

# RESPECTING AND CIRCUMVENTING PRESIDENTIAL TERM LIMITS IN SUB-SAHARAN AFRICA: A COMPARATIVE SURVEY

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## ABSTRACT

This article offers a survey of political dynamics surrounding the issue of presidential term limits in a large sample of sub-Saharan African countries over a long period of time. It examines empirically how political regimes have dealt with this issue by observing or circumventing limits, and it links these developments with the democratic quality in the countries at the time they occurred. Beyond legal texts, this study examines the empirical reality of term limits. It finds that effective term limits are less prevalent in practice than in constitutional texts. This is followed by an analysis of the incumbency bias, showing that incumbents who run often win at the election, but that transfers of power are more frequent in the absence of an incumbent. The article then considers the cost-benefit analyses leaders engage in when deciding to stay or to go, as well as the risks of overstaying. Domestic protest and international pressure generally have a limited impact on this choice. The article finally makes clear that political paths across Africa are very divergent, a feature also seen in the longevity of presidents.

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## *Introduction*

THE PRESSURES ON PRESIDENTIAL TERM LIMITS are the expression of more general problems with Africa's democratic development. Noting divergent trends, Kennedy Ochieng' Opalo observed in 2012 that, 20 years after the optimism of the early 1990s, only 25 percent of African states showed signs of democratic consolidation, while another 43 percent remained

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autocratic, and the rest were ambiguous in their regime orientation.<sup>1</sup> While there is no single trend, some research shows a negative evolution, with setbacks rather than democratic gains, grey zones between democracy and authoritarianism, and even a ‘reverse wave’.<sup>2</sup> More recently, Muna Ndulo has noted that the stagnation of democratic consolidation indicates that Africa continues to be beset by a number of challenges.<sup>3</sup> Rulers exercise strong control and transfers of power are rare, hence the importance of term limits. Incumbents rarely lose elections, but ruling parties only won in about half the cases where the incumbent did not stand—because of term limits or when the sitting president was of ill health, had died, resigned, or was removed from office.<sup>4</sup>

This analysis links up with recent observations in the literature that political power in Africa has become more institutionalized.<sup>5</sup> Most recently, an important edited volume highlighted the need to factor in the role of formal institutions, such as constitutions, judiciaries, and electoral systems, and in other words, ‘to bring the state back in’. At the same time, it acknowledges that the rules of the democratic game have become more institutionalized in some states, but less so in others.<sup>6</sup> As also clearly emerges from this article, there are significant variations across the continent, and it is impossible to speak of a common ‘African experience’.<sup>7</sup>

This article builds on earlier, largely quantitative research on the relation between presidential term limits (and the effective observation of these limits) and democratic quality, as well on the question of the causality between these two factors.<sup>8</sup> In order to address the question of the correlation between term limits and the quality of democracy, the earlier article proposed two data sets. The first offers a survey, from 1990 to 2015, of the existence or absence of these limits in the 48 countries of sub-Saharan

1. Kennedy Ochieng’ Opalo, ‘African elections: Two divergent trends’, *Journal of Democracy* 23, 3 (2012), pp. 80–93, p. 81.

2. Jørgen Møller and Svend-Erik Skaaning, ‘The third wave: Inside the numbers’, *Journal of Democracy* 24, 4 (2013), pp. 97–109. Also Wale Adebani and Ebenezer Obadare, ‘The abrogation of the electorate: An emergent African phenomenon’, *Democratization* 18, 2 (2011), pp. 311–335; Gabrielle Lynch and Gordon Crawford, ‘Democratization in Africa 1990–2010: An assessment’, *Democratization* 18, 2 (2011), pp. 275–310.

3. Muna Ndulo, ‘Constitutions. The politics of constitutional reform’, in Nic Cheeseman (ed.), *Institutions and democracy in Africa: How the rules of the game shape political developments* (Cambridge, Cambridge University Press, 2018), pp. 117–136.

4. Nic Cheeseman, *Democracy in Africa: Successes, failures, and the struggle for political reform* (New York, Cambridge University Press, 2015), pp. 177–178.

5. Daniel Posner and Daniel Young, ‘The institutionalization of political power in Africa’, *Journal of Democracy* 18, 3 (2007), pp. 126–140.

6. Nic Cheeseman, ‘Introduction: Understanding African politics: Bringing the state back in’, in Cheeseman (ed.), *Institutions and Democracy*, p. 4.

7. Nic Cheeseman, ‘Conclusion: Political institutions and democracy in Africa: A research agenda’, in Cheeseman (ed.), *Institutions and democracy*, p. 351.

8. Filip Reyntjens, ‘The struggle over term limits in Africa. A new look at the evidence’, *Journal of Democracy* 27, 3 (2016), pp. 61–68.

Africa. It is not confined to constitutional provisions, but also looks at actual practice. The second data set is based on proxies of democratic quality. The article proposed a composite index (called Composite Democracy Index—CDI) as existing rankings diverge, and it wanted to avoid the bias that might result from the choice of a single index. The CDI brings together the Freedom House political rights scores, the Polity IV scores, the Bertelsmann Transformation Index, and the Economist Intelligence Unit Democracy Index. Each index was adjusted to a common scale of 1 to 10, where 10 indicates the highest democratic quality (this has meant reverting the Freedom House ranking). The correlation between effective term limits and democratic quality is strong. Countries with a limit have a CDI score double those without in 2000, and a third higher in 2015. Though the difference decreases over time, it remains significant ( $P > 0.001$ ).

Having established the correlation, the previous article addressed the issue of causality: do limits reinforce democracy or does democracy induce the introduction or maintenance (and observance) of limits? It attempted to answer this question by comparing the countries that: (i) have removed term limits; (ii) have attempted to do so but failed; and (iii) never attempted to remove limits. The outcome of this exercise is convincing. Between 2000 and 2015, the countries that have removed limits show a CDI of 3.6 during the year in question; the score of those that attempted but failed is 5.7; those that maintained the limit without attempting to remove it reached an average score for the period of 7.2. While other factors may play a role, these results strongly suggest that existing democratic quality has a determining impact on whether or not the limit is effectively maintained. This direction of causality is confirmed by Boniface Dulani after the most exhaustive study on the subject. He finds that deeper democracies are more likely to respect term limits.<sup>9</sup> More recent research using a similar methodology to mine<sup>10</sup> arrives at a similar conclusion.<sup>11</sup>

The present article seeks to examine empirically the way in which term limits are respected or circumvented in a large number of cases spanning the whole of sub-Saharan Africa. Compared with the existing literature, this

9. Boniface Dulani, *Personal rule and presidential term limits in Africa*, (Michigan State University, unpublished PhD dissertation, 2011).

10. Except that Denis Tull and Claudia Simons do not use a composite proxy for democracy but solely rely on Freedom House data.

