PREVENTING THE VIOLATION OF TERM LIMITS
IN LOW- AND MIDDLE-INCOME DEMOCRACIES

1. Introduction

The gulf in living standards between high-income and low- and middle-income countries is attributable in large measure to differences in the quality of governance between these groups of nations. Poor quality governance is often accompanied by corruption, stagnant growth and development, and political instability. In electoral democracies, this degradation often takes the form of the consolidation of power by democratically-elected presidents through the alteration, extension, or violation of constitutional term limits. In recent years, there has been an alarming trend of term limit violations, particularly among the leaders of Latin American and African countries.

This paper reviews the current literature on presidential term limits and presents an analysis of a unique database on term limit violations. The arguments for and against presidential term limits are outlined, along with the conclusions of several empirical studies on the subject. The summary statistics for the database are presented along with the implications of these findings. An initial analysis tests the effects of term limit violations on a number of key political and economic variables. The course of future research focused on preventing violations of term limits, yet to be conducted, is laid out in the final section.

2. Research Questions and Hypotheses

An initial and foundational step in the process is to ascertain the specific empirical effects of term limit violations. While much of the literature claims that these violations are detrimental, as demonstrated in the Theoretical Arguments for Term Limits section below, it is an entirely different proposition to establish an empirical correlation. In doing so, I seek to demonstrate that term limit violations are in fact associated with the decay of governance, political rights, and civil liberties as well as the degradation of economic growth, income per capita, and investment. To that end, I have developed the following research question:

*RQ1: What are the political and economic effects of presidential term limits violations in low- and middle-income democracies?*

If term limit violations are indeed shown to be detrimental to political and economic variables of interest, it then follows that we should seek to prevent them. Several factors have been posited in the case study literature to help prevent the violations of term limits including strong opposition parties, free media, and independent judiciaries and legislature, among others. By examining the key historical cases of successful term limit violations alongside attempted but unsuccessful violations, we can look for patterns to discern which factors are most likely to prevent presidents from prolonging their stay in power. With this result in mind, I have developed the following research question:
RQ2: What are the key factors in preventing the violation of presidential term limits in low- and middle-income democracies?

Having studied the literature and examined numerous cases, it is my belief that the empirical results will show a demonstrable correlation between violations of presidential term limits and the degradation of certain key political and economic indicators. Because these violations erode the quality of democracy and the conduct of and confidence in the economy, I expect to see poorer performance among variables that would be directly affected by such consolidations of power and challenges to democracy. The effects may manifest in indices of human rights and civil liberties or lagging economic growth and FDI that does not keep pace with countries without such violations. In this vein, I propose the following hypothesis:

H1: Violations of presidential term limits will be associated with poorer relative performance in key political and economic indicators.

I also believe that there are certain key institutions or factors that may, in combination, prevent violations of presidential term limits in low- and middle-income democracies. Where these institutions are strong, it is less likely that term limit violations will occur; where they are absent, I believe that we will witness greater prevalence of these contraventions of the constitutional order. As such, I offer the following hypothesis:

H2: The combination of an independent judiciary, a strong opposition party, and a vibrant civil society will prove most effective in preventing the violation of presidential term limits in low- and middle-income democracies.

3. The Term Limits Literature

“History has shown us that if you let a person stay for a long time, that person wields a lot of power. He holds the purse strings of the nation because government is the biggest employer; it is the paymaster and it is difficult to say that people are free to make decisions on their own...One cannot anoint oneself in perfume but be surrounded by garbage and expect to smell good.”

- Anderson Mazoka, Zambian presidential candidate¹

“The problem of Africa in general and Uganda in particular is not people, but leaders who want to overstay in power which breeds impunity, corruption and promotes patronage....For us in NRM/A, we shall be here for only four years, after which we shall hand over power to a free and fairly elected civilian government.”

