

Term Limits and the Transfer of Power*

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If institutions are rules that restrain political actors, then the most important institutions that constrain the most important political actors are the rules that tell presidents how and when they must relinquish power. The most significant of these are the constitutional provisions that restrict presidents to two terms in office. Since 1990, such term limits have been put in place in all but seven of the 47 countries in sub-Saharan Africa that have non-ceremonial heads of state. This chapter explores how African leaders have responded to these limits. Our findings suggest that these constitutional checks on presidential power are real and that they have come to constrain African leaders in ways that were almost unimaginable in earlier eras.¹

In the first decades after independence from European colonial rule, African leaders were rightly depicted as “big men,” unconstrained by the rules that formally limited their power (Jackson and Rosberg 1982; Chabal and Daloz 1999; Hyden 2006). Authority in this era stemmed from a combination of military might, intimidation, and the command of informal networks. Leaders entered and exited office not through elections or other regular means but primarily through the barrel of a gun. In this era, it was almost unthinkable that a head of state would relinquish power simply because a clause in the constitution said that he must. Much more likely, he would ignore the provision and simply declare himself (or have the legislature he controlled declare him) “President for Life”—as Kwame Nkrumah did in 1964, Hastings Banda did in 1970, Jean-Bédél Bokassa and Francisco Macías Nguema did in 1972, and Idi Amin did in 1976. Many other African leaders effectively did the same, even if they never adopted the formal title.

But by the 1990s, things began to change. The modal means by which African leaders surrendered power shifted from coup d’etat to voluntary resignation, either due to term limits or following a defeat in a relatively free and fair election. Political power also became much more institutionalized during the intervals between elections. Although not every African country during this period moved toward greater constraints on executive authority, the overall shift in this direction was discernible. Across the continent, the unfettered “personal rule” that had previously characterized the politics of the region began to be displaced by a more rule-bound, institutionalized political order. Today, although pockets of old-style authoritarianism remain,

¹ This chapter builds upon and updates prior research presented in Posner and Young (2007) and Kramon and Posner (2011).

nearly all African leaders seek to achieve their goals through formal institutional channels rather than extra-constitutional means. This represents a major change in how power is exercised and, we believe, constitutes the most important development in the last two decades of African politics.

The displacement of violence by formal rules is clearly illustrated by tracing changes over time in how leaders leave office. We therefore begin our discussion by presenting evidence on this issue. We then turn to an analysis of how leaders faced with two-term limits have responded to this significant limitation on their power. If we assume—as we think is reasonable—that nearly all leaders would prefer to stay in office rather than step down, then studying how they react to a constitutional provision that forces them to relinquish power provides a fundamental test of the ability of formal institutional rules to constrain leaders' behavior. We show that of the thirty-six heads of state that faced a two-term limit between 1990 and 2015, twenty accepted the limit and voluntarily retired while sixteen either ignored the provision or attempted to amend the constitution to permit the continuation of their rule. Of these sixteen, eleven were successful and five were rebuffed in their efforts. The record therefore indicates that the majority of African leaders respected the constitutional limits on their tenure.

Equally important, nearly every leader who was unwilling to accept the two-term limit sought to prolong his rule not by ignoring the constitution but by seeking to change it to better align it with his preferences. The decision in nearly every case was to operate *through* rather than around the constitution. This represents a major and telling shift in how presidents exercise their power. Of course, many African presidents in earlier eras also sought to legitimate the perpetuation of their rule by pushing constitutional amendments through parliament. But such moves were almost always taken in contexts where the president's dominance was so overwhelming that working through the formal rules offered little risk. For today's leaders, choosing to change the constitution by working through its codified procedures is selecting a path that entails significant costs and (as the cases of Zambia, Malawi and Nigeria demonstrate) real prospects for failure.

Also significant is the fact that in the two cases in which presidents tried to extend their rule without legally changing the constitution (Burkina Faso

and Niger) the military—historically Africa’s quintessential *anti*-constitutional actor—intervened in opposition to the attempt. This rejection of extra-constitutional means by African militaries is reflected in (and no doubt also in part caused by) high levels of support for presidential term limits by regular citizens, a point we return to later in the chapter. The denunciation of attempts by African leaders to circumvent their constitutions by international actors such as the African Union also plays a key role. All of this points to the emergence of a new equilibrium in which actors—presidents, the military, citizens, and the international community—locate the source of political authority in the constitution rather than in a monopoly on the use of violence.

It bears underscoring, however, that not every leader has voluntarily resigned when facing a two-term limit. The variation in leaders’ willingness to push back against term limits demands explanation. In the penultimate section of the chapter we therefore seek to account for why some leaders acquiesced in the two-term limits they faced and others sought to overturn them. We present suggestive evidence that African presidents who were older, received less political support in the previous election, and ruled countries that were more aid-dependent (often because they did not have significant oil reserves) were more likely to relinquish power when facing a two-term limit. We also find, however, that one of the strongest predictors of a leader’s decision about whether or not to try for a third term is whether his predecessor(s) voluntarily gave up power when they faced term limits of their own. In the ten instances where a predecessor had stepped down in the face of a two-term limit, every single president who followed chose not to push for a third term. This finding suggests that, while still not universal, the progress toward institutionalizing political power in Africa is not likely to be reversed where it has already occurred.