11. Denis Tull and Claudia Simons, 'The institutionalisation of power revisited: Presidential term limits in Africa', *Africa Spectrum* 52, 2 (2017), pp. 79–102. Giovanni Carbone and Alessandro Pellegata suggest the same causality when saying that 'opposition leaders are only able to win power either at the time of transition elections or in sufficiently democratic regimes'. Giovanni Carbone and Alessandro Pellegata, 'Researching the dynamics of leaders' replacement: The Africa Leadership Change (ALC) dataset', *European Political Science* 17, 2 (2018), pp. 187–210, italics added. Likewise, Alexander Baturo finds that '[i]n less democratic regimes self-perpetuation in power is more frequent and, in general, easier to implement since presidents face fewer constraints'. Alexander Baturo, *Democracy, dictatorship, and term limits* (Ann Arbor, University of Michigan Press, 2014), p. 8.

article's contribution lies in the study of political dynamics surrounding this issue in a large sample of countries and over a long period of time, and in the linking of these developments with democratic quality at the time they occurred. Of course, this broad approach prohibits delving into the question addressed here in great depth, but it facilitates the tracing of defining lines in a comparative fashion. This article will first address the reality of term limits by showing that constitutional provisions often do not match political practice. Next, it will demonstrate empirically incumbency bias and the effects of term limits on it. It will then look at the calculations made by rulers in deciding whether to overstay or not. This includes the cost-benefit analysis they engage in and their evaluation of the risks involved in circumventing term limits. Finally, attention is drawn to the fact that paths are very divergent across the continent.

### *The reality of term limits*

Formal rules and institutions have begun to matter more in Africa, but they relate essentially to procedures.<sup>12</sup> This skewed approach to democracy is reinforced by donor policies that generally focus on 'good enough' practices. An analysis based on formal institutions and procedures misrepresents political reality, as they matter more as a legitimization of power, in particular that of the executive, than as a constraint to it.<sup>13</sup> Indeed, based on a worldwide survey not limited to Africa, Nancy Bermeo notes that '[i]ronically, we now face forms of democratic backsliding that are legitimized through the very institutions that democracy promoters have prioritized'.<sup>14</sup> And while the vast majority of African countries hold multiparty elections, they vary widely in terms of their *de facto* quality.<sup>15</sup> We must therefore look at the empirical facts behind the visible legal norms.

Indeed, while constitutions may provide for term limits, practice is often different. Despite formal rules, I distinguish three situations where term limits do not empirically exist. The first occurs when elections are simply not organized. This has been the case in Angola from 1992 to 2012 and in Eritrea since 1993 up to today. In Côte d'Ivoire, Laurent Gbagbo was elected for a first term in 2000, but elections were not organized in 2005 in a context of civil war. Gbagbo stood again for an unconstitutional third term in 2010. He fraudulently won, but was overthrown in 2011 and replaced by Alassane Ouattara, the actual winner of the 2010 poll. A

12. See Oda Van Cranenburgh, 'Democracy promotion in Africa: The institutional context', *Democratization* 18, 2 (2011), pp. 443–461; Posner and Young, 'The institutionalization'.

13. Tull and Simons, 'The institutionalisation of power'.

14. Nancy Bermeo, 'On democratic backsliding', *Journal of Democracy* 27, 1 (2016), pp. 5–19.

15. Carolien van Ham and Staffan I. Lindberg, 'Elections: The power of elections in multiparty Africa', in Cheeseman (ed.), *Institutions and democracy*, pp. 213–237.

similar phenomenon occurred in the DRC, where President Joseph Kabila's second and last legal term came to an end in December 2016. Then started what the Congolese refer to as *le glissement* or 'sliding'. After failing to have the constitution and the electoral law amended, Kabila used the electoral commission CENI to postpone the poll. An agreement with the opposition struck under the auspices of the Catholic Church at the end of 2016 provided for polls in December 2017, but that deadline again passed as a result of instability in certain parts of the country and alleged logistical and financial difficulties. The election that eventually took place in December 2018 will be addressed later. In these four cases, the CDI was 4 or lower, a clear indication of the link between circumvention and weak democratic quality.

The second situation is the one where constitutional term limits exist but are not respected. In Burkina Faso, Blaise Compaoré was re-elected for a third term in 2005, despite a two-term limit introduced in 2000. He claimed that the limit could not be applied retroactively, a position upheld by the constitutional court.<sup>16</sup> Compaoré again stood in 2010 based on the same reasoning, thus obtaining a fourth term. After attempting to amend the constitution in 2014 to allow him to run again in 2015, he was overthrown. In Burundi, President Pierre Nkurunziza stood for an unconstitutional third term in 2015. His bid was based on the reasoning that his first term (2005–2010) 'did not count' as he was elected by Parliament under a transitional constitutional provision, rather than by universal suffrage. This interpretation was upheld by the constitutional court acting under considerable pressure (fearing for his life, the court's vice-president fled the country).<sup>17</sup> In Senegal, incumbent Abdoulaye Wade ran for a third term in 2012, arguing that term limits did not exist at the moment of his first election in 2000, a position endorsed by the constitutional court in a ruling that caused considerable public protest. However, he lost the election to opposition candidate Macky Sall. In Sudan, Omar al-Bashir seized power through a military coup in 1989. He was elected a first time in 1996 and re-elected in 2000. Elections were not organized in 2005, and despite a two-term limit, al-Bashir was again elected in 2010. Although having stated that he would not run in 2015, he did and won with 94 percent of the vote, but the turnout was a mere 46 percent. Al-Bashir claimed that this fourth term was in reality the second, following the secession of South Sudan in 2011 which put the counter at zero again. Except for Senegal, which had a CDI of 7.7 in 2012, but where the circumvention was not endorsed by

16. Judgement of 14 October 2005 <<https://juricaf.org/arret/BURKINAFASO-COURCONSTITUTIONNELLE-20051014-2005CC72JB/>> (2 November 2019).

17. Antoine Kaburahe, 'Le vice-président de la Cour constitutionnelle burundaise en fuite', *Iwacu*, 4 May 2015 <<http://www.iwacu-burundi.org/le-vice-president-de-la-cour-constitutionnelle-burundaise-en-fuite/>> (2 November 2019).

the electorate, the CDI was under 5 in these four countries, again showing a negative link between democracy and term limit circumvention.

