Francophone Sub-Saharan Africa 1880-1995*, Cambridge 1998, pp. 190-201.

³ I.M. Fall, *Le pouvoir exécutif...*, pp. 16-20.

reason the basic laws adopted in the Francophone Sub-Saharan Africa in connection with the process of democratic transformation seemed to be even closer to the French model of semi-presidential system of government in which – according to constitutional provisions – the government led by the prime minister has considerable political autonomy. However, a common feature of all Francophone African countries that have adopted semi-presidentialism is the existence of a strong presidency, in which the head of state is the primary component of the system of government. Nowadays semi-presidentialism is a dominant model in this part of the world⁴, although some of the Francophone African countries use mechanisms relating to other systems of government. It concerns mainly the reception of the presidential model. Nevertheless, the presidential system is less popular than the semi-presidential one. There is no doubt that an example of a state that has adopted a semi-presidential system is Senegal. In turn, the presidential model (not in its pure version, but in a modified one) is used in Ivory Coast. In this latter country the presidential system has assumed a specific form, since there is the function of prime minister within the executive branch. It can be assumed that a comparison of systems of government in these two countries will show various development trends in the evolution of constitutionalism in Francophone Africa. It refers especially to the degree to which specific constitutional designs are borrowed from some countries and adopted in other ones. Moreover, Senegal and Ivory

⁴ The definition of semi-presidentialism is still debatable. According to Maurice Duverger, *a political system is considered as semi-presidential if the constitution which established it combines three elements: (1) the president of the republic is elected by universal suffrage; (2) he possesses quite considerable powers; (3) he has opposite him, however, a prime minister and ministers who possess executive and governmental power and can stay in office only if the parliament does not show its opposition to them.* M. Duverger, 'A New Political System Model: Semi-Presidential Government' in: A. Lijphart (ed.), *Parliamentary Versus Presidential Government*, Oxford–New York 1992, p. 142 (*Oxford Readings in Politics and Government*). It is worth noting that this concept takes into account the problem of presidential powers. A system of government in which the president is only a figurehead, cannot be regarded as semi-presidential. A similar assumption has been adopted by Giovanni Sartori. In his view, *the head of state shares the executive power with the prime minister [...] the president is independent from parliament, but is not entitled to govern alone or directly and therefore his will must be conveyed and processed via his government.* Moreover, Sartori argues that *the dual authority structure of semi-presidentialism allows for different balances and also for shifting prevalence of power within the executive.* It results from the fact that in such a system of government the structure of the executive branch is bicephalous and the positions of its two heads are relatively balanced. G. Sartori, *Comparative Constitutional Engineering. An Inquiry into Structures, Incentives and Outcomes*, New York 1997, pp. 131-132. Another point of view has been presented by Robert Elgie who claims that *semi-presidentialism is where a popularly elected fixed-term president exists alongside a prime minister and cabinet who are responsible to the legislature.* According to this concept, the constitution of a country is enough to determine whether or not the system of government is semi-presidential. There is no need to check how powers are exercised in political practice. The definition of semi-presidentialism created by Elgie does not take into account the issue of presidential powers. As a consequence, *the list of semi-presidential systems includes countries where the president has great powers, countries where the president has few powers and countries where there is a balance of presidential and prime ministerial powers.* R. Elgie, 'What is Semi-presidentialism?' in: R. Elgie, S. Moestrup (eds.), *Semi-presidentialism outside Europe. A Comparative Study*, London–New York 2007, pp. 6-7 (Routledge Research in Comparative Politics).

Coast differ significantly in terms of their political situation, which affects the application of their constitutions in practice.

The current constitution of Senegal was enacted in 2001. Its adoption may be regarded as a result of the peaceful process of alternation of power, which had been successfully carried out a year earlier. In 2000 the sitting *president* Abdou Diouf from the Socialist Party (*Parti Socialiste*, PS) has not won *re-election*. The newly elected president Abdoulaye Wade – the leader of the opposition from Senegalese Democratic Party (*Parti Democratique Senegalese*, PDS) – initiated the process of constitutional reforms that finally led to the creation of a more balanced semi-presidential system⁵. It is worth noting that the changes of 2000-2001 were not accompanied by destabilizing military involvement. Senegal is constantly one of the most stable African states. In this country a military coup has never been carried out. From this point of view Senegal seems to be one of the remarkable exceptions on the African continent. The origin of the current constitution of Ivory Coast was different. It was prepared and adopted in 2000 as a result of a military coup of 1999. In its aftermath the country was temporarily ruled by general Robert Guéi. Open elections took place in 2000, but Guéi did not recognize their results (he lost to Laurent Gbagbo – the president of the Republic from 2000 to 2010)⁶. Both of the aforementioned constitutions were approved by popular vote. Despite significant changes in the political arena which took place in the first decades of the twenty-first century – in the case of Ivory Coast the political events have had bloody nature because of two civil wars – the acts still remain in force.