- Yoweri Museveni, President of Uganda, 1986-present, Inaugural Speech²

Research shows that the longer a leader remains in the power, the worse the results become for governance, civil liberties, and human rights. In an ideal world, we would not need artificial constraints that mandated when elected leaders would be forced to leave power. Sage, respected leaders, in the mold of George Washington, would give up power willingly and at the appropriate time in order to preserve the charter and character of their nation’s democracy. Sadly, historical experience teaches us that this is not always the case. In his seminal 2004 article “Democracy and Economic Development,” Adam Przeworski demonstrated that no democracy that has surpassed a GDP per capita of over $6,000 has ever lapsed into dictatorship. However, numerous low- and middle-income democracies below that threshold have reverted to dictatorships after popularly-elected leaders consolidated and then refused to cede power at the appointed time, often altering or violating constitutional term limits in the process. Because of the increasing frequency and potentially profound political and economic consequences (both described in the Preliminary Findings section) of these term limit violations, it is imperative that we understand their impact as well as the factors that are likely to prevent them.

The Broader Governance Literature

Term limits are a niche but important part of the broader universe of governance, an oft-used, catch-all subject that has garnered considerable interest over the years from academics and policy makers alike. There are numerous different definitions of governance and exactly what it incorporates, but for my purposes I will use the United Nations Development Programme’s fairly traditional, inclusive version: “the exercise of economic, political and administrative authority to manage a country’s affairs at all levels. It comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.” Governance, therefore, is not only the exercise of authority, but also the way in which that authority is exercised and the various groups that play a role in its administration throughout the different segments of society.

Effective governance in democratic states is therefore of great importance because it determines a government’s ability to deliver services, adjudicate disputes, and uphold the rule of law. In well-run states, government capacity is high and the active participation of civil society both aids and monitors the implementation of policies and services. This symbiotic relationship often breaks down in states with less capacity or transparency, as the government and civil society are often at odds over the use and distribution of public funds or the exercise of state power. Perhaps no place is more indicative of the pervasive impact of governance than on the island of Hispaniola, home to both the Dominican Republic and Haiti. Numerous studies have examined the sources behind the divergent fortunes of these two neighbors that boasted

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2 Dulani, 2011, p. 10.
3 Zamfir, 2016.
approximately the same per capita GDP in 1960, with most concluding that it can be explained by the gulf in governance\textsuperscript{5} and policy.\textsuperscript{6} Reliable if unspectacular governance has allowed the Dominican Republic to achieve middle-income status by virtue of reasonable government/societal performance while Haiti remains mired as a low-income country in no small part to its dismal record in this regard. Governance, as witnessed in this and other examples, can have tremendous impact on a range of key outcomes and therefore merits the continued scrutiny it has received in academic and policy circles.

Given that term limits are a part of the broader universe of governance, the issue of the measurement of the impact of the former is therefore necessarily connected to the measurement of the latter. The problem of how best to measure governance has been the subject of considerable interest and debate. Because governance is by its nature a somewhat nebulous concept, there is undeniable subjectivity in both its definition and its measurement. Moreover, the way in which governance is defined will necessarily dictate the way in which it is measured. Many measures of governance, such as the World Bank’s Worldwide Governance Indicators (often perceived as the industry standard), include indicators of democratic accountability, such as voice and transparency. This view presupposes that good governance and democracy are fundamentally linked. Most alternative measures of governance, such as those provided by Bertelsmann, The Economist, or Polity, are all intertwined with indicators of democracy as well. Critics of this approach, however, have not accepted the compulsory connection between democracy and good governance, contending instead that factors such as performance, capacity, and autonomy should be the principle yardsticks by which governance is measured. Fukuyama, in particular, illustrates that some of the World Bank’s criteria, such as political stability and lack of violence, could just as easily appear in a totalitarian state such as North Korea as in an advanced democracy such as Denmark.\textsuperscript{7} The connection between democracy and governance is a subject that we will return to in examining the effects of presidential term limits.