The third situation is the most common. Many constitutions that included term limits were amended prior to the end of the last legal term. In the following list, the first year is that of the amendment, the second that of the next election. This situation arose in: Cameroon (2008/2011), Chad (2005/2006), Congo Republic (2015/2016), Djibouti (2010/2011), Gabon (2003/2005), Guinea (2001/2003)<sup>18</sup>, Niger (2009/2009)<sup>19</sup>, Rwanda (2015/2017), Togo (2002/2003), and Uganda (2005/2006). In some cases, scrapping limits or putting the counter at zero again is not sufficient, as long-serving incumbents may also face age limits. In the Congo Republic, the duration of terms was reduced from 7 to 5 years and their number increased to 3 in 2015. More importantly, the maximum age previously set at 70 years was scrapped, thus allowing Sassou Nguesso, who turned 70 in 2013, to participate in the 2016 election which he won with 60 percent of the votes. A similar process took place in Uganda. Using the same trick as in Rwanda to amend the constitution (see below), Museveni benevolently abided by the 'wishes of the masses' to have the maximum age of 75 removed, in order to be able to stand again in 2021. Parliament duly adopted the appropriate constitutional amendment on 20 December 2017. Among these countries, only Niger had a CDI of over 5 at the time of the constitutional revisions, thus confirming that the circumvention of term limits tends to occur in weak democratic systems.

Other mechanisms lead to similar outcomes. In Equatorial Guinea, while previously there was no limitation, the 7-year term was limited to 2 in 2011, but this gave President Teodoro Obiang the right to run again for two terms starting with the 2016 election. He has been in power since his military coup in 1979, and can potentially be president until 2030, a tenure of over 50 years. In Zimbabwe, a term limit was only introduced in 2013, but this was not retroactive, thus allowing Robert Mugabe to run for two more terms starting with the 2014 election, after 24 years in office. A similar trick was applied in Rwanda. After 'popular petitions' asking President Kagame to stay on after the end of his second and last 7-year term in 2017, parliament voted a constitutional amendment that was approved by over 98 percent of the electorate in a referendum held at the end of 2015.<sup>20</sup> The new constitution provided for a maximum of two terms, as in the past, and reduced the duration from 7 to 5 years. However, a transitional provision

18. A two-term limit was however reintroduced in 2010, after incumbent Lansana Conte died in office in 2008 and following military rule from 2008 to 2010.

19. Here, as in Guinea, a two-term limit was reintroduced in 2010, after incumbent Mamadou Tandja was overthrown in 2010 because he overstayed his term.

20. Filip Reyntjens, 'The changes made to Rwanda's constitution are peculiar—here's why', *The Conversation*, 28 January 2016 <http://theconversation.com/the-changes-made-to-rwandas-constitution-are-peculiar-heres-why-53771> (2 November 2019).

stipulated that Kagame, and he alone, could stand for an additional 7-year term and for two 5-year terms thereafter. He won the 2017 election with over 98 percent of the vote and can potentially remain president until 2034. As he was the country's *de facto* ruler since 1994 before formally becoming president in 2000, he could remain in power for 40 years. Likewise, the Chadian constitution was amended in April 2018. The term duration was increased from 5 to 6 years, while a two-term limit was introduced. But this would allow Idriss Déby, whose fifth term ends in 2021, to remain in power until 2033. As he seized power in 1991, his tenure could last 42 years.<sup>21</sup> In South Sudan, where there are no term limits, parliament extended President Salva Kiir's term for another 3 years in July 2018, as it had done in 2015. These five countries had a CDI score of under 5 at the moment of the amendment.

Long serving leaders have attempted to curtail democracy in the name of their continued 'service' to the people.<sup>22</sup> However, the argument that presidents who stay on are simply 'abiding by the will of the people', for instance in Burundi and Uganda, is contradicted by Afrobarometer data.<sup>23</sup> The scores for 'very strongly agree/agree' with a maximum of two terms are 61.5 percent in Burundi and 67.1 percent in Uganda. However, according to the report of the 'Inter-Burundian dialogue' organized by the government, 'the vast majority of participants in the dialogue want the president to exercise more than two terms in office'.<sup>24</sup> Likewise, in Uganda, the process of removing the presidential age limit was claimed to be initiated by petitions, but a new poll conducted by Afrobarometer just before the constitutional amendment found that 75 per cent of the Ugandans polled wanted the age limit to stay, and even among NRM followers, the support for the age barrier stood at 67 percent.<sup>25</sup> More broadly, results from 34 African countries show that there is strong support for term limits across the entire continent. This is even true in countries that never had term limits or that had removed them in the past 15 years.<sup>26</sup>

21. In order to avoid the trick of 'putting the counter at zero again', the Venice Commission of the Council of Europe proposed that such amendments should have effect only for future holders of the office, not for the incumbent (Council of Europe, European Commission for Democracy through Law (Venice Commission), *Report on term-limits, Part I—Presidents*, 16–17 March 2018, p. 22).

22. David Kiwuwa, 'Democracy and the politics of power alternation in Africa', *Contemporary Politics* 19, 3 (2013), pp. 262–278.

23. There are no Afrobarometer data for Rwanda, in itself a bad sign for democracy, as organizing opinion polls are considered impossible in such a constrained environment.

24. 'A monologue dialogue', *Iwacu* (Bujumbura), 9 May 2016.

25. Kristof Titeca and Ivan Ashaba, 'Museveni: The next "benevolent" President for life?', *Opendemocracy*, 18 October 2017.

26. Boniface Dulani, 'African publics strongly support term limits, resist leaders' efforts to extend their tenure', *Afrobarometer*, Dispatch 30, 25 May 2015.

*Incumbency bias*

Based on a statistical analysis of three rounds of Afrobarometer micro-level data combined with national-level data on African elections between 1989 and 2006, Devra Moehler and Staffan Lindberg found that electoral turnovers have a significant moderating effect. Following alternations of power, winners and losers converge in their attitudes about the institutions, thus furthering the consolidation of democracy.<sup>27</sup> Jamie Bleck and Nicolas van de Walle agree. Alternation can spark hope that democracy will endure, positively impact assessments of the state of democracy, and generate shared perceptions of system legitimacy by winners and losers, thus moderating polarization.<sup>28</sup>

However, turnovers remain relatively rare, and the strength of incumbency bias shows strongly when looking at the circumstances under which a change of party in power occurs. This has happened as a result of term limits, but also in cases where no incumbent ran for other reasons. Transfers took place when the incumbent was term limited in Benin (2006 and 2016), Cape Verde (2001 and 2011), Ghana (2001 and 2009), Kenya (2002 and 2013), Mali (2002), São Tomé and Príncipe (2001 and 2011), and Sierra Leone (2007 and 2018). All these countries, except Kenya in 2002, had a CDI of over 5 (most of them more than 7), showing a positive link between term limit observance and democratic quality. In other cases, the incumbent was overthrown before the election and could thus not run. This occurred in Burkina Faso (2015), the Central African Republic (2016)<sup>29</sup>, Côte d'Ivoire (2000)<sup>30</sup>, Guinea-Bissau (2000 and 2005), Liberia (2006)<sup>31</sup>, Mali (2013), Mauritania (2007 and 2009), and Niger (2011). In Madagascar (2001), the incumbent fled the country after the election result was contested, while in 2014, the incumbent, who was acting as interim president, was barred from participating. This was also the case in Guinea in 2010, when the country reverted to civilian rule and the military interim president was not allowed to participate. In São Tomé and Príncipe (2016), the incumbent refused to stand in the second round after a recount of the first round.