The Senegalese constitution of 2001⁷ modified the existing semi-presidential system which was re-introduced as a result of the constitutional amendment adopted in 1991. In its current form the constitution establishes the duality of the executive power which is divided between the president of the Republic and the prime minister. The election of the head of state is conducted by popular vote (Art. 26(1)). In order to be chosen, a candidate has to receive the absolute majority of votes (Art. 33(2)). If no candidate has obtained such a support, a second round of the elections has to take place (Art. 33(3)).

⁵ First of all, the status of the Senegalese prime minister has been relatively strengthened. The same refers to the parliament. It does not change the fact that the strong position of the president has been maintained. The creators of the constitution did not adopt a parliamentary model, but decided to relax the semi-presidential system of government. However, semi-presidentialism in Senegal is still stronger than the same model in France. Ł. Jakubiak, 'Dynamika przekształceń konstytucyjnego modelu rządów w Republice Senegalu' in: S. Bożyk (ed.), *Aktualne problemy reform konstytucyjnych*, Białystok 2013, pp. 624-627.

⁶ The severe political crisis in Ivory Coast started in December 1999, when the country suffered a military coup that brought down the regime of the incumbent head of state Henri Konan Bédié (the second president of Ivory Coast who replaced Félix Houphouët-Boigny after his death in 1993). *Ivory Coast Presidential Conflict*, at <<http://www.ivorycoastpresident.com>>, 10 October 2014; C.K. Dadieh, 'Elections and Ethnic Violence in Côte d'Ivoire: The Unfinished Business of Succession and Democratic Transition', *African Issues*, Vol. 29, No. 1/2 (2001), p. 14.

⁷ See the text of the constitution of 2001: *Constitution de la République du Sénégal du 22 janvier 2001*, at <http://www.gouv.sn/IMG/pdf/constitution_sn.pdf>, 12 October 2014; *Senegal's Constitution of 2001 with Amendments through 2009*, transl. by J.J. Ruchti, Constitute, at <https://www.constitute-project.org/constitution/Senegal_2009.pdf?lang=en>, 12 October 2014.

Since the constitutional amendment of 2008 the president of the Republic has been elected for seven years (earlier – for five years) (Art. 27(1)). As a result, the term of the office of the head of state is no longer equated with the term of the National Assembly – the Senegalese parliament. The president of the Republic may be reelected only once (Art. 27(1)). It should be noted that candidates taking part in the presidential election have to be – on the day of the voting – at least thirty five years of age (Art. 28). Similar regulations apply in Ivory Coast on the basis of the constitution of 2000⁸. The election of the president of the Republic is held by popular vote and requires the support of the absolute majority of electors taking part in the ballot (Art. 36(1)). If the requirement is not fulfilled, a second round is needed. The term of office of the head of state is five years. There may be only one re-election (Art. 35(1)). In Ivory Coast candidates competing for the presidency have to be at least forty years of age. It is worth emphasizing that they cannot be older than seventy-five years of age. In both states the general presidential election gives the president of the Republic a strong legitimacy to rule the country and affects the extensive presidential powers⁹. It should be pointed out, however, that in Francophone African countries such a legitimacy is often undermined due to the non-compliance (to a lesser or greater extent) with democratic standards during the general elections. This applies to both presidential and parliamentary elections. One of the most important factors that have an impact on this situation is associated with specific circumstances in which election campaigns are conducted. This can affect the final results of the election. Such problems may be seen as typical of the countries that are in the process of democratic transformation. Taking into account such difficulties, the ability of the political system to the alternation of power seems to be a significant achievement.