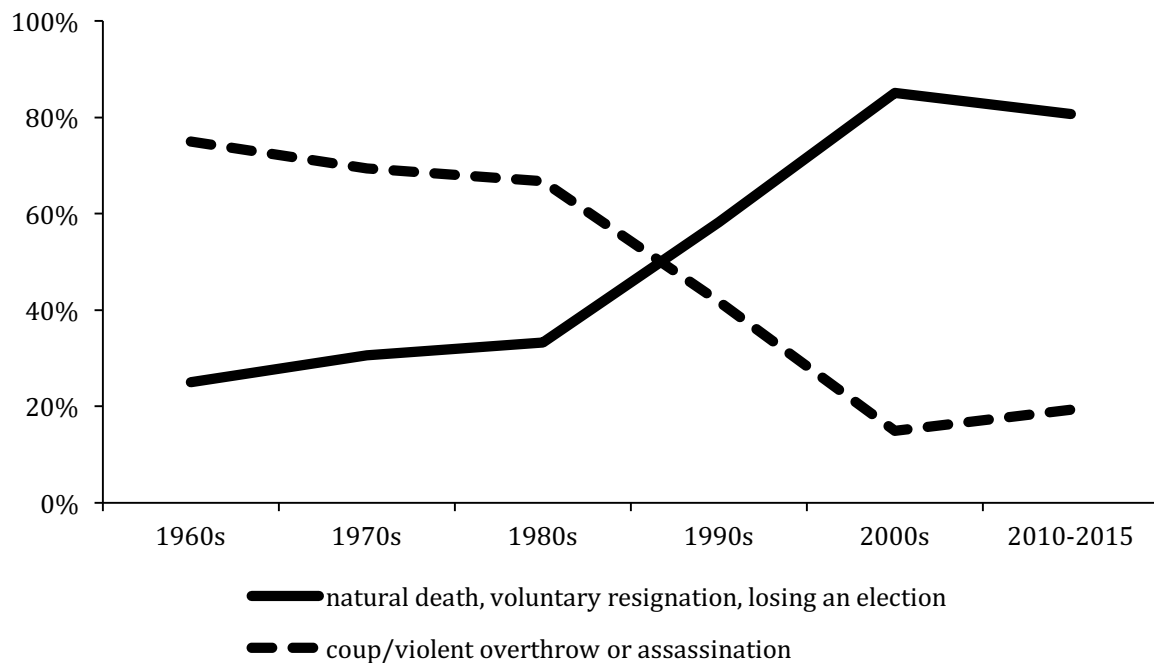
How Presidents Leave Power

Benin, perhaps more than any other country, epitomizes the change that has taken place in how leaders exit power. During its first decade after independence in 1960, Benin had twelve different heads of state, every one of whom was overthrown in a coup d’état. This striking record of serial leadership change by force stands in complete contrast to Benin’s record since

1990. From that date to 2006, Mathieu Kérékou and Nicéphore Soglo alternated as president following wins and losses in national elections. Facing restrictions due to term limits and age, both stood down in 2006, paving the way for the election of a new president, Thomas Yayi Boni, who was then re-elected in 2011. While Benin provides perhaps the most dramatic example of the change that has taken place in how leaders leave power in Africa, it is nonetheless indicative of a broader trend.

To document this trend, we present data on how every African head of state exited power between independence and the end of 2015. Our sample includes some 286 leaders from 45 African countries. We code each leader's means of exit from office into two broad categories: leaders who left power through regular means (natural death, voluntary resignation, or losing an election) and those who were removed by irregular means (coup or violent overthrow, or assassination). Figure 1 presents the decade-by-decade averages.

Figure 1: How African Leaders Have Left Power, By Decade



As the figure makes clear, nearly three-quarters of the African leaders who left power in the 1960s and 1970s did so through a coup, a violent overthrow, or an assassination. In the 1980s, this dropped to just below 70 percent. By

the 1990s, it was surpassed by the share of those who left power through natural death, voluntary resignation, or electoral defeat. In the 2000s, the share of leaders leaving power through irregular means dropped to just 15 percent. Although it crept up to 19 percent between 2010 and 2015, the numbers are still near historic post-independence lows. The upshot is that whereas the most common way that African heads of state leave office used to be by coup or assassination, it is now by voluntary resignation, in most cases triggered by constitutional term limits.² These trends point to the increasing institutionalization of political power in Africa. Whereas political power used to change hands principally through violence—usually at a time and in a manner chosen by coup plotters—it now changes hands principally in accord with institutional rules.

Of course, the manner in which executives leave office is only one indicator of how beholden they are to formal constraints on how they exercise their powers. It says nothing, for example, about the extent to which they adhere to objective procedures when they allocate jobs, award contracts, enforce regulations, or exercise other prerogatives of office. Nor does it say anything directly about how the behavior of other important actors—legislators, the police, bureaucrats, judges, or local government officials—is affected by institutional limits. Eschewing violence also does not guarantee that presidents will not take other sorts of unsavory measures to extend their rule or to accomplish other objectives.³ Nonetheless, whether a leader departs (and *expects* to depart) office via regular or irregular means is critical. A regular departure means that there is an understood set of basic limits on how long a head of state may stay in power, as well as on how his opponents may seek to replace him. It therefore marks a fundamental indicator of the institutionalization of political authority.