The counterfactual of these findings can be found in cases where the incumbent stood, but lost the election. These cases are rare, and thus confirm an incumbency bias. Perhaps the most spectacular upset occurred in the Gambia in 2016, under a constitution without term limits. Colonel

27. Devra C. Moehler and Staffan I. Lindberg, 'Narrowing the legitimacy gap: Turnovers as a cause of democratic consolidation', *Journal of Politics* 71, 4 (2009), pp. 1448–1466.

28. Jaimie Bleck and Nicolas van de Walle, *Electoral politics in Africa since 1990: Continuity in change* (Cambridge University Press, Cambridge, 2018).

29. The incumbent was overthrown in 2013, and the 2014–2016 interim president was barred from standing.

30. The incumbent was however overthrown in 2011, after he fraudulently won the 2010 election.



Yahya Jammeh came to power in 1994 through a military coup and was later re-elected in 1996, 2001, 2006, and 2011. Despite Jammeh's dictatorial rule, opposition candidate Adama Barrow was elected with 43.3 percent of the votes against 39.6 for Jammeh. While Jammeh initially (and surprisingly) conceded defeat, wished his successor well, and ensured his support for a smooth transition, a few days later, he changed his mind, claiming that the election had been rigged and rejecting the outcome.<sup>32</sup> After some hesitation, the army sided with Jammeh, but the regional organization ECOWAS intervened militarily and arranged Jammeh's exile. Barrow was eventually inaugurated on 18 February 2017.

The defeat of incumbents who are not term limited has recently become more frequent. In Ghana, sitting President John Dramani Mahama failed to secure a second term in 2016, and he left power graciously. The same happened in Malawi in 2014, when interim president Joyce Banda lost to her challenger Peter Mutharika. At the end of his first term, Nigerian president Goodluck Jonathan was beaten by opposition candidate Muhammadu Buhari in 2015. Finally, in 2011, Zambia saw the incumbent Rupiah Banda beaten by opposition candidate Michael Sata. After Sata died in office in 2014, Edgar Lungu from the same party won the 2015 poll. As seen earlier, Senegal is a marginal case, as in 2012, the incumbent stood for a contestable third term, but was beaten by the opposition candidate in the second round. The CDI of the countries where not term limited incumbents were defeated was 5 or higher during the election year, again showing the link with democratic quality.

Taking the argument a step further by looking at Huntington's 'two-turnover test',<sup>33</sup> this occurred in only seven countries, namely in Benin in 2006 and 2016; in Cape Verde in 2001 and 2011; in Ghana in 2001, 2009, and 2016; in Kenya in 2002 and 2013; in São Tomé and Príncipe in 2001, 2011, and 2016; in Sierra Leone in 2007 and 2018; and in Senegal in 2000 and 2012. None of these cases fully comply with Huntington's test,<sup>34</sup> but they come close and can be seen as indicators of democratic consolidation. Not surprisingly, except Kenya (which scored 6.8), all these countries had a CDI score of well over 7 in 2015. Other cases are less straightforward. For example, in Côte d'Ivoire (2000 and 2010/2011), the previous incumbent was overthrown. In Liberia in 2006, there was no incumbent as the presidency had been vacant since 2003, but the transfer

32. This may in part have been due to the fact that a leading figure in the opposition coalition announced that Jammeh would be prosecuted for crimes committed during his tenure.

33. Samuel Huntington, *The third wave: Democratization in the late twentieth century* (University of Oklahoma Press, Norman, 1991). It must be noted that Huntington's definition of consolidation has been criticized for its assumption that competitive elections are a necessary and sufficient condition for liberal democracy (see Bleck and van de Walle, *Electoral politics*).

34. Transfers did not occur through elections that were subsequent to those that brought the former incumbent to power, and they did not follow an initial election after a transition.

was genuine in 2017. In Mali, a regular transfer took place in 2002, but in 2012, the incumbent had been overthrown the previous year.

An incumbency bias is very clear statistically. Out of the 135 presidential elections held between 2000 and 2017, in 80 cases, the incumbent ran and won in all but three polls. However, in the 55 cases when the incumbent could not stand, there were 32 transfers of power from one party to another. Despite the increased role of formal institutions, the strength of incumbency rests on the control of the legislature by the executive, privileged access to state resources, the availability of executive rents under the form of commodity production and foreign aid, and political culture showing respect for those in a position of authority and distrust of the opposition.<sup>35</sup> Of course, term limits in themselves do not guarantee transitions, nor should they. In Botswana, Mozambique, Namibia, Seychelles<sup>36</sup>, South Africa, and Tanzania, term limits were respected to the letter, but ruling parties remained in power.

### *Cost-benefit analyses*

According to Alexander Baturo, '[t]he larger magnitude of spoils from the political office and the lower probability of retaining these spoils and immunity after exit from office increase the likelihood that a president will try to personalize his or her regime and extend tenure'.<sup>37</sup> There are many reasons why presidents take the risk of overstaying. For starters, it generally works. All those who successfully eliminated or circumvented term limits won the subsequent election, except Wade in Senegal and—albeit with some delay—Gbagbo in Côte d'Ivoire. Just four (Burkina Faso 2014, Malawi 2002, Nigeria 2006, and Zambia 2001) failed to have the obstruction to prolonged rule removed, and only Burkina Faso did this attempt lead to the violent ousting of the incumbent. The likelihood of success means that the costs of circumventing or otherwise manipulating rules and institutions are low.<sup>38</sup> Posner and Young point out that precedent also plays in the opposite direction. In the cases where a predecessor had stepped down in the face of a term limit, every single president who followed chose not to push for a third term.<sup>39</sup>

The cost-benefit analyses are informed by what is at stake. This obviously includes the wish to secure the wealth accumulated during office and the possibility of acquiring more. For instance, at the moment Joseph Kabila

35. Bleck and van de Walle, *Electoral politics*.

36. Although it should be noted that the incumbent won the 2015 election by a margin of only 193 votes in the second round.

37. Baturo, *Democracy*, p. 6. Cost-benefit considerations are explored in detail in chapters 4–7 (pp. 91–211).

38. Tull and Simons, 'The institutionalisation of power', p. 95.

39. Daniel Posner and Daniel Young, 'Term limits: Leadership, political competition, and the transfer of power' in Cheeseman (ed.), *Institutions and democracy*, pp. 260–277.

refused to leave office in December 2016, Bloomberg found that his family had built a network of businesses which reaches into every corner of Congo's economy and has brought hundreds of millions of dollars to the Kabilas.<sup>40</sup> Such wealth and impunity can only be preserved by clinging to power. At least as important is the threat of prosecution after leaving office. McKie hypothesizes that presidents will seek to abolish term limits when previous presidents have been prosecuted and jailed, exiled or even killed once out of office.<sup>41</sup> Leaders are not indicted while in office, but some were occasionally indicted at a later date. Thus, Chadian former president Hissene Habré was prosecuted and convicted in Senegal for political killings during his tenure. A similar fate befell Côte d'Ivoire's Laurent Gbagbo who was prosecuted before the International Criminal Court. That is probably the reason why article 114 of the Rwandan constitution, as amended in 2015 to allow Kagame to run for additional terms, contains a clause exempting former presidents from prosecution. Likewise, a constitutional amendment discussed in the Gabonese parliament in early 2018 purported to offer former presidents immunity. Whether provisions like these will prove an effective protection in the future remains of course to be seen.