As mentioned above, in Senegal the constitution of 2001 retained the semi-presidential system of government. As a result, the president has not been the only body within the executive branch¹⁰. Such a constitutional structure exerts a visible influence on the constitutional position of the Senegalese head of state. According to the basic law of 2001, the president of the Republic is the guardian of the constitution

⁸ See the text of the constitution of 2000: *Loi n° 2000-513 du 1er août 2000 portant Constitution de la Côte d'Ivoire*, at <https://www.unodc.org/tldb/pdf/Cote_dIvoire_const_2000_fr.pdf>, 12 October 2014; *The Constitution of Cote d'Ivoire. Adopted at the Referendum of 23 July 2000*, <http://faolex.fao.org/docs/pdf/ivc128667.pdf>, 12 October 2014.

⁹ In principle, general elections are also carried out in other francophone African countries. A. Cabanis, M.L. Martin, *Les constitutions d'Afrique francophone. Évolutions récentes*, Paris 1999, pp. 70-72. For this reason, among other things, the systems of government in these countries can be considered at least semi-presidential.

¹⁰ *In turn, monistic executive structure is typical of the pure presidential system. As noted by Giovanni Sartori, the common denominator of both presidentialism and semi-presidentialism is a popularly elected president or, at the least, a president that is not elected in by parliament. But beyond this common foundation the two forms radically depart from one another [...]. In presidential system the president is protected and insulated from parliamentary interference by the division of power principle. Instead, semi-presidential systems perform on a power sharing basis: the president must share power with a prime minister: and, in turn, the prime minister must obtain continuous parliamentary support.* G. Sartori, *Comparative Constitutional Engineering...*, p. 121.

and the first protector of the arts and letters of Senegal (*le premier Protecteur des Arts et des Lettres du Sénégal*)¹¹. The head of state embodies the unity of the nation, as well as guarantees the proper functioning of the institutions, the national independence and the territorial integrity (Art. 42(2,3)). The point of reference for such a regulation was Article 5 of the French constitution of 1958, which recognizes the role of the president as a political arbiter. It can be considered that this kind of arbitration is typical of a parliamentary system of government, in which the head of state remains politically neutralized. However, in Senegal the constitutional status of the president of the Republic is much stronger. Evidence of this is the constitutional regulation, which provides that the head of state shapes the policy of the nation (Art. 42(4)). For this reason, the role of the government led by the prime minister is significantly reduced. According to the constitution the main role of the cabinet is to conduct and coordinate the policy of the nation. It is carried out under the direction of the head of government (Art. 53(2)). It means that the aforementioned body only implements the policy which is determined by the president of the Republic. Nevertheless, it must be concluded that the constitutional position of the government towards the head of state is to some extent autonomous. In Ivory Coast this issue is different. The basic law of 2000 retained the presidential system of government which had been introduced in the previous constitution of 1960¹². In the light of the act the executive branch is dualistic only in terms of its structure. However, it is not compatible with the pure form of the presidential model. From a political point of view, there is no – even relative – autonomy of the government in relations with the head of state. According to the basic law of 2000, the latter holds exclusively the executive power (*est détenteur exclusif du pouvoir exécutif*) (Art. 41(1)). Also in Ivory Coast the constitution defines the presidential functions that resemble the content of Article 5 of the constitution of the French Fifth Republic. In the light of the Ivorian basic law the head of state embodies the unity of the nation, ensures the respect of the basic law and the continuity of the state. The president of the Republic guarantees the national independence, the integrity of the state territory, as well as the respect of commitments made at international level (Art. 34). It is worth noting that in this case the constitution makes no mention of ensuring the proper functioning of

¹¹ Such a function of the president of the Republic can be interpreted as a reference to the achievements of the first president of independent Senegal Léopold Sédar Senghor, a poet and a writer, who in 1983 was elected as a member of the Académie française. For a broader discussion of the political and non-political activity of Léopold Sédar Senghor during the presidency (1960-1980) and on the Senegalese system of government in this period see: Ch. Roche, *Léopold Sédar Senghor. Le président humaniste*, Toulouse 2006, pp. 113-162 (*Biographie*); S.M. Sy, *Les régimes politiques sénégalais de l'indépendance à l'alternance politique 1960-2008*, Yaoundé-Paris-Dakar 2009, pp. 43-126 (*Hommes et Sociétés*).