Term limits

A similarly important indicator of the strength of formal institutions—and the focus of the balance of this chapter—is how leaders respond to

² Since 1990, 78 African leaders have left office. Of these, nine died of natural causes, 45 voluntarily resigned, and eleven lost an election. The remaining thirteen were ousted by violent means.

³ Indeed, authoritarian leaders in many settings are increasingly embracing techniques of “soft dictatorship,” in which they stifle opposition, concentrate power, and eliminate checks and balances without using violence (Guriev and Treisman 2015).

constitutional provisions that limit them to two terms in office. To explore this issue, we sort Africa's countries into five categories based on 1) whether or not their post-1990 constitution puts a two-term limit on the presidency; 2) whether at any point between 1990 and 2015 that term limit had been reached; 3) whether, if reached, the term limit was ignored or an attempt was made to amend the constitution to overturn it; and 4) whether that attempt succeeded.⁴ The results are summarized in Table 1, which provides a separate accounting of each president for each country in which a term limit was reached.

As the table shows, six countries do not have constitutions that contain two-term limits and another thirteen have term limits that had not yet been reached by 2015.⁵ In the remaining twenty-seven countries, there were thirty-six instances in which presidents found themselves in the position of having completed two terms and being constitutionally barred from seeking a third (in several cases, more than one such instance in a single country). In nearly every case, these leaders heard strong calls from their supporters to find a way to stay in power. Facing this pressure—and no doubt often also wanting to remain in office for their own personal reasons—these incumbents had three options: they could abide by the constitutional term limits and step down; they could attempt to change the constitution to permit a third term; or they could scrap the constitution altogether and prolong their tenure through extra-constitutional means. Twenty leaders chose the first option, fourteen chose the second, and just two (Omar al-Bashir of Sudan and Pierre Nkurunziza of Burundi) pursued the third. The fact that so few African leaders chose to take this third path—and that, as we will describe in a moment, one of the two that did only took this route after unsuccessfully trying the second route—indicates just how important it has become not to be seen to be overtly flouting the rules set out in the constitution.

⁴ We exclude Comoros (because of its rotating presidency), Eritrea (because it has no formal constitution—it was ratified by a constituent assembly in 1997 but never came into force), Mauritius (because its president is only ceremonial), and Swaziland (because it is a kingdom). Complete notes describing how we coded our cases are available at [<http://danielposner.com/current-research/>].

⁵ Although term limits in Congo-Brazzaville technically will not be reached until 2016, we code this as a case where term limits have already been reached because President Denis Sassou-Nguesso has already had the constitution changed to permit him to run for a third term in the upcoming contest.

Table 1: Presidential Term Limits in Africa, 1990-2015

Constitution does not contain a two-term limit on the presidency	Constitution contains a two-term limit on the presidency			
	Two-term limit not reached by 2015	Two-term limit was reached by 2015 (year limit was reached; leader)		
		Limit accepted; no attempt made to amend constitution	Limit ignored or attempt made to amend constitution	
			Attempt was successful	Attempt was not successful
Côte d'Ivoire Gambia Guinea-Bissau Lesotho Somalia South Sudan	Angola Central African Republic Democratic Republic of Congo Equatorial Guinea Ethiopia Liberia Madagascar Mauritania Rwanda Senegal Seychelles* South Africa Zimbabwe	Benin (2006; Kerekou) Botswana (2008; Moage) Cape Verde (2001; Monteiro) Cape Verde (2011; Pires) Ghana (2000; Rawlings) Ghana (2008; Kufuor) Kenya (2002; Moi) Kenya (2012; Kibaki) Mali (2002; Konaré) Mali (2012; Touré) Mozambique (2004; Chissano) Mozambique (2014; Guebuza) Namibia (2004; Nujoma) Namibia (2014; Pohamba) Sao Tome (2001; Trovoada) Sao Tome (2011; Menezes) Sierra Leone (2007; Kabbah) Tanzania (1995; Mwinyi) Tanzania (2005; Mkapa) Tanzania (2015; Kikwete)	Burundi (2015; Nkurunziza) Cameroon (2011; Biya) Chad (2006; Deby) Congo-B (2016; Sassou-Nguessou)** Djibouti (2011; Guelleh) Gabon (2005; Bongo) Guinea (2003; Conté) Namibia (1999; Nujoma) Sudan (2005; Bashir) Togo (2003; Eyadema) Uganda (2006; Museveni)	Burkina Faso (2015; Campaoré) Malawi (2004; Muluzi) Niger (2009; Tandja) Nigeria (2007; Obasanjo) Zambia (2001; Chiluba)

*Seychelles has a three-term limit

**Sassou-Nguessou's term does not end until 2016 but a referendum to permit him to run for a third term has already taken place.