It is not just presidents who want to overstay, but also those whose livelihoods, privileges, and impunity depend on their patron staying in power. An entire pyramid of clients, consisting of individuals, but also of regional, ethnic, or other constituencies, stands to lose much if another elite takes over. This establishment is generally well entrenched, including in the security and intelligence services, and thus possesses the capacity to stave off challenges to its continued rule. The reasoning behind the support for extended tenures goes well beyond the presidential 'court': by allowing the lifting of term limits, career-minded holders of veto power in the legislature and the judiciary increase their individual job prospects, even if it weakens their collective institutional power vis-à-vis a strengthened executive.<sup>42</sup> In extreme cases, they risk death or prison if they resist.

As noted by Cheeseman, presidents who enjoy greater political control are more likely to judge that it is possible to secure a third term, and hence more inclined to risk pursuing one. The combination of controlling a dominant party and the army, the police, and the intelligence services leads to such conditions.<sup>43</sup> Museveni's Uganda and Kagame's Rwanda are good examples. In the latter case, a very oppressive environment ensured

40. Michael Kavanagh, Thomas Wilson and Franz Wild, 'With his family's fortune at stake, President Kabila digs in', Bloomberg, 15 December 2016.

41. Kristin McKie, 'Comparative *continuismo*: Presidential term limit adherence across developing democracies' (Working Paper no. 425, Kellogg Institute for International Studies, Notre Dame, IN, 2017), p. 14.

42. *Ibid.*, p. 10.

43. Nic Cheeseman, 'Africa—presidential term limits and the third term strategy', *Presidential Power* <https://presidential-power.com/?p=4874>, 5 May 2016 (10 October 2017).

that there was not even the beginning of protest against amending the constitution. Indeed, during national ‘consultations’, MPs and senators met only 10 individuals, out of a population of 11 million, said to oppose the initiative. Based on the cases of Malawi, Zambia, and Namibia, Peter VonDoepp argues that the degree of coherence or fractionalization within ruling parties helps explain why attempts by executives to extend their tenure are successful or fail.<sup>44</sup> In addition, the degree of electoral uncertainty may affect institutional choice in cases of both unilateral constitutional revisions and of cooperative constitution-making.<sup>45</sup> The undying support of the security sector is as important, as Blaise Compaoré found out to his cost.

‘Democracies die at the hands of the elites’.<sup>46</sup> There has been occasional domestic protest against attempts to overstay through constitutional amendment or ignoring term limits, but this has generally been quite easily suppressed, even though in a number of cases repression caused loss of life. Protest by the donor community has been muted. There were often verbal expressions of discontent, but not much muscle was shown. Lynch and Crawford note the ‘minimal’ commitment to democratization among both local political elites and international donors.<sup>47</sup> While many donors claim to promote democracy, good governance, and human rights, many are effectively complicit in fostering development without democracy.<sup>48</sup> And yet, Gideon Maltz has rightly argued that term limits have features that make conditionality an attractive tool. They are objective, unambiguous, and easily identifiable, avoiding the vagaries of other measures of democratic governance, and they are under the control of the government.<sup>49</sup> However, sanctions for transgressions are rare.

Rwanda offers a good example. When in 2015, the country set out to amend its constitution to allow Kagame to run for further terms, the EU High Representative Federica Mogherini issued a declaration stating that ‘the adoption of provisions that can only apply to one individual weakens the credibility of the constitutional reform process (. . .). The amendments

44. Peter VonDoepp, ‘Party cohesion and fractionalization in new African democracies: Lessons from struggles over third-term amendments’, *Studies in Comparative International Development* 40, 3 (2005), pp. 65–87.

45. Kristin McKie, ‘The politics of institutional choice across Sub-Saharan Africa: Presidential term limits’, *Studies in Comparative International Development* 52, 4 (2017), pp. 436–456.

46. Moehler and Lindberg, ‘Narrowing’, p. 1463.

47. Lynch and Crawford, ‘Democratization’, p. 297.

48. Tobias Hagmann and Filip Reyntjens, ‘Introduction: Aid and authoritarianism in sub-Saharan Africa after 1990’, in Tobias Hagmann and Filip Reyntjens (eds), *Aid and authoritarianism in Africa: Development without democracy* (Zed Books, London, 2016), pp. 1–19.

49. Gideon Maltz, ‘The case for presidential term limits’, *Journal of Democracy* 18, 1 (2007), pp. 128–142 and 139–140.

to the Rwanda constitution (...) would give rise to this situation'.<sup>50</sup> After the 2017 presidential election, US Acting Assistant Secretary for African Affairs Donald Yamamoto expressed 'serious concerns about weak democratic institutions, freedom of speech, and respect for human rights' and 'deep disappointment with President Kagame's decision' to run for a third term. He observed that the 2017 presidential election showed 'notable shortcomings', including 'voting irregularities', and expressed 'concerns over the integrity of the vote-counting process'.<sup>51</sup> However, no sanctions were taken, and the issue quietly disappeared from the radar.

Rulers who want to transgress assess their own strength and the weakness of the opposition. As noted earlier, democratic quality tends to be low prior to the scrapping or ignoring of term limits. As a reminder, the countries that have removed limits had a CDI of 3.6 during the year in question, while those that maintained the limit without attempting to remove it reached an average score of 7.2. This generally means that the transgressors exercise control over the security and intelligence forces, face a pliant parliament, and do not have to worry about independent judicial oversight.<sup>52</sup> The media and civil society are tightly controlled. The opposition tends to be weak, disunited, and open to co-optation in exchange for money or juicy positions in the system, a situation reinforced by patrimonial practices.

A few examples show the importance of adequately reading the mood. In 2006, Nigerian President Obasanjo failed in his bid to amend the constitution and secure a third term for a combination of reasons, including the ambitions of other aspirants, regional competition, media coverage of the constitutional debates in parliament, and threats of violence.<sup>53</sup> Obasanjo was wise enough to give in, and this opened up political space, setting the country on a path that held democratic promise. His two immediate successors were from his party, but the opposition won the 2015 presidential election. On the other hand, the cases of Burkina Faso in 2014, Côte d'Ivoire in 2011, and Gambia in 2016 discussed earlier show how adverse the consequences of wrongly assessing power relations can be.