¹² The Ivorian constitution of 1959 opted for a parliamentary system. In 1960 a fundamental change has been made. As A.S. Alexander Jr. noted, *the major difference between the 1959 constitution and its successor is that the latter abandons the parliamentary regime. The one-man executive, now called President of the Republic, is elected by universal suffrage, not by the Assembly, for a five-year term. He is no longer encumbered by the trappings of a parliamentary system, investiture, votes of confidence, censure, and dissolution*. A.S. Alexander Jr., 'The Ivory Coast Constitution: An Accelerator, Not a Brake', *The Journal of Modern African Studies*, Vol. 1, No. 3 (1963), p. 297, at <<http://dx.doi.org/10.1017/S0022278X00001713>>.

the institutions of the state. The omission of such a provision seems to be comprehensible. In the presidential system – unlike in the semi-presidential one – the head of state is not an arbitrator, but a political leader that shapes policies and is responsible for their implementation. Although the prime minister animates and coordinates the governmental action, the president of the Republic not only determines the policy of the nation, but also conducts it. Therefore, the prime minister lacks political autonomy, which implies a hierarchical system of relations within the executive branch. In fact, the president of the Republic is not only the head of state, but also the real head of government¹³. It should be regarded as a key feature of the presidential system based on the American constitutional designs. Comparison of the two countries leads to the conclusion that in Senegal the head of state dominates within the executive branch, while in Ivory Coast the president is its sole real possessor.

The strong position of the president of the Republic is supported by further Senegalese and Ivorian constitutional provisions. In both countries the tutelage of the government has been assured by chairing the Council of Ministers. It is worth noting that the constitution of Ivory Coast guarantees that the Council of Ministers led by the head of state discusses each decision concerning the general policy of the state. The same applies to legal acts such as bills of law and the so-called ordinances (*ordonnances*) (Art. 51(2)). The presidents of Senegal and of Ivory Coast appoint prime ministers and revoke them. On the initiative of the prime ministers, they designate ministers and indicate their attributions. It gives them full impact on personnel matters. Other presidential powers in both states should also be taken into consideration. They may appoint civil and military officers, submit legislation to referendums¹⁴, as well as use extraordinary powers after the introduction of states of emergency (regulations concerning the latter issue have been created directly on the basis of Article 16 of the French constitution of 1958). The heads of state may therefore take some exceptional measures which are required by circumstances (when such values as the institutions of the state, the independence of the nation, the integrity of its territory or the implementation of the commitments made at international level are seriously and directly threatened). Extraordinary presidential powers can be seen as a tool that allows the head of state to play the role of guarantor of the constitutional order of the state. Both in Senegal and in Ivory Coast presidents of the Republic have a big impact on the lawmaking process. The heads of state are entitled to initiate laws, but only in the first of them the president has the right to propose amendments to the bills discussed by members of the legislature (Art. 82(1)). Moreover, the Senegalese National Assembly can enable the president of the Republic to take the measures which have been granted to the parliament as a legislative domain (Art. 77(1)). In this way, the head of state can directly interfere with the content of legal acts of the statutory power. On this basis, the president of the

¹³ For a broader discussion of this topic see: P. Danho Nandjui, *La prééminence constitutionnelle du président de la République en Côte d'Ivoire*, Paris–Budapest–Torino 2004, pp. 38–45.

¹⁴ It is worth noting that in Ivory Coast the president may submit to referendum not only a legal act, but also any question which – in the view of the head of state – should be directly consulted with the people (Art. 43(1)). Thus the Ivorian referendum has a much wider scope.

Republic takes the aforementioned ordinances. A similar right is available to the president of Ivory Coast. According to the constitution the head of state may, in order to introduce his political program, obtain the permission from deputies to adopt ordinances containing the measures which normally belong to the legislative domain (Art. 75(1)). This regulation can be seen as a logical complement to the constitutional provision, which provides that the head of state not only determines, but also conducts its policy.

