

Notes on the Coding of Third Term Cases for “Term Limits: Leadership, Political Competition and the Transfer of Power,” in Nic Cheeseman, ed., *Institutions and Democracy in Africa: How the Rules of the Game Shape Political Developments* (Cambridge University Press, 2018).

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Angola: In 2010, Parliament approved a new constitution that ended the popular election of the president (UNITA boycotted the vote). The new constitution replaced the interim constitution of 1975 and ended the direct election of the president (under the new constitution, the president is appointed by parliament's majority party). The constitution includes a (I believe previously absent) clause limiting the president to two five-year terms. The clause will not, however, count the 30-year term that dos Santos has already served. Since Angola did not hold regular presidential elections prior to 2010, a two-term limit could not have been reached. Under the new constitution, a two-term limit would be reached in 2020 at the earliest. So Angola is coded as having a two-term limit that has not yet been reached.

Benin: The two-term limit was reached in 2006 and Kerekou abided by it and did not seek a third term. (Both he and Soglo were also disqualified by an age restriction.) So Benin is coded as a case where no attempt was made to amend the constitution. Boni was elected in 2006 and re-elected in 2011, so the constitution will bar him from seeking re-election in 2016.

Botswana: Moage voluntarily decided not to seek a third term as president in 2008 after his second term. Khama was elected in 2009 and re-elected in 2014. Botswana's president is elected by the parliament rather than directly by the people, so it is somewhat ambiguous how to code this case. Nonetheless, the fact that Moage voluntarily chose not to make himself available for a third term is, we think, a reasonable basis for coding the case as we do here, which is as a country where the two-term limit was reached in 2008 and in which there was no attempt to amend the constitution to permit a third term.

Burkina Faso: A constitutional amendment passed in 2000 instituting a two-term limit (and reducing the term from 7 to 5 years). Compaore was already in office at the time but the constitutional court ruled that the new rule could not be applied retroactively. Thus the term that began in 2005 was his first under the two-term limit. When, having been re-elected in 2010 to his second term, Compaore decided that he wanted to run again in 2015, he sought to change the constitution to make this possible. Doing so required a 75 percent majority vote in the National Assembly. Not having sufficient support in that body, he decided to set up a Senate which, though constitutionally provided, had never been implemented. Since he could personally appoint some members of the Senate, he hoped this would enable him to secure the majority he required in the combined parliament. When he was

unable to make these appointments, he sought to co-opt members of the National Assembly to get the 75 percent majority he needed. When the Council of Ministers announced that the National Assembly was poised to vote on the issue, thousands stormed the parliament, the ruling party's headquarters and the presidential palace. The president resigned after four days of riots, making way for a transitional government led by the military. So we code this case as being one where a two-term limit exists, was reached in 2015, and included an unsuccessful attempt to alter the constitution.

Burundi: Nkurunziza was first elected in 2005, the year that a new constitution with a two-term limit came into force. He therefore faced a two-term limit in 2015. Nkurunziza's allies said his first term does not count as he was appointed by parliament and not directly by the people, and on this basis his party nominated him to run for re-election in 2015, even though an attempt to amend the constitution to permit a third term the year before had failed (he fell one vote short of the 80% parliamentary majority he needed). We code this case as being one where a two term limit exists, was reached in 2015, and included a successful attempt to run for a third term. Although he did seek to amend the constitution through the legislature, this bid failed and the "approval" he ultimately did receive from the constitutional court was not legitimate (accounts suggest that the court members were threatened with physical harm if they did not support the bid). So we do not code this as a case where the president sought to extend his tenure by changing the constitution in a legal fashion.

Cameroon: Biya won elections in 1992, 1997, and 2004, but has been in power since 1982. A 1996 constitutional amendment extended the presidential term to seven years, with a two-term limit (which would come into force in 2011). After being reelected in 2004, Biya won a constitutional amendment to remove term limits and thus allow him to run again in 2011. Despite violent protests against the amendment in 2008, which were put down with violence by government troops, the RDPC-dominated National Assembly overwhelmingly approved the change. The amendment also protects the president from prosecutions for his actions during office. The case is coded as one with a two-term limit that was reached in 2011 and superseded by constitutional amendment to permit a third term (by removing term limits altogether).