50. Council of the EU, 'Declaration by the High Representative Federica Mogherini on behalf of the EU on constitutional review in Rwanda', Press Release, 3 December 2015.

51. Donald Yamamoto, 'Statement by Acting Assistant Secretary Donald Yamamoto, Bureau of African Affairs, Rwanda: Democracy thwarted' (House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, 27 September 2017).

52. The decision of the Kenyan Supreme Court to annul the election of sitting President Uhuru Kenyatta on 1 September 2017 was therefore considered historic. It was indeed a first in Africa, but Cheeseman issued a useful caveat by noting that the second poll was just as controversial as the first, showing that the effectiveness of independent judiciaries 'is constrained by weaknesses elsewhere in the political system' (Cheeseman, 'A year of illusions').

53. Charles Fombad and Nathaniel A. Inegbedion, 'Presidential term limits and their impact on constitutionalism in Africa', in Charles Fombad and Christina Murray (eds), *Fostering constitutionalism in Africa* (Pretoria University Law Press, Pretoria, 2010), pp. 1–29.

However, most overstayers have adequately appraised their strength and their opponents' weakness.

Finally, it is noteworthy that incumbents rarely rely on sheer power but make great efforts to remain within the confines of the law and claim legitimacy. They tend to operate through rather than around the constitution.<sup>54</sup> Therefore, leaders increasingly have to take formal rules into account, even if they are intent on breaking them.<sup>55</sup> In contrast to the past, coups d'état have become very rare, and they are now actively combated by the African Union. In 2003, the Peace and Security Council (PSC) was created within the AU framework, to deal with cases of unconstitutional changes of government, among other issues. The protocol establishing the PSC specifies that it shall 'institute sanctions (...) whenever an unconstitutional change of government takes place in a member state'. This explains why the Zimbabwean army was at pains to explain that the ousting of Mugabe 'was not a coup d'état'.<sup>56</sup> However, the AU was not moved by this plea, and its chair stated on 16 November 2017 that the body 'will never accept the military coup d'état'<sup>57</sup>, but then failed to act. Both overstayers and their opponents now invoke constitutional legality to justify their claims. For instance, third-term supporters in Burundi stressed its constitutionality, an argument usually invoked by third-term opponents. In addition, the Arusha peace agreement<sup>58</sup> was invoked as a source of legitimacy and as a legal norm, and a ruling by the constitutional court was presented as another justification.<sup>59</sup> A large comparative study shows how autocratic rulers rely on procedurally 'sound' mechanisms to claim legitimacy and mimic adherence to the rule of law.<sup>60</sup> In other words, while staying within constitutional confines and adhering to formal rules and institutions, leaders in effect often undermine them and use them to hang on to power.

### *The risks of overstaying*

When presidents either amend the constitution or disregard term limits, they often get away with it, but a number of examples show that such

54. Posner and Young, 'Term limits', p. 261.

55. Cheeseman, 'Introduction', p. 32.

56. Elisa Mackintosh, 'Zimbabwe's military takeover was the world's strangest coup', *CNN*, 21 November 2017.

57. 'African Union head says will "never" accept Zimbabwe "coup"', Paris, AFP, 16 November 2017.

58. The Arusha Peace and Reconciliation Agreement, signed on 28 August 2000, brought to an end the civil war that started in 1993.

59. Stef Vandeginste, 'Legal loopholes and the politics of executive term limits: Insights from Burundi', *Africa Spectrum* 51, 2 (2016), pp. 39–63.

60. Christian Von Soest and Julia Grauvogel, 'Identity, procedures and performance: How authoritarian regimes legitimize their rule', *Contemporary Politics* 23, 3 (2017), pp. 287–305.

a choice is not always risk-free. Though there was occasional protest, constitutional amendments passed without major threats to incumbents in Cameroon (2008), Chad (2005), Djibouti (2010), Congo Republic (2015), Equatorial Guinea (2011), Gabon (2003), Guinea (2001), Rwanda (2015), Togo (2002), Uganda (2005 and 2017), and Zimbabwe (2013). In the cases of Angola, the DRC, and Eritrea, where elections were simply not organized, the incumbents also survived (though shakily in the DRC, see below), as al-Bashir did in Sudan when he failed to respect the existing term limit. However, in other cases, the gamble did not pay off.

Towards the end of his fourth consecutive term, Burkinabe President Blaise Compaoré attempted to amend the constitution to allow him to run again and extend his 27 years in office. Demonstrations and riots broke out in Ouagadougou in October 2014 and spread to other cities. Civil society and young people demanded political change. Official buildings and the ruling party's headquarters were burnt down. After dissolving the government and declaring a state of emergency, Compaoré fled to Côte d'Ivoire. He eventually resigned on 31 October and a general became interim head of state. The next year, opposition candidate Kaboré was elected president under a transitional charter.

In Côte d'Ivoire, where the 2000 constitution provided for a two-term limit, Laurent Gbagbo was first elected in 2000 as the opposition candidate. The 2005 elections were not organized due to the instability caused by civil war. Although this would be his third term in office, in 2010, Gbagbo stood against his main challenger, former Prime Minister Alassane Ouattara. After a second round, Ouattara was proclaimed president with 54 percent of the vote. However, the constitutional council invalidated the results in the Northern regions and declared that Gbagbo was re-elected with 51 percent. Both 'presidents' took the oath of office on 4 December 2010. This situation led to a months' long political crisis and a rekindling of the civil war. On 11 April 2011, Gbagbo was captured by the forces of his opponent, with French help, and Ouattara was declared president by the constitutional council on 6 May. Worse was to come, as Gbagbo was transferred to The Hague later that year and indicted before the International Criminal Court for crimes against humanity committed during the civil war. He was, however, acquitted in early 2019.<sup>61</sup>

In Niger, President Mamadou Tandja, who was re-elected for a second term in 2004, attempted to extend his tenure beyond 2009. The military attacked his residence on 18 February 2010 and arrested him. He was kept in detention after the coup, and was thus barred from engaging in any political activity. Tandja was term limited anyway and could not participate

61. Ruth Maclean, 'Ex-Ivory Coast president Laurent Gbagbo acquitted at ICC', *The Guardian* (London), 15 January 2019.

in the election held in February and March 2011. Opposition candidate Mahamadou Issoufou won in the second round with 58 percent of the vote.