In addition to the similarities, there are also clearly visible differences between heads of state in the two analyzed countries. They arise mainly from the adopted system of government. The semi-presidential one is closely related to the parliamentary model. The origins of semi-presidentialism result from the process of rationalization of the parliamentary system¹⁵. The purpose of rationalization was to strengthen the executive branch, which thus can function effectively in the absence of a permanent and reliable parliamentary majority. Semi-presidentialism regarded as a result of extreme rationalization of parliamentarianism retains at least some of the features of the latter¹⁶. One of them is the right to cause a parliamentary election through dissolution of the parliament. The president of Senegal may, after consultations with the prime minister and the president of the legislature, dissolve the National Assembly (Art. 87(1)). This right is, however, subject to various restrictions. First of all, such a dissolution may not take place during the first two years after the parliamentary election (Art. 87(2)). The term of parliament is five years, which means that the National Assembly may be dissolved in a period of the last three years of each legislature. Secondly, the parliament may not be dissolved during the application of the exceptional powers used after the introduction of the state of emergency (art. 52(6)). Such a restriction is intended as a preventive measure against further political instability. In the presidential system adopted in Ivory Coast the head of state does not have the competence. The reason is that presidentialism is based on the principle of separation of powers. Its manifestation is the fact that the president of the Republic does not have the right to dissolve parliament, and the parliament does not have the right to adopt a motion of censure against the presidential government. The model adopted in Ivory Coast corresponds to the assumption, although the direct impact that the head of state has on the lawmaking process makes this issue a bit problematic. The second important difference concerns the countersignature. In the semi-presidential system of Senegal countersignature of acts of the head of state is a principle, but the basic law provides a lot of excep-

¹⁵ Its effect is the so-called rationalized parliamentarianism. According to Herbert Döring, the "rationalization" of parliamentarianism may be evaluated by means of such factors as requirements concerning the revoking of the members of cabinet, as well as governmental tools for control over the parliamentary agenda. A. Siaroff, 'Varieties of Parliamentarianism in the Advanced Industrial Democracies', *International Political Science Review*, Vol. 24, No. 4 (2003), p. 448, at <<http://dx.doi.org/10.1177/01925121030244003>>.

¹⁶ In such a model of parliamentary system the prerogatives of legislature are significantly limited and the position of executive bodies is strengthened. For a broader discussion of this topic on the example of the Fifth French Republic see: J.D. Huber, *Rationalizing Parliament. Institutions and Party Politics in France*, Cambridge–New York 1996, pp. 23-37 (*Political Economy of Institutions and Decisions*); J. Szymanek, 'Filozofia ustroju politycznego w konstytucji V Republiki Francuskiej' in: idem (ed.), *Ustrój polityczny Francji współczesnej*, Warszawa 2013, pp. 25-55.

tions. They refer to the most important presidential powers. Thanks to such a provision the position of the head of state is not significantly weakened. The constitution of Ivory Coast which – in accordance with the requirements of the presidential system – makes the prime minister only a helper of the head of state – does not contain similar regulations. In the situation in which the executive branch is *de facto* monistic, the countersignature would not have a real justification. The Ivorian government does not take over the political responsibility of the president. Due to the lack of the constitutional provision that regulates a motion of censure, it could not lead to the resignation of the government. The position of the parliament is thus restricted.

Other differences between the systems of government in Senegal and Ivory Coast relate directly to the constitutional position of the prime minister and ministers. In the first of these countries there is the principle of a double political responsibility of the government. According to the constitution, the government is at the same time responsible before the head of state and before the parliament (Art. 53(2)). Parliamentary responsibility means that the prime minister along with the ministers should enjoy the support of the majority in the National Assembly. It has implications for further constitutional provisions. The prime minister is in fact obliged to appear before parliament. As regulated by the constitution, after being appointed by the president of the Republic, the head of government delivers in the legislature a declaration concerning general policy. After that there is a debate. It may, if the prime minister submits such a demand, result in a vote of confidence. It is expressed by the absolute majority of deputies (Art. 55 (1,2)). Such a provision leads to the conclusion that a vote on this matter is not required. The government may exist without formal acceptance of the parliament. Nevertheless, the government cannot do without parliamentary support. Indeed, it is possible to adopt a motion of censure. According to the basic law, in this way the parliament may cause the resignation of the government. The adoption of the motion of censure requires the absolute majority of all deputies. If such a motion is passed, the head of government submits the resignation of the cabinet to the president of the Republic (Art. 86(3,5)). Just as in the parliamentary system, the support of the majority in the chamber is quite important. Appointing the prime minister, the head of state must therefore take into account the political composition of the National Assembly. Without this, the government could be overthrown. The existence of a parliamentary majority, which functions as the opposition to the president is admittedly unlikely, but it cannot be ruled out. In contrast to Senegal, the principle of double political responsibility of the government has not been adopted in Ivory Coast. Given that the constitution of 2000 provides for a presidential system, it cannot come as a surprise. In such a model the members of the government are politically responsible only to the head of state. It means that the Ivorian parliament is not entitled to adopt a vote of confidence to the new government. The same applies to a motion of censure¹⁷. At this point the system of