Cape Verde: Monteiro, who came to power in 1991 after the transition to multipartyism and was reelected in 1996. He voluntarily stepped down at the end of his second term. Pedro Pires won the 2001 election and was re-elected in 2006. He also did not seek a third term in 2011. Jorge Carlo Fornseca was elected in 2011 and would not hit the two-term limit until 2021. The case as coded as one in which two term limits were reached twice (in 2001 and 2011) and in which the president voluntarily stepped aside in both cases.

CAR: The 2004 constitution has a two-term limit. Bozize was elected in 2005 and re-elected in 2011. He was forced out in a coup in 2014 so never had a chance to

run for a third term. Hence the case is coded as one in which a two-term limit exists but has never been reached.

Chad: Deby was elected in 1996 and 2001 and changed the constitution so he could run again in 2006. He accomplished this by holding a national referendum in June of 2005. The referendum contained a constitutional amendment to eliminate term limits, and was approved by 66% of voters. The case is coded as one where term limits would have come into force in 2006 but were constitutionally abolished to permit the president to run again.

Comoros: The presidency rotates among the three islands that comprise the country so there is no opportunity for a president to be in office for consecutive terms. So we exclude this country from the analysis.

Republic of Congo (“Congo-B” in Table 1): The 2002 constitution limits presidents to two 7-year terms. Denis Sassou-Nguesso won an election in 2002 and was re-elected in 2009. The next election—and the one in which the term limits will come into force—will be in 2016. However, in April 2015, Sassou-Nguesso announced that he wanted to change the constitution to permit a third term. A referendum in October 2015 approved the change. Although term limits have not formally been reached yet, we nonetheless code this case as one in which they are (about to be) reached and in which the constitution was changed to permit a third term.

Cote d’Ivoire: No presidential term limits

Djibouti: Guelleh won elections in 1999 and 2005. In 2010, he persuaded the national assembly to change the constitution to permit him to run for a third 6-year term. There were large protests against this action, but the police arrested the protestors *en masse* and this ended the protests within a few days. The constitution was changed and he ran, and won re-election, in 2011. The case is coded as having a two-term limit that was to have been reached in 2010 but was overturned successfully.

DRC: Kabila took over when his father was assassinated in 2001. The 2006 constitution calls for a two-term limit. Kabila was elected in 2006 and re-elected in 2011. So the two-term limit will not be reached until 2016. Kabila tried to get the elections postponed until a new census could be completed, which might have taken a couple of years. The opposition protested about the bill to mandate the census, calling it a ploy to keep the president in power, and in the event Kabila failed to get the measure through the assembly. This is interesting because he’s trying to extend his rule by delaying the election rather than by outright calling for a third term, in contradiction of the constitutional limit on two terms. The failure of the effort means the elections will take place on 27 November 2016.

Equatorial Guinea: Term limits were first instituted in the new constitution approved by voters in a 2011 referendum. Nguema was re-elected in 2009 for a 4th term, so presumably the two-term limit would not come into force until 2025 (terms are 7 years). So case is coded as two term limits exist but have not been reached.

Eritrea: Eritrea has no formal constitution (it was ratified by a constituent assembly in 1997 but never came into force), so no constitutional term limits.

Ethiopia: Head of state is prime minister rather than president. After Zenawi's death in 2012, the ruling party instituted a two-term limit for all ministers, including the prime minister. So a two-term limit is in place as of 2015 but has not been reached. There was previously a two-term limit on the presidency, but that office is largely ceremonial in Ethiopia and thus not comparable.

Gabon: Bongo was elected in 1993 and 1998 and was facing a two-term limit for his re-election in 2003. He secured a change in the constitution to permit him to run again an unlimited number of times. Bongo won another election in 2005, died in 2009, and his son was elected to succeed him. His 7-year term will run 2009-2016. Gabon is thus coded as having term limits that were overturned in 2005.