Other presidents have managed to hang on, but the situation of some of them is fragile. After the Burundian ruling party decided on 25 April 2015 to field President Nkurunziza for a third term, thousands of people demonstrated in the streets of Bujumbura. On 13 May, an attempted coup d'état was narrowly defeated. Nkurunziza hung on and was elected, but the price was huge: the ruling CNDD-FDD party was profoundly divided, large parts of civil society and the opposition went into exile, the independent press all but disappeared, about one thousand people were killed, and over 300,000 fled the country. Burundi was sanctioned by the donor community and its already feeble economy suffered a major blow. In mid-2017, unrest started in Togo, where a coalition of opposition parties staged weekly demonstrations demanding the departure of President Faure Gnassingbé, who was first elected in 2005 as successor to his father Gnassingbé Eyadéma who ruled the country for 37 years. The street violence was a response to the tabling in parliament of a constitutional amendment limiting presidential tenure to two 5-year terms. Gnassingbé refused to rule out that he would again be a candidate in 2020 for a fourth and in 2025 for a fifth term, thus opening the perspective that he might remain in power until 2030. More unrest, in part fuelled by radical Islamist networks, is likely in the run-up to 2020.

Finally, in the DRC, the capacity to mobilize populations is considerable. Large demonstrations, during which dozens of people were killed by the police, impeded attempts to revise the constitution in 2013 and 2014 and the electoral law in 2015, and caused the collapse of a 'national dialogue' organized by the regime in 2016. Despite realizing the danger caused by popular mobilization, Kabila did not budge, and he was to a certain extent helped in his resolve to hang on by divisions among the opportunistic opposition. Demonstrations continued during 2016–2018, with many protesters wounded and killed. The powerful Catholic Church, civil society, and the political opposition demanded Kabila's resignation, and despite the repression, his position was under constant popular threat. Also facing international pressure and sanctions, Kabila finally relented and designated his would-be successor as a candidate in the presidential election that took place on 30 December 2018. Kabila found an entirely novel way of hanging on to power. Rather than having his anointed successor Emmanuel Shadary Ramazani (whose official score was a pitiful 23 percent and the real one even lower) win the poll, he appears to have struck a deal with opposition candidate Félix Tshisekedi, who was declared the winner at the expense of Martin Fayulu, although according to reliable data the latter



had won the election.<sup>62</sup> As Kabila's political platform, the *Front commun pour le Congo*, officially obtained an absolute majority in parliament, this outcome allows the outgoing president to keep his successor on a leash, maintain his grip on power and avoid, so he hopes, being called to account for his mismanagement of the country during his long tenure.<sup>63</sup>

### *Diverging paths*

Despite the watershed witnessed since the early 1990s when compared with three preceding decades of one party and military authoritarianism,<sup>64</sup> political developments in Africa offer a heterogeneous image. During the last 3 years alone, evolutions have been strikingly divergent across the continent. In 2016, Patrice Talon won against the prime minister of a term-limited president in Benin and even announced a single-term presidency (there are currently some doubts about the sincerity of this promise). In Gambia, long-standing dictator Yahya Jammeh was defeated by an opposition candidate, who took office courtesy of ECOWAS. Ghana's John Dramani Mahama failed to win a second term (Nigeria's Goodluck Jonathan preceded him in 2015). In São Tomé and Príncipe, an opposition candidate unseated the incumbent. On the other hand, during the same year, Idriss Déby started his fifth term in Chad, Ismaïl Omar Guelleh his fourth in Djibouti, Teodoro Obiang his fourth in Equatorial Guinea, and Museveni his fifth in Uganda. In the DRC, Kabila overstayed his second and last term. Several of these leaders had been in power unelected before.

In 2017, on the bright side, opposition candidate George Weah won the poll in Liberia, while on the other hand, Kagame was elected in Rwanda for a third 7-year term with the perspective of serving two further 5-year terms thereafter. Angola deserves a special mention here. In power since 1979, José Eduardo dos Santos was elected only twice, in 1992 and 2012. He handpicked his Defence Minister, João Lourenço, to succeed him at the 2017 polls. His MPLA duly won the parliamentary election with 61 percent of the vote, giving the party an absolute majority in parliament which in turn allowed it to appoint Lourenço as the new president.<sup>65</sup> As dos Santos had entrusted him with the presidency, Lourenço was widely expected to protect the many interests of the former incumbent's family in Angola's deeply entrenched patrimonial system. But Lourenço soon proved

62. This is well summarized in 'Congo voting data reveal a huge fraud in poll to replace Kabila', *The Financial Times*, 15 January 2019.

63. See Pierre Englebert, 'Congo's 2018 elections: An analysis of implausible results', *African Arguments*, 10 January 2019; Kris Berwouts, 'President-on-a-leash Tshisekedi and the DRC's paradoxical new politics', *African Arguments*, 24 January 2019; Kris Berwouts and Filip Reyntjens, 'The Democratic Republic of Congo: The great electoral robbery (and how and why Kabila got away with it)', Egmont Institute, *Africa Policy Brief*, 19 April 2019.

64. As shown by Carbone and Pellegata, 'Researching the dynamics'.

65. The 2010 constitution provides that the president is indirectly elected by parliament.

he was no puppet. Despite dos Santos remaining the chair of the MPLA, barely months into his presidency Lourenço sacked dozens of high-ranking officials, as well as his predecessor's son and daughter as heads of the country's \$5 billion sovereign wealth fund and of the state oil company Sonangol. So, while the same party remains in power, we may be witnessing a change of regime.<sup>66</sup>

The year 2018 has shown similar divergences. On the one hand, at the March presidential election in Sierra Leone, incumbent Ernest Bai Koroma was term limited and did not run. Opposition leader Julius Maada Bio was elected with 51.8 percent of the vote. In the Mali July poll, incumbent Ibrahim Boubacar Keita was elected, but for the first time in Malian history, a runoff was necessary as no candidate obtained 50 percent in the first round. On the other hand, in October, Cameroonian president Paul Biya, in power since 1982, was elected in the first round with 71.28 percent. The poll was marred by violent unrest in the English-speaking part of the country and by attacks by Boko Haram. The opposition contested the results that were nevertheless validated by the constitutional court. In Chad, a constitutional amendment reinforced the president's powers and extended the duration of terms from 5 to 6 years, while introducing a two-term limit. As this put the counter at zero, Idriss Déby, who first became president in 1990, could run again in 2021 and potentially stay in office until 2033.

The divergence of paths also shows in the longevity of presidents. Two lists are presented here. [Table 1](#) contains countries where presidents have been in office for over 10 years,<sup>67</sup> and [Table 2](#) contains countries where presidents have served for under 10 years. The counting extends until 2017,<sup>68</sup> which means that a number of presidents still have years in office before them. In [Table 1](#), the first figure is the number of years in office, and the second is the country's CDI in 2015. In [Table 2](#), the figure is the CDI in 2015.

These tables are very telling. Just one country in [Table 1](#) (Uganda) reaches the lowest CDI of countries in [Table 2](#) (Guinea-Bissau and Côte d'Ivoire). The average CDI of the countries in [Table 1](#) is 3.6, against 6.9 in [Table 2](#), a very significant difference indeed. In addition to showing that Africa cannot be seen as a whole where all similar characteristics apply, this

66. A nuanced view on prospects is offered in Justin Pearce, Didier Péclard, and Ricardo Soares de Oliveira, 'Angola's elections and the politics of presidential succession', *African Affairs* 117, 466 (2018), pp. 146–160.