These trends are striking, but they only tell us so much. A deeper appreciation of the depth of the changes that have taken place comes from a discussion of several key cases. Take the case of Burundi. Having already served two terms, and with a two-term limit in place that barred him from running for re-election in 2015, President Pierre Nkurunziza decided to seek a third term. His first move was to try to amend the constitution, but he fell one vote short of the 80 percent parliamentary majority he needed. His next move was to seek a ruling from the Constitutional Court that would permit the third term on the grounds that his first election in 2005 should not count toward the two-term limit because the election had been by the national assembly rather than directly by the people. Although the Court did rule in his favor, the decision was by all accounts coerced. In any case, Nkurunziza took the Court's ruling as justification for proceeding with the third term bid. When protestors took to the streets in large numbers to oppose the president's attempt, police responded harshly and several demonstrators were killed. As protests continued, officers associated with General Godefroid Niyombareh attempted a coup, but it was put down. At least 100 people were killed and more than 20,000 fled the country during the ensuing crackdown. The end result was that the election went forward and Nkurunziza was re-elected in a contest marred by an opposition boycott and low turnout.⁶

While the Burundi case provides an example of a leader who pursued both constitutional and extra-constitutional strategies to extend his rule, Uganda represents a more typical case of a president seeking a third term *within* institutional channels—albeit not by particularly open or fair means. Yoweri Museveni had come to power in 1986, was first elected in 1996 and then re-elected in 2001. Faced with a two-term limit in 2006, Museveni undertook a campaign to convince the national assembly to amend the constitution to legalize a third term bid. Several accounts report that this campaign involved corrupt tactics—in particular, bribes paid both to select MPs in order to sway them to a "yes" vote, as well as to MPs who publicly supported a third term (Tangiri 2005). But, viewed alongside the history of how African presidents perpetuated their rule in earlier eras, the striking fact is that Museveni went to the trouble to lobby parliamentarians (and engage in outright bribery) for a vote to change the constitution in a context where he faced considerable opposition. This pattern of securing the desired outcome

⁶ See Vandeginste (2015) for an excellent summary of these events.

by working *through* the existing set of formal institutions rather than around them was repeated in Cameroon, Djibouti, Gabon, Namibia, and Togo (and, as we saw, at least initially in Burundi), where legislative action led to constitutional amendments that permitted the president to run for re-election, and in Congo-Brazzaville, Chad and Guinea, where the same result was achieved via a national referendum. As in Uganda, the means by which these legislative and popular votes were won were often shady. But the leaders clearly felt that simply ignoring the constitution was not an option—and this is a critically important change from the historical pattern.

In another group of cases, sitting presidents were rebuffed in their attempts to secure third terms. These cases come in two types. In the first (Zambia, Malawi, and Nigeria), members of parliament either persuaded the incumbent to give up the third term bid or voted down the amendment that would have permitted the attempt to go forward. In the second (Niger and Burkina Faso), the opposition came from a historically much less likely source: the military.⁷

Facing the end of his second term in Niger, Mamadou Tandja announced in 2009 that he would call a referendum on a new constitution that would drop the limitation on the number of terms that a president could serve. When the Constitutional Court ruled that this was illegal, Tandja responded by declaring that he would suspend the government and rule by decree. Strikes and protests ensued, and the military ultimately intervened to remove Tandja from power. The military then went on to hold competitive elections (not involving Tandja) the following year.⁸

In Burkina Faso, Blaise Compaoré similarly attempted to change the constitution by asking parliament to consider an amendment that would permit him to prolong his tenure. But when thousands of Burkinabè stormed the National Assembly during the debate on the question, the military intervened to remove Compaoré from office. After an interval, the military leader gave way to a civilian at the behest of the public.⁹

These five cases demonstrate that mass publics, legislatures, courts, and

⁷ As we have seen, the military also intervened against Nkurunziza's third term bid in Burundi—albeit unsuccessfully.

⁸ For a useful account of the 2010 coup in Niger, see Baudais and Chauzal (2011).

⁹ For a fuller account of Compaoré's fall, see Frère and Englebert (2015).

even the military now serve as agents who will defend the constitution. This provides insight into both why many presidents do not seek to circumvent term limits and why, when they do, they are sometimes unsuccessful.

Thus far we have focused on cases where presidents tried to change the rules to permit a third term. The majority of cases, however—20 of the 36 instances in which presidents faced term limits—are ones in which incumbent presidents simply stepped down in accordance with the constitution. John Kufuor, the second consecutive Ghanaian president to abide by his country's two-term limit, summed up the rationale for this course of action well when, in response to a journalist's question, he said: "These days it has become fashionable that you do only two terms because people have come to believe that no matter how good you are, exposure to two terms for a leader is enough" (*Daily Monitor* 2013).