Gambia: No presidential term limits

Ghana: Rawlings faced a two-term limit in 2000 and stepped down; his successor Kufuor did the same after his second term in 2008. Atta-Mills died in office before his first term was completed in 2012 and his successor, Mahama, who was elected that year, is several years from his two-term limit. Ghana is thus coded as having term limits that were reached and respected twice, in 2000 and 2008.

Guinea: Longtime dictator Conte won the first democratic elections in 1993 and was re-elected in 1998. Facing a two-term limit for his next election in 2003, Conte held referendum in November 2001 that lifted presidential term limits and extended the president's term from 5 to 7 years. Conte went on to win a third term in 2003. When he died in 2008, confusion reigned for two years. Elections were finally held in 2010 and won by Conde, the longtime opposition leader. Conde is still in his first term. So Guinea is coded as a country that had term limits that were reached in 2003 and done away with.

Guinea-Bissau: No presidential term limits

Kenya: Moi abided by term limits when they became relevant in 2002 and Kibaki did the same thing in 2012. So Kenya is coded as having term limits that came into force twice (2002, 2012) and were respected.

Lesotho: No presidential term limits

Liberia: Liberia's constitution, which came into force in 1986, provides for no more than two presidential terms of six years each. The only president in office long enough for this to apply is Ellen Johnson Sirleaf, who was democratically elected in 2005 and then re-elected in 2011. The two-term limit would not bind until 2017. So it is coded as a country with two-term limits that have not yet been reached.

Madagascar: Madagascar has a two-term limit (5 year terms). But it has never been reached. The most recently elected president, Hery Rajaonarimampianina, was just elected in 2014. So term limits will not come into force for some time. Madagascar is thus coded as having term limits that have not yet been reached.

Malawi: Malawi's has a two-term limit. Muluzi was to reach this limit in 2004. He attempted to try to change the constitution in order to run again, but this effort was rebuffed by the legislature. His successor Bingu wa Mutharika, died in office before his second term was completed, so never had to face a two-term limit. Mutharika's Vice President Joyce Banda assumed the presidency when Mutharika died in 2012. She then lost the 2014 election to Mutharika's brother, Peter. The two-term limit will not hit Peter until 2024—assuming he runs for re-election in 2019 and is successful. So Malawi is coded as having a two-term limit that was reached in 2004 and in which the attempt to circumvent it was unsuccessful.

Mali: Konaré was elected in 1992; re-elected in 1997; and faced a two-term limit in 2002. He stepped down. His successor, Touré, was elected in 2002 and re-elected in 2007. In 2012, shortly before he was to leave office (he had publicly announced he was not going to run again), he was forced from power in a coup. As part of the agreement with the coup leaders, he went into exile. The case is tricky to code. Konaré is clearly a case where term limits were reached in 2002 and accepted. We think it's reasonable to code Touré similarly—as a case where term limits were again in play in 2012 and also respected, even though he was never able to follow through on that promise. We can find no evidence of anyone saying he was not going to follow through, so I think this is a reasonable coding.

Mauritania: A two-term limit (and five year term) was put in place following the constitutional referendum of June 2006. Since that date there have been periods of civilian and military rule. The most recent interval of civilian rule started in 2009 with an election, won by Mohamed Ould Abdel Aziz. He was re-elected in 2014 and would face a two-term limit in 2019. Mauritania is coded as one with term limits that have not been reached.

Mauritius: Mauritius is a parliamentary system, with the president playing a ceremonial role. We therefore omit Mauritius from the analysis.

Mozambique: Chissano was elected in 1994 and re-elected in 1999. He chose not to run for a third term in 2004. He was succeeded by Guebuza, who was elected in 2004 and re-elected in 2009. He also chose not to run for a third term in 2014. Filipe Nyusi was elected in that year and, assuming he is re-elected, would not face a

two-term limit until 2024. Mozambique is coded as having term limits that came into force twice (2004, 2014) and were respected.