¹⁷ It does not mean that the parliament has no effect on the functioning of the executive branch, but its position in this regard is greatly limited. For a broader discussion of the relations between the legislative and executive branch in Ivory Coast see: P. Danho Nandjui, *La prééminence constitutionnelle...*, pp. 45-65.

government in Ivory Coast shows the most important features of the pure presidential model which has been implemented in the United States. The lack of parliamentary responsibility of the prime minister and other ministers is a condition without which the system of government in Ivory Coast could not be regarded as a presidential one.

It should be noted that the systems of government in both countries operate under quite different political circumstances. Since the country gained its independence in 1960, Senegal has been in many respects a distinctive state in Francophone Africa. Initially – after the introduction of one-party system – the presidential and parliamentary elections did not provide for democratic rivalry. However, a multiparty system without any formal restrictions was adopted at the beginning of the 1980s, therefore it occurred much earlier than in other Francophone countries of Sub-Saharan Africa. The Presidents of the Republic before 2000 were two politicians belonging to the ruling Socialist Party: Léopold Sédar Senghor and Abdou Diouf. For forty years the elections did not bring significant political changes. For this reason, the victory of the opposition leader Abdoulaye Wade in 2000 may be treated as a real breakthrough on the Senegalese political scene. It resulted in the first alternation of power in the history of independent Senegal. Contrary to expectations, the alternation of power did not change much in political practice¹⁸. Despite the constitutional reform of 2001, the president of the Republic has remained a key player in the political system. It does not mean, however, that new political trends did not take place. After the enactment of the basic law, the presidential right to dissolve parliament obtained great political significance. Abdoulaye Wade decided to take such a step to hold parliamentary elections and win stable support of an overwhelming majority of deputies¹⁹. In this way, it has led to so-called effect of majority (*fait majoritaire*), which is known from the French political practice during the Fifth Republic²⁰. The subordination of the parliamentary majority gives the

¹⁸ As Sheldon Gellar noted, *it soon became evident that Wade has little intention of keeping his campaign promises to reduce the powers of the President and to transfer more power to the legislative and judicial branches of government*. S. Gellar, 'The Rise of Citizen Movements and the Consolidation of Democracy under the Abdoulaye Wade Regime (2000-2012)' in M.-C. Diop (ed.), *Le Sénégal sous Abdoulaye Wade. Le Sopi à l'épreuve du pouvoir*, Dakar-Paris 2013, p. 125 (*Hommes et Sociétés*).

¹⁹ Such a strategy is reminiscent of some political aspects of the dissolution of parliament in the Fifth French Republic. For a broader discussion of this topic see: Ł. Jakubiak, 'Przesłanki rozwiązania parlamentu w praktyce ustrojowej V Republiki Francuskiej', *Przegląd Politologiczny*, No. 2 (2013), pp. 62-65. One of the consequences of such a practice is the presidentialization of parliamentary elections, which could be seen as part of a wider phenomenon of the presidentialization of politics. D.J. Samuels, M.S. Shugart, *Presidents, Parties and Prime Ministers. How the Separation of Powers Affects Party Organization and Behavior*, Cambridge-New York 2010, pp. 173-175. According to Thomas Poguntke and Paul Webb, presidentialization denominates a process by which regimes are becoming more presidential in their actual practice without, in most cases, changing their formal structure, that is, their regime-type. T. Poguntke, P. Webb, 'The Presidentialization of Politics in Democratic Societies: A Framework for Analysis' in: *idem*, *The Presidentialization of Politics. A Comparative Study of Modern Democracies*, Oxford-New York 2005, p. 1 (*Comparative Politics*).