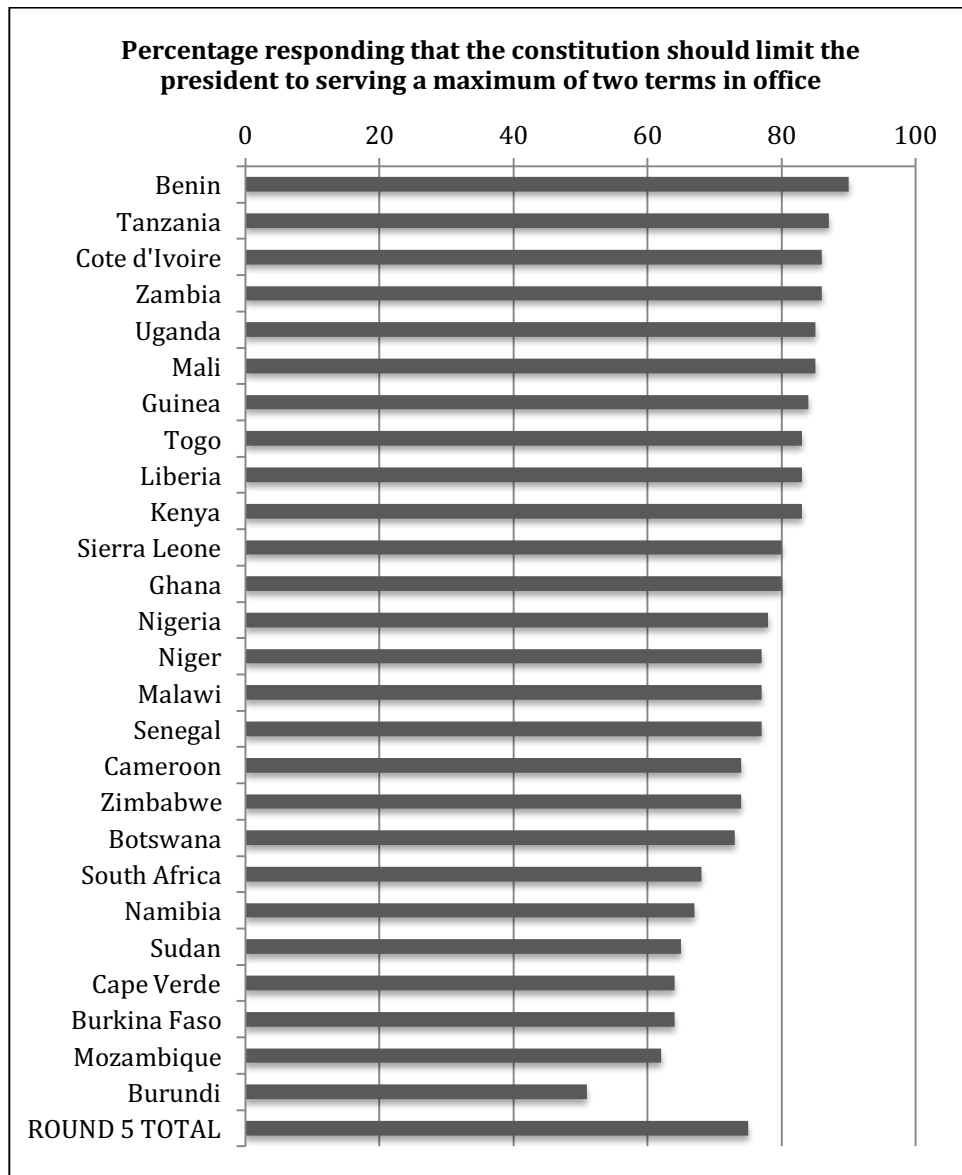
Kufuor's description of "what people have come to believe" accords with what public opinion surveys tell us about African citizens' views on term limits. Figure 2, borrowed from Dulani (2015), reports the results of an Afrobarometer question that asked respondents in twenty-six countries between 2011 and 2013 whether they agreed that the constitution should limit the president to serving a maximum of two terms in office. As the figure makes clear, most Africans—three out of four in the sample overall—support a two-term limit on the presidency.

These strong levels of popular support for term limits do not always lead to the rejection of leaders who run for third terms, however. In Togo, Afrobarometer surveys in 2012 and 2014 found that more than 80 percent of respondents favored limiting the presidency to two terms. Yet President Faure Gnassingbé won 59 percent of the vote when he ran for his third term in 2015 (Ahlin, Dionne and Roberts 2015).¹⁰ Even so, the overwhelming popular embrace of term limits cannot but shape the calculations of African leaders (and the militaries on whose support they depend) as they contemplate altering their constitutions to prolong their tenure. The fact that support for term limits in Burundi rose from just 51 percent in 2012 to 62 percent in 2015 almost certainly affected the military's response to

¹⁰ Although Faure's run for a third term was not supported by most Togolese citizens, it was not a breach of the constitution, since term limits had been scrapped in 2002 by his father, Eyadéma Gnassingbé.

Nkurunziza's third term bid, even if it did not alter the president's own thinking.

Figure 2: Popular Support for Term Limits in Africa



Source: Dulani (2015)

Under What Conditions Do Presidents Attempt To Secure Third Terms?

Although the majority of African presidents who faced term limits since 1990 accepted them and stepped aside, nearly 45 percent attempted to extend their rule to a third term. This variation demands explanation.

One factor that might account for why presidents choose to go for a third term is age. For reasons of declining health, the recognition that the number of years they have left to rule or during which they could be prosecuted for past abuses are fewer, or the availability of a son who can carry on the family name, older presidents may be more willing than younger presidents to step down when their constitutionally-determined term of office is complete. Of course, there will be leaders who will stay in power into their 80s or even 90s (Zimbabwe's Robert Mugabe is 91, for instance). But, on average, older presidents may be more likely to step down at the end of their second term than younger presidents.