Namibia: Nujoma was elected in 1989 and re-elected in 1994. Facing a two-term limit in 1999 he pushed successfully to have the constitution changed to permit him to run for a third term. This was justified on the grounds that he had not been directly elected for his first term, and the change applied only to Nujoma. He won the 1999 election. The amended constitution did not allow him to run in 2004 for a fourth term, and he abided by this limit. He was succeeded by Pohamba who was elected in 2004 and re-elected in 2009. Facing a two-term limit in 2014, he voluntarily decided not to run again. Namibia is therefore coded as having a two-term limit that was reached three times: in 1999, when Nujoma violated it; in 2004, when Nujoma respected it; and again in 2014, when Pohamba respected it.

Niger: Tandja was elected in 1999 (the first democratic elections following the end of military rule). He was re-elected in 2004. When he announced that he would seek a third term in 2009 and that he would call a referendum on a new constitution that would not contain term limits, the Constitutional Court ruled that this was illegal. Tandja responded by dissolving the National Assembly in May and appointing a technical committee to draft a new constitutional text. In June, 2009 he addressed the nation and announced that he was suspending the government and would rule by decree. Although the constitutional court had declared the proposed referendum illegal, it went ahead in August 2009 and the new constitution was adopted with 92.5% of the ballots cast. Elections took place as planned in October, although the main opposition parties boycotted, and Tandja won re-election. In February, 2010, a coup removed him from power. The junta held elections in 2011 that resulted in the election of Mahamadou Issoufou. He will be due for re-election in 2016 and will reach term limits in 2021. Niger is thus coded as a case where term limits were reached in 2009 and an attempt to supersede them was unsuccessful.

Nigeria: Obasanjo was elected in 1999 and re-elected in 2003. When faced with a two-term limit in 2007, he tried and failed to amend the constitution to allow for a 3rd term. This effort was voted down by the Senate, and Obasanjo ultimately accepted this outcome. Obasanjo's successors either died in office (Yar'Adua) or were not re-elected to a second term (Jonathan), so term limits will not be an issue again until 2023, when Buhari, freshly elected in 2015 would be finishing his second term (assuming he is re-elected in 2019). Nigeria is thus coded as a case where term limits were reached (in 2007) and there was an unsuccessful effort to overturn them.

Rwanda: A two-term limit was put in place in 2003, when Kagame was elected for his first 7-year term. Kagame was re-elected in 2010 and will not face term limits until 2017. So this case is coded as one with term limits that have not yet been reached.

Sao Tome: Trovoada was first elected in 1991 and re-elected in 1996. Faced with a two-term limit in 2001, he stepped down. His successor, Fradique de Menezes won the 2001 election and was re-elected in 2006. Faced with a term limit he also decided not to run for re-election and was succeeded by Pinto da Costa, who won the 2011 election. He will face re-election for his second term in 2016. The case is coded as one with term limits that were reached, and abided by, twice: in 2001 and 2011.

Senegal: Wade was first elected in 2000. A new constitution, which came in force in 2001, created a two-term limit and reduced the presidential term to 5-year terms from 7, but only after the completion of then-president Wade's first 7-year term in 2007. Wade ran for re-election in 2007 and was elected to a second term, this time for 5 years. In 2012, when he faced a term limit, he announced that he planned to run again. Although the Constitutional Council officially approved this move (arguing that since his first term began before the new constitution came into force, his term that began in 2007 should be considered his first term), enraged mobs engaged in violent protests throughout Dakar. Wade did run but failed to win a majority in the election and faced a run-off. He subsequently lost the second round of voting and accepted defeat. Coding this case is tricky, but we think it's justified to code is as a country with term limits that have not yet been reached.

Seychelles: Seychelles has a 3-term limit. Rene was elected in 1993, 1998, and 2001 (elections were called early) but retired in 2004, handing power to his vice president, James Michel, before he would have faced the 3-term limit. Michel won the ensuing elections in 2006 and was re-elected in 2011. He would face the 3-term limit, if he is re-elected in 2016, in 2021. We code the case as one in which the 3-term limit has yet to be reached.