²⁰ The opposite of this political effect is the phenomenon of cohabitation – a situation in which the incumbent president and the majority in the parliament represent opposing political camps. Such a phenomenon has occurred three times in France and caused numerous constitutional and political

head of state a much larger field of political maneuvering. The price is paid by the government, which is brought to the role of the body without real political significance. It should be noted, however, that – in comparison with the basic law of France – the Senegalese constitution does not provide for such a strong position of the government. Thus, the subordination of the body results, to a certain extent, from the constitutional provisions²¹. A strong and politically homogeneous executive branch is thus a typical feature of the Senegalese semi-presidential system of government. It was confirmed by another alternation of power that took place in 2012. The election was a defeat for the incumbent president Wade who lost in the second round to Macky Sall – a former prime minister during the presidency of Wade (2004-2007) and one of the opposition leaders from the Alliance for the Republic (*Alliance pour la République* – APR). Parliamentary elections were held a few months later and gave the head of state – as the elections after the first alternation of power – support of the majority in the National

problems. It is worth noting that, among the Francophone African countries, the specific practice of cohabitation is known in Niger where it took place in 1995 and resulted in a military coup a year later. The practice of cohabitation may be regarded as a key political effect of semi-presidentialism. As S. Moestrup noted, *conflict centered around control over the political agenda, notably over the procedures for holding cabinet meetings; appointments in the local and central administration, and presidential vetoes*. S. Moestrup, 'Semi-presidentialism in Niger. Gridlock and Democratic Breakdown – Learning from Past Mistakes' in: R. Elgie, S. Moestrup (eds.), *Semi-presidentialism outside Europe...*, p. 113. It should be emphasized that the current constitution of Niger of 2010 contains specific regulations that are intended to be used during cohabitation. When there is a political difference between the so-called presidential majority (*majorité présidentielle*) and the parliamentary majority, the head of state appoints the prime minister from among three candidates presented by the majority of deputies (Art. 81(1)). It means that the presidential arbitrariness in the choice of the prime minister is considerably reduced. The same applies to his dismissal. The president revokes the prime minister only if the latter submits the resignation of the cabinet (Art. 81(2)). It is also worth noting that the ministers of national defense and of foreign affairs cannot be designated without an agreement between the two heads of the executive branch (Art. 81(3)). In such a situation the president of the Republic is not the only body that has a significant impact on foreign and defense policy. Moreover, during cohabitation presidential appointments concerning civil posts may be made exclusively on proposals of the government (Art. 82). As was demonstrated, the political position of the latter is much stronger than in the period of the effect of majority. As a result, the role of the head of state is visibly limited. *La constitution de la VIIème République*, Cour Constitutionnelle du Niger, at <http://cour-constitutionnelle-niger.org/documents/constitution_7eme_rep.pdf>, 12 October 2014; *Niger's Constitution of 2010*, transl. by M. del Carmen Gress, Constitute, at <https://www.constituteproject.org/constitution/Niger_2010.pdf>, 12 October 2014.

²¹ Gerard Conac argues that *this difference between the French and the Senegalese attributions of presidential powers is far from being just formal. In France, as happened three times, when the president is no longer backed by a parliamentary majority, he can no longer determine government policies outside of his reserved foreign policy competences. In Senegal, in the same situation, the president is politically weakened but not constitutionally diminished in his powers. Though the president in Senegal must certainly take the parliamentary majority into consideration in his policy-making role, he retains a sufficient margin of action allowing him to call the shots*. G. Conac, 'Semi-presidentialism in a Francophone Context' in: R. Elgie, S. Moestrup (eds.), *Semi-presidentialism outside Europe...*, p. 88. In addition, the French constitution of 1958 includes only the political responsibility of the government to the National Assembly. From the formal point of view, the head of state is not able to dismiss the prime minister on his own initiative. Political practice, however, went the other way.

Assembly. As a result, after the presidential and parliamentary elections of 2012, the Senegalese system of government works consistently under the effect of the majority.