A second factor is the president's popularity. Incumbents may not bother trying to alter the constitution to permit a run for a third term if they do not believe they can win the ensuing election. Those presidents who enjoy higher levels of popular support may therefore be more likely to try for a third term than those whose popularity is lower—in part because it will allow them to argue (as many do) that amending the constitution to permit another term is what the people want. Absent up-to-date public opinion polls, one way of gauging that popularity is by looking at the incumbent's vote share (or margin of victory) in the previous election. All else equal, presidents elected with higher vote shares (or by larger margins) may see themselves as having bigger mandates, and thus be more inclined to try to circumvent the constitutional ban on seeking a third term.¹¹

A third factor is aid dependence. Countries that are dependent on foreign aid are more beholden to the donors that supply it. To the extent that donors value the rule of law and are willing to apply pressure on African governments to adhere to it, presidents whose countries receive higher levels of official development assistance (ODA) may be more vulnerable to outside pressure to relinquish power in the face of constitutional limits. By contrast

¹¹ The behavior of Benin's president Yayi, who flirted with seeking a third term until his party lost seats in the April 2015 parliamentary election, is consistent with the argument that levels of popular support are relevant for presidents' decisions. For more on Yayi's contemplation of a third term, see Banégas (2014).

(and by the same logic), in instances where levels of aid dependence are not just low but reversed—for example, where an African country supplies rich countries with oil—presidents may have particular leeway in ignoring calls to step down at the end of their constitutionally mandated terms.

We examine the impact of these factors on presidents' decisions about whether or not to pursue a third term in figure 3. The figure presents box-plots of the distributions of each variable of interest—age, vote share/vote margin in the prior election, and aid as a share of Gross National Income (GNI)—for the sixteen countries in which presidents attempted to secure third terms (on the left) and the twenty countries in which presidents voluntarily stepped down (on the right).¹²

Although the differences between each set of cases are not statistically significant for any of the variables of interest, the general pattern is in keeping with the expectations sketched above. Presidents who attempted to secure third terms were on average younger (65 years old, SD=7) than those who stood down (69 years old, SD=8). Presidents who tried to overturn the two-term limit were more popular, as reflected in both the average margin by which they had been elected (45 points, SD=22 vs. 34 points, SD=28) and the average vote share they received (66 percent, SD=13 vs. 62 percent, SD=15), than presidents who accepted the term limit. And presidents from countries that were less dependent on foreign aid were slightly more likely to attempt to secure a third term. Among presidents who tried to extend their tenure, average levels of ODA as a share of GNI were 9.3 percent (SD=7.3); among presidents who voluntarily stepped aside, average levels were 14.1 percent (SD=11.8).

As noted above, for the same reasons that high dependence on foreign aid might constrain a president's ability to go for a third term, significant oil wealth might enhance it. Table 2 shows that this is indeed the case. Among the eight oil producers in our sample (Cameroon, Chad, Congo-Brazzaville, Gabon, Sudan, Nigeria, and Cape Verde in 2011), presidents facing term limits attempted to secure a third term six times (75 percent)—and were successful in every case but one. Among the twenty-eight non-oil producers,

¹² We lag our measure of aid as a share of GNI by one year to ensure that our measure reflects the level of development assistance being received at the time the president was weighing what to do.

just ten presidents (36 percent) tried to circumvent their country's term limits. The cases are too few to draw definitive conclusions, but the pattern is highly suggestive of the impact of outside leverage on leaders' decision-making with respect to this key issue.

Figure 3: When Do Presidents Attempt to Secure Third Terms?