Sierra Leone: Kabbah was elected in 1996 and re-elected in 2002 (with coups and civil war in between) to a 5-year term. He faced a two-term limit in 2007 and decided not to run. He was succeeded by Ernest Bai Koroma, who was elected in 2007 and re-elected in 2012. He will face a two-term limit in 2017. The country is coded as one with a two-term limit that was reached in 2007 and respected.

Somalia: No presidential term limits

South Africa: 1993 constitution specifies that the president can serve no more than two 5-year terms. Mandela served one term (1994-1999): Mbeki served almost two terms, but resigned 9 months before the end of his second. Kgalema Motlanthe served as interim president for less than a year until Zuma contested and won the elections in 2009. He was re-elected in 2014 and would face a two-term limit in 2019. So South Africa is coded as a country with a two-term limit on the books that has not yet been reached. One could perhaps also code it as one where Mbeki stepped down in light of the two-term limit, but because his resignation was mainly due to an internal party dispute, we think it makes sense not to code it that way.

South Sudan: The country operates under a transitional constitution, which came into force on the day of independence in July 2011. The constitution does not provide term limits (which given the country's youth would, in any case, not have been reached even if they existed).

Sudan: Both the 1998 and 2005 constitutions stipulate that the president may only serve two 5-year terms. Bashir was elected in 1996 and re-elected in 2000. From 2005-2010 there was a transitional government set up, which Bashir ran. Then, in 2010 there was a multiparty election, which Bashir won. He ran and was re-elected in 2015. Strictly speaking, Bashir has long overstayed his tenure in office, since his presidency has extended across constitutions that bar him from seeking a third term. So we code the case as one where two term limits exist and were ignored. The tricky part is when they were first ignored. One reasonable coding is to say that they were ignored in 2005 on the logic that the 1998 constitution applied retroactively to his 1996 election, which would make 1996-2000 his first term and 2000-2005 his second. Another is to ignore the earlier period and just focus on the period since the 2005 constitution, in which case his decision to run in 2015 was the moment of violation. While coding the case as one where term limits existed and were ignored, we further code it as one where there was no attempt to formally change the constitution to allow an additional (barred) term of office.

Tanzania: The two-term limit has been reached three times in Tanzania: in 1995 when Mwinyi finished his second term; in 2005 when Mkapa finished his second term, and in 2015 when Kikwete finished his. All three times the president stepped down and did not try to run for a third term. John Magufuli was elected in 2015 and, assuming he is re-elected in 2020 would not face a two-term limit until 2025.

Togo: Togo's 1992 constitution established a two-term limit for the presidency. In 2002, after Eyadema's party took over 2/3 of the parliament in elections that were boycotted by the opposition, they changed the constitution to allow Eyadema to run for an unlimited number of terms. He won his third term in the 2003 election but died in office in 2005 and was succeeded by his son, Faure Gnassingbe. Gnassingbe called and won an election in 2005 and was re-elected in 2010 and 2015, but the term limits were no longer on the books so his third term was not a violation. There were massive protests calling for the reinstatement of the two-term limit, but Gnassingbe resisted. Togo is thus coded as having term limits that were circumvented by Eyadema in 2003.

Uganda: Museveni was elected in 1996 and re-elected in 2001. He faced a two-term limit (put in place in the 1985 constitution) in 2006 but orchestrated legislation in parliament to change the constitution to permit him to run again. He did, and won. And he ran successfully for a fourth term in 2011. Uganda is coded as having a term limit that was reached, and successfully circumvented, in 2006.

Zambia: Chiluba was elected in 1991 under a constitution that specified a two-term limit. He was re-elected in 1996. In 2001, he tried to push through a constitutional

amendment that would allow him to stand for a third term, but 'backed down' after it was opposed by members of his own party, opposition parties, and much of the general public. None of his successors have lived long enough to face the two-term limit. The current president, Lungu, was just elected in 2015 and will not face a term limit until 2025. Zambia is coded as having a term limit that was reached in 2001 and in which there was an unsuccessful attempt to circumvent it.

Zimbabwe: A new constitution in 2013 limits the head of state to two terms, but before its promulgation no term limit existed. Hence Zimbabwe is coded as a country with two-term limits on the books that were not yet reached.