67. In other words, over two classical 5-year terms; the counting starts in the year they took office, which in the case of several of them means before their first formal election. Transfers from fathers to sons are counted as a single incumbency (DRC, Gabon, and Togo). Rwanda's Kagame was formally vice-president before becoming president in 2000, but he was the real office holder since 1994.

68. However, two of these presidents, Dos Santos and Mugabe, left power in 2017. As they are part of a longer trend, Angola and Zimbabwe have nevertheless been retained in this list.

*Table 1* Presidents serving for over 10 years.

Angola 38/3.8	Chad 27/2.7	Eritrea 24/2	Togo 50/4.6
Burkina Faso 27/4.6	Djibouti 18/4.3	Eq. Guinea 37/2	Uganda 31/4.9
Burundi 12/4.7	DRC 20/4	Rwanda 23/3.4	Zimbabwe 37/4.7
Cameroon 36/3.5	Congo Rep 15/3.2		

*Table 2* Presidents serving for under 10 years.

Benin 7.6	Madagascar 5.8	Senegal 7.6
Botswana 8.1	Malawi 6.9	Seychelles 7.1
Cape Verde 9.3	Mali 5.5	Sierra Leone 6.7
Côte d'Ivoire 4.9	Mozambique 6.1	South Africa 8.3
Ghana 8.6	Namibia 7.7	Tanzania 5.9
Guinea-Bissau 4.8	Niger 6.4	Zambia 7.1
Kenya 6.8	Nigeria 5.7	
Liberia 6.7	São Tomé and Príncipe 8.6	

also confirms the relevance of the duration of presidential tenure, including through the mechanism of term limits, for democratic quality.

### *Conclusion*

This article has sought to explore political practices with regard to the observance or not of presidential term limits, showing that observance is a strong indicator of democratic quality. We have indeed seen throughout that regimes adhering to term limits consistently have a higher CDI than those circumventing them. For instance, countries where elections were not regularly organized, where existing term limits were not observed, and where constitutional amendments scrapped limits had significantly lower scores than those effectively adhering to limits. Likewise, turnovers occurred in countries with a higher CDI than the African average. Conversely, the longevity in office of presidents is significantly higher in countries with a low CDI.

Second, we have also found that constitutional provisions often do not match political reality and examined the calculations made by rulers in deciding whether to overstay or not. Differences across the continent are considerable. Carbone and Pellegata have summarized progress in Africa's democratic development over the last quarter century. They find a sharp drop in violent takeovers; a strong rise in leaders taking the electoral route to power; markedly reduced variability in duration in office; more frequent successions; and growing opportunities for opposition leaders to win power

peacefully.<sup>69</sup> However, these statistics mask very divergent trends. It is not possible to speak about democratic development in Africa as a whole. There is a Ghana for each Eritrea, a Benin for each Rwanda, and a South Africa for each DRC. In addition, the trends shown in this article display a remarkable degree of coherence. Good performers generally remain steadfast, while poor performers are repeat offenders. Looking at the two extremes, over the period 2000–2015, 10 countries constantly displayed a CDI of 7 or more: Benin, Botswana, Cape Verde, Ghana, Mauritius, Namibia, São Tomé and Príncipe, Senegal, Seychelles, and South Africa. On the other side of the spectrum, nine countries each time had a CDI of 4 or less: Cameroon, Chad, DRC, Eritrea, Equatorial Guinea, Mauritania, Rwanda, Sudan, and Swaziland.<sup>70</sup>

Contrasting these two sets of countries not only speaks to the diversity but is also revealing of perspectives of democratic development. Clearly, the first group was able to establish resilient institutions, create the trust, stability, and political space needed for a functioning democracy, and forge a link with citizens through their exercising civil and political rights. This should be a breeding ground for more democratic consolidation, even though half of these countries did not experience transitions in power. Unsurprisingly, all countries in the first list have effective presidential term limits,<sup>71</sup> while none of those in the second list adhere to them.<sup>72</sup> The constancy over time of these two lists confirms Bleck and van de Walle's observation that little negative or positive change has taken place since the mid-1990s.<sup>73</sup>

A third point that deserves to be stressed is the importance of looking at empirical reality, beyond legal texts. Assessing the situation in that vein, in 2015, 19 out of 48 states had no effective term limits. While this is a considerable decrease compared with 37 in 1990, this suggests that a hard core of autocrats is still resisting the introduction of more democratic polities. Looking at the evolution, the overall tendency is not improving. Disaggregating the statistics presented in the previous paragraph, the ratio between the first (CDI of 7 or more) and the second (CDI of 4 or less)

69. Carbone and Pellegata, 'Researching the dynamics'.

70. This list of 10 better and 9 worse performers tallies almost perfectly with that proposed by van Ham and Lindberg, 'Elections', p. 220.

71. However, in 1998, the Namibian constitution was amended to allow the first president, Sam Nujoma, to serve a third term (1999–2004), but this does not apply to his successors, and term limits were later observed. As mentioned earlier, in Senegal Wade stood for an unconstitutional third term in 2012, but he was defeated by opposition candidate Macky Sall.

72. In Equatorial Guinea, a two-term limit was introduced in 2011, but this allowed President Teodoro Obiang to serve two additional 7-year terms from 2016. He seized power through a coup in 1979. Mauritania has a formal two-term limit, but since 2000 several overthrows have disturbed the succession in office. Swaziland is an absolute monarchy where the (term-limited) prime minister is a figurehead.

73. Bleck and van de Walle, *Electoral politics*.

groups is 16 against 17 in 2000, 13 against 16 in 2005, 13 against 16 in 2010, and 12 against 15 in 2015. This finding strongly confirms the causality found in the *Journal of Democracy* article mentioned at the beginning, namely that democracy breeds democracy and that authoritarianism breeds authoritarianism.

This brings us to a fourth and related issue, namely the impact of foreign aid on domestic political evolutions. Dutta *et al.* argue that aid neither improves nor deteriorates governance in recipient countries, but that it essentially amplifies recipients' existing political-institutional orientations. In their words, 'Aid makes dictatorships more dictatorial and democracies more democratic'.<sup>74</sup> If correct, their statistical analysis tends to show that aid to authoritarian governments is likely to enhance the regime's oppressive capacities rather than further democratization. Both levels, the international and the domestic ones, would therefore seem to reinforce one another. Reverting to the term limit issue, the lukewarm response by the donor community to all sorts of overstayings can only reinforce autocrats in their resolve to hang on. This occurs despite the fact that, following Maltz mentioned earlier, term limits are an appropriate tool for the application of strict conditionality policies.

74. Nabamita Dutta, Peter Leeson and Claudia Williamson, 'The amplification effect: Foreign aid's impact on political institutions', *Kyklos* 66, 2 (2013), pp. 208–228.