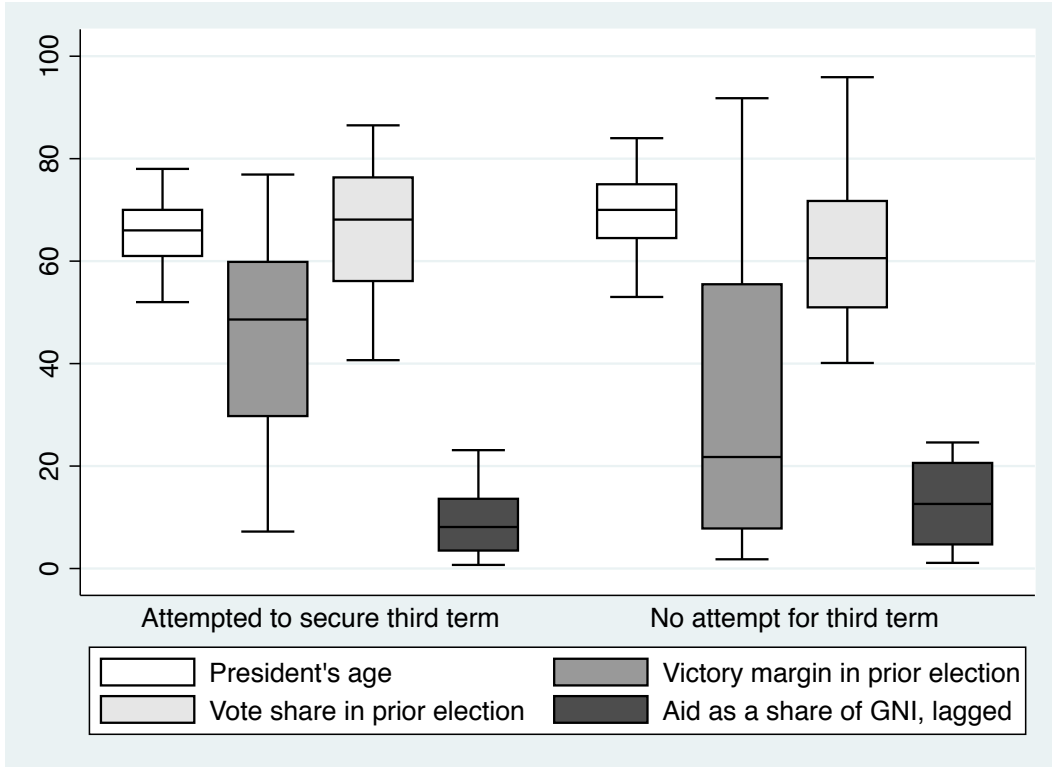


Table 2: Oil and Third Term Attempts

		Did the President attempt to secure a third term?	
		Yes	No
Was the country an oil producer?	Yes	6	2
	No	10	18

A final issue to consider is the impact of precedent: that is, the effect on the current president's decision of what his predecessor did. Of course, it is tricky to disentangle the effects of precedent from the effects of country-level factors that might explain presidents' decisions about whether or not to seek third terms, irrespective of what their predecessor(s) may have done. For example, in settings where the rule of law is weak or where the president's political party is expected to continue dominating the country's politics, a leader who relinquishes power could be confident that he would not be prosecuted for past crimes. Countries that offer generous retirement benefits to former leaders are also more likely to have presidents who agree to step down when their second term is up. Such conditions could lead to correlated outcomes across presidents facing term limits without there being any causal effect of precedent. But is it nonetheless worth inquiring whether leaders whose predecessor(s) stepped down in the face of a two-term limit were more likely to do so themselves. The answer, as table 3 shows, is unambiguously that they were.

Table 3: Precedent and Third Term Attempts

		Did the President attempt to secure a third term?	
		Yes	No
Was there a precedent of abiding by term limits?	Yes	0	10
	No	16	10

In the twenty-six instances in which there was no precedent of abiding by term limits, sitting presidents sought a third term sixteen times (62 percent of the time). By contrast, in the ten occasions where a precedent existed, not a single president tried to alter or abrogate the constitution to extend his tenure. While our simple analysis cannot establish a causal linkage, the strength of this association suggests that term limits, once adhered to, are difficult to break.

Does the effect of precedent also operate across national borders? Leaders who are grappling with the question of whether or not to seek a third term

and who lack an example from their own country might be affected by what they observe in neighboring countries. In the twenty-five instances where presidents facing third term decisions lacked a local precedent, leaders who looked to their immediate neighbors and could find at least one example of a president who voluntarily stepped down in the face of a two term limit were actually *more* likely to try to secure a third term: eight tried; just two voluntarily stepped aside. Meanwhile, leaders who could find no such example among their immediate neighbors (either because a two-term limit had been circumvented or because it had not yet been reached) were almost equally likely to try for a third term themselves (seven cases) as they were to stand down (eight cases). So to the extent that precedent matters, it would appear to be limited to the norms in one's own country.

Conclusion

Term limits are the most important check on the power of the individuals who hold the most important political office. As such, the extent to which they are respected offers a critical indicator of the degree to which political power is institutionalized. Our analysis of term limits in Africa between 1990 and 2015 generates two main findings. First, a majority of African leaders who faced two-term limits during this period stepped down when their second term was complete. Second, those who chose to seek third terms attempted to do so by working through constitutional channels rather than around them. With very few exceptions, they went to the trouble to hold a national referendum or whipped votes in the national assembly to pass legislation that would legalize their bid to extend their tenure, and sometimes these efforts failed. This pattern is in marked contrast to the way power was maintained in the past.

Beyond their role as bellwethers for institutionalization, term limits are valuable for a number of additional reasons. Maltz (2007) underscores the extent to which term limits generate alternations in governing political parties, which can build trust in the democratic process and aid in democratic consolidation.¹³ Cheeseman (2010; nd) points out that term limits generate

¹³ Moehler and Lindberg (2009) looked at African citizens' perceptions of the legitimacy of governing institutions. They found that the gap in perceived legitimacy between those who support the winning party and those that support the losing party narrows after an

open-seat polls, which tend to be more transparent and fair than elections in which an incumbent is contesting. He also notes that open-seat polls tend to generate fissures in monolithic ruling parties, which makes them more vulnerable and opens space for opposition groups.

Even before the elections they generate, term limits provide an issue around which opposition parties, civil society groups, and international actors can coalesce. The fact that term limits are high profile and easy to track makes their impact particularly significant: it is much easier for domestic and international audiences concerned with democracy promotion to observe whether or not a president seeks a third term than it is to track whether he violates other aspects of democratic practice, for example by buying votes, engaging in corrupt contracting or nepotism, and so forth. Opposition parties can anticipate an opportunity to gain power, and this can facilitate coordination and reinvigorate political energy. Furthermore, term limits can create opportunities for unity among ordinary citizens to rally around a commitment to the constitution, further deepening and entrenching democracy (Riedl 2015).