The system of government in Ivory Coast operates quite differently. The main problem is an extremely unstable political situation. During the presidency of Félix Houphouët-Boigny, the father of independence, Ivory Coast belonged – among former French colonies – to the group of stable African states. The presidential and parliamentary elections were not competitive but Houphouët-Boigny was able to avoid ethnic conflicts²². Moreover, Ivory Coast was one of the most prosperous countries in the region of Western Africa. The situation changed radically after the death of Houphouët-Boigny. The political crisis intensified at the end of the 90s. After the presidential election of 2000 Laurent Gbagbo became the new president of the Republic. He ended the rule of the military junta which remained in power after the coup of 1999. In subsequent years, however, there was a deep political destabilization. In 2002 the first civil war broke out. Although in 2005 the five-year presidential mandate expired, a new election of the head of state could not be held. The election of the head of state was postponed until 2010. Such a situation was the cause of a new serious conflict. According to preliminary results, the incumbent president Gbagbo lost to his main political rival Alassane Ouattara – a former prime minister. However, the Ivorian Constitutional Council – in practice the organ subordinated to the then president of the Republic – declared the results in some parts of the country invalid, which meant that Gbagbo had won the election. Both candidates claimed to be the winners²³. The armed conflict lasted a few months. Eventually Gbagbo was arrested and – after a few months – transferred to the International Criminal Court in the Hague²⁴. The overthrow of the previous head of state ended the second civil war. Only then Ouattara could take the presidential office.

Political practice has significant impact on the implementation of the principles relating to the system of government. Without taking into account this factor, each analysis of such a structure would not be complete. As shown, in both of the analyzed countries political life looks completely different. Despite the emerging political crises, Senegal remains one of the most politically predictable Francophone African states. According to the Fragile States Index 2015 (up to 2013 – Failed States Index) prepared by the Fund for Peace²⁵, Senegal is sixty in the world. The state is still facing many demographic and economic problems, but the level of state legitimacy is relatively high. In

²² For a broader discussion of the ethnic conflicts in Ivory Coast see: O. Dembele, 'Côte d'Ivoire: la fracture communautaire', *Politique Africaine*, No. 89 (2003), pp. 34-48, at <<http://dx.doi.org/10.3917/polaf.089.0034>>; J.-P. Dozon, 'La Côte d'Ivoire entre démocratie, nationalisme et ethnonationalisme', *Politique Africaine*, No. 78 (2000), pp. 45-62, at <<http://dx.doi.org/10.3917/polaf.078.0045>>.

²³ For a broader discussion of the political situation in Ivory Coast in connection with the presidential election of 2010 see: N. Cook, *Cote d'Ivoire Post-Election Crisis*, Washington 2011 (*CRS Report for Congress*, RS21989), at <<http://fpc.state.gov/documents/organization/156548.pdf>>.

²⁴ 'Ivory Coast's Laurent Gbagbo Appears at ICC in Hague' BBC News, 5 December 2011, at <<http://www.bbc.com/news/world-africa-16027845>>, 30 January 2015.

²⁵ The Fund for Peace, *Fragile States Index 2015*, at <<http://fsi.fundforpeace.org/rankings-2015>>, 20 February 2016.

Ivory Coast the situation is much worse. The state is fifteenth in the world which means that nowadays it belongs to the group of the most fragile countries. In recent years, the key problem of Ivory Coast was the inability to implement the process of alternation of power. These difficulties were clearly evident in the events of 2010 which led to an armed conflict between two presidential candidates. Compared with Ivory Coast, Senegal proved twice the real possibility to change the government peacefully through democratic elections. In 2000-2001 and 2012 the political parties that lost the presidential and parliamentary elections came to terms with sitting on the opposition benches in the National Assembly. However, as far as the practical functioning of the system of government is concerned, it should be noted that, regardless of the adoption of presidentialism or semi-presidentialism, in both states the head of state occupies a dominant position in the whole political system. The role of parliaments is significantly reduced, which means that the vote of no confidence and the motion of censure are not important in political practice. Even if the Senegalese constitution includes the dual responsibility of the government (before the president and before the legislature) the political practice is highly presidential. In fact, the main obstacles to the exercise of presidential functions are factors resulting from the instability and emerging conflicts, therefore they cannot be regarded as an effect of the adopted system of government. It may be concluded that constitutional provisions contribute to the existence of such limits to a lesser extent. As a consequence, although the formal structure of the system of government in both countries differs significantly, it does not have much influence on the political life. Even in the Senegalese semi-presidential model, in which the position of the head of state may be regarded as in some way constitutionally restricted by such factors as divided executive branch, the dominant status of the president of the Republic is guaranteed by the constant and reliable support of parliamentary majority. The probability of cohabitation between the head of state and the prime minister from different political camps is not high. All of these aspects bring us to the conclusion that the mechanisms of governance in Senegal and Ivory Coast varies mainly due to more or less complicated political circumstances. The letter of the constitution seems to be of secondary importance.

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