In refocusing on the subject of term limits, it is widely believed that these constitutional safeguards reinforce the rule of law and therefore good governance. The research of Posner and Young, Corrales and Penfold, and Zamfir\textsuperscript{8} all support this connection. The importance of a government’s ability to uphold term limits is perhaps best exemplified in the contrasting cases of Colombia and Venezuela since the beginning of the 21\textsuperscript{st} century. In Colombia, Alvaro Uribe’s 2010 bid to change the constitution to allow himself a third term was denied by the constitutional court; that country then transitioned successfully to new leadership and has maintained a positive growth trajectory. Venezuela, on the other hand, has become a cautionary tale. Hugo Chavez, initially rebuffed in his attempts to abolish term limits, was eventually successful in doing so in 2009 and was thus able to continue implementing his “Bolivarian socialism” platform that has

\textsuperscript{5} UNEP, 2013.
\textsuperscript{6} Jaramillo and Sancak, 2007.
\textsuperscript{7} Fukuyama, 2013.
led to fiscal deficits, runaway inflation, and rampant crime even after his death in 2013. Two neighbors, featuring initially similar demographic and economic baselines, headed in opposite directions in no small measure due to the respect for and violation of presidential term limits. I will examine this critical case in greater detail in a subsequent paper that details the specific ways in which term limits contributed to the divergent development paths of current-day Colombia and Venezuela.

The History of Term Limits

Term limits are by no means a new phenomenon, having been both debated and implemented as far back as ancient Greece. Athenian democracy embraced the use of term limits for certain offices, as did the Roman Republic. Both of these foundational civilizations recognized the inherent danger to democracy of a ruler or certain officials consolidating power and remaining in office indefinitely. No less an authority on politics than Aristotle weighed in on the subject, asserting that “a man should not hold the same office twice…and that the tenure of all offices should be brief.” As the idea and practice of democracy resurfaced with the dawn of the Enlightenment, so too did the issue of term limits. In crafting the United States Constitution, Thomas Jefferson and Alexander Hamilton, as was their wont, clashed over the inclusion of presidential term limits. Jefferson, dismayed at the exclusion of term limits in the Constitution, wrote to James Madison in 1787 that “I dislike, and greatly dislike, the abandonment in every instance of the necessity of rotation in office and most particularly in the case of the President.” He believed that it was a failing of the Constitution that it included no specific provision on presidential term limits, which had been debated during the Constitutional Convention of 1787 but eventually left out. Alexander Hamilton, defending this decision, contended that the experience of the executive matters and that the state needed capable leaders in times of emergency or during the critical times when the state is forming and democracy is nascent. These arguments, now 230 years old, echo into the present.

Other famed figures of the Enlightenment and the wars of revolution and liberation also weighed in on the subject. The British political philosopher David Hume asserted that governance requires experience and that people get better over time. While this is undoubtedly true of most jobs and positions, none other than The Liberator, Simon Bolivar, claimed that

“Nothing is more perilous than to permit one citizen to retain power for an extended period. The people become accustomed to obeying him, and he forms the habit of commanding them; herein lie the origins of usurpation and tyranny….Our citizens must with good reason learn to fear lest the magistrate who has governed them long will govern them forever.”

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9 Aristotle, Politics, Book Six, Part II.
10 Coates, 1996.
11 Ginburg, Melton, and Elkins, 2011.
The fact that Bolivar would later reverse course on the issue of term limits once in office only serves to underscore the importance of his point.

In the 1990s, what Samuel Huntington called the “third wave of democracy” rekindled the debate over term limits. As developing nations emerged from the shadows of the Cold War, they began to democratize and redesign their constitutions. Because of the traditions of *caudillismo* in Latin America and “the Big Man” syndrome in Africa, democratic actors in these countries sought constitutional protections to prevent the executive consolidation of power. Latin America had long had term limits, which were often ignored when convenient, while African experience with this mechanism was less common. Term limits have now in fact become the norm in presidential regimes throughout the world. In a sharp turnaround, 33 of the 48 constitutions enacted in sub-Saharan Africa during the 1990s included presidential term limits, as compared with only six beforehand. In Latin America, meanwhile, the constitutional challenges of prominent leaders such as Argentina’s Carlos Menem and Peru’s Alberto Fujimori gained considerable attention and were met with either political or popular resistance; as a result, these leaders were often forced to compromise (as in the case of the former) or pushed out of power entirely (as in the case of the latter).