We began this chapter by stressing the sea change that has occurred in how power is institutionalized in Africa and the role that term limits play as an indicator of this trend. But what is the trend with respect to adherence to term limits? Are leaders today more likely to abide by them than they were when term limits first started to come into force in the late 1990s? The simple answer is no: the share of leaders facing term limits that have sought to extend their rule has not changed very much over time. Forty-four percent sought third terms in the years prior to 2005; 45 percent have done so since. For every Jakaya Kikwete or Mwai Kibaki who voluntarily stepped down at the end of his second term there was a Blaise Campaoré or a Denis Sassou-Nguesso who tried to extend his rule. Yet hidden within this seeming balance is a systematic pattern: since 2005, every single president (eleven) who sought to run for a third term was located in a country in which there was no precedent for abiding by term limits. By contrast, nine of the twelve presidents who voluntarily stepped aside were in countries in which previous presidents had respected the constitutional limits on their tenure.

alternation in power, furthering democratic consolidation. Huntington (1991) also stresses the link between alternations in political power and democratic consolidation.

The implication is that we may be seeing the bifurcation of African countries into two types: those where term limits have been respected in the past and will in all likelihood continue to be respected in the future, and those where there is no history of abiding by term limits and where the prospects of initiating such a history are poor. As we look forward to the countries in which term limits will be reached in the coming years, this observation may offer some guidance about what to expect. In the two countries with approaching term limits where previous leaders have voluntarily stepped down at the end of their second terms (Benin and Sierra Leone), Presidents Yayi and Ernest Koroma have flirted with running for a third term but the prospects are good that they will both ultimately agree to step aside. In the Democratic Republic of Congo and Rwanda, however, no such precedent exists and it would appear that Presidents Joseph Kabila and Paul Kagame have moved to extend their rule—the former by employing political maneuvers to delay the electoral calendar; the latter by holding a referendum to change the constitution. Nonetheless, the fact that both leaders attempted to circumvent term limits by working through the existing institutional framework is a critical—and in the broad context of African post-colonial history, novel—development.

Sources Cited

Ahlin, Ekoutiamé, Kim Yi Dionne and Tyson Roberts. 2015. "Most Togolese Support Term Limits. But They Just Re-elected their President for a Third Term." *The Monkey Cage*, 4 May.

Africa Confidential. 2015. "The Military Moves against Nkurunziza's Third-Term Bid." 56(10).

Banégas, Richard. 2014. "Benin: Challenges for Democracy." *African Affairs* 113(452): 449-459.

Baudais, Virginie and Gregory Chauzal. 2011. "The 2010 Coup d'Etat in Niger: A Praetorian Regulation of Politics?" *African Affairs* 110(439): 295-304.

Chabal, Patrick and Jean-Pascal Daloz. 1999. *Africa Works: Disorder as Political Instrument* (Oxford: James Currey).

Cheeseman, Nic. 2010. "African Elections as Vehicles for Change." *Journal of Democracy* 21(4): 139-153.

Cheeseman, Nic. Nd. "Should I Stay or Should I Go: Term-limits, Elections and Political Stability in Africa." Unpublished paper.

Daily Monitor. 2013. "Ghana's Kufuor Says Two Terms are Enough." August 3.

Dulani, Boniface. 2015. "African Publics Strongly Support Term Limits, Resist Leaders' Efforts to Extend Their Tenure." *Afrobarometer Dispatch No. 30*.

Frère, Marie-Soleil and Pierre Englebort. 2015. "Briefing: Burkina Faso—The Fall of Blaise Compaoré." *African Affairs* 114(455): 295-307.

Guriev, Sergei and Daniel Treisman. 2015. "The New Dictators Rule by Velvet Fist." *New York Times*, 25 May.

Huntington, Samuel P. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. (Norman, OK: University of Oklahoma Press).

Hyden, Goran. 2006. *African Politics in Comparative Perspective* (New York: Cambridge University Press).

Jackson, Robert H. and Carl G. Rosberg. 1982. *Personal Rule in Black Africa* (Berkeley: University of California Press).

Kramon, Eric and Daniel N. Posner. 2011. "Kenya's New Constitution." *Journal of Democracy* 22(2): 89-103.

Maltz, Gideon. 2007. "The Case for Presidential Term Limits." *Journal of Democracy* 18(1): 128-142.

Moehler, Devra C., and Staffan I. Lindberg. 2009. "Narrowing the Turnover Gap: Turnovers as a Cause of Democratic Consolidation." *Journal of Politics* 71(4): 1448-1466.

Posner, Daniel N., and Daniel J. Young. 2007. "The Institutionalization of Political Power in Africa." *Journal of Democracy* 18(3): 126-140.

Riedl, Rachel Beatty. 2015. "The Advantages—and Drawbacks—of Presidential Term Limits as a Tool for Building Democracy in Africa." *Scholars Strategy Network: Key Findings*, March.

Tangiri, Roger. 2005. "Politics and presidential term limits in Uganda." *Legacies of Power*, HSRC Press, Cape Town, South Africa.

Vandeginste, Stef. 2015. "Burundi's Electoral Crisis—Back to Power-Sharing Politics as Usual?" *African Affairs* 114(457): 624-636.