Despite their uneven record of success in the developing world over the last thirty years, support for term limits remains high. A 2013 Afrobarometer survey conducted in 34 countries with presidential or semi-presidential regimes throughout Africa found that approximately 75% of people favor a two-term presidential limit. Even in a country such as Uganda, which voted to abolish term limits in 2005, 85% of the population supports the concept (see Figure 1).

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14 Zamfir, 2016.
15 Dulani, 2015.
In Latin America over the last two years, the citizens of both Bolivia and Ecuador have pushed back against popular presidents (both of whom had previously extended their terms) and rejected the abolition of term limits, the former through a national referendum and the latter through popular protests. The presidents of these respective countries have accordingly pledged to step down at the end of their current terms. Term limits continue to be contentious, as their history shows, but the specific empirical effects of violations have not conclusively been established. However, the research in this paper will aim to pinpoint some of the associated characteristics and highlight the political and economic effects.

**The Theoretical Arguments for Term Limits**

While scholars and policy makers alike have long advocated for presidential term limits, the most convincing arguments continue to center around the check on personal ambition, the inherent advantages of incumbency, the promotion of democracy and democratic institutions, and the need for systemic stability. Term limits, as Jefferson and others have argued, represent a necessary curb on the ambitions of the executive. They stand as a bulwark against presidents becoming dictators and the dangerous consolidation of authority that often results from individuals remaining in power. Term limits act as a failsafe when highly influential or charismatic leaders seek to prolong their stint in office. Even so august and respected a leader as Linz, 1990.

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16 Linz, 1990.
Franklin D. Roosevelt, the thinking goes, prompted the 22nd Amendment barring a US president from serving more than two terms. One of the chief dangers of presidentialism, according to Juan Linz, is the tendency of the president to conflate his/her elected position with the will of the people. According to this line of thinking, effective term limits ensure a hard stop to a president’s time in office and apply the brakes on the dangerous accumulation of power.

An additional hypothesized benefit to term limits is the promotion of the integrity of institutions and democratic consolidation through the consistent application of the rule of law. In this capacity, they support adherence to constitutional norms in elevating the state over the individual. Term limits, in theory, reinforce institutional rules and counter personalism. Supporting this view, sub-Saharan African leaders in particular have been more beholden to the formal rules of their respective constitutions and less reliant on extraconstitutional means during the “third wave”, even if they may still alter the terms.17 These safeguards are designed to promote a party-based, rather than a personality-based democracy with a healthy turnover in leadership. In developing countries, where the personalization of politics has often trumped faith in institutions, term limits can “create a window of opportunity for many ordinary citizens to ascend to public office.”18

While several presidents have argued that term limits undermine policy continuity and therefore development, academics have long lauded the benefits of alternation in power with regard to stability. Having a predictable pattern to electoral change is, they contend, a good thing for democratic consolidation and stability. Samuel Huntington argued that successful democratic consolidation requires two peaceful turnovers of authority.19 Having new blood in office ensures that new ideas will come to the forefront and different constituencies will be represented. In Latin America, the steady parade of ex-presidents rotating in office in some countries (e.g., Chile, Peru) may in fact guarantee elite survival rather than elite renewal and bring about the subsequent narrowing of politics.20 Hard term limits can potentially prevent this elite capture while simultaneously providing the opposition with an opportunity to contest elections and possibly gain the highest office. This openness and opportunity discourage an opposition movement from resorting to unconstitutional actions including violent attempts to overthrow the government.21 If, however, the opposition feels that it has no legal recourse to attain power, it is much more likely to resort to violence, which can be fatal for stability and prosperity.

A further compelling argument put forth in favor of term limits is the considerable incumbency advantage of sitting presidents. On a basic public relations level, the president is

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17 Posner and Young, 2007.
18 Dulani, 2011, p. 95.
20 Corrales and Penfold, 2014.
simply more familiar to the populace and has greater name-brand recognition. People are often tempted to stick with what they know. Furthermore, allowing for non-consecutive re-election, as some Latin American countries do, may also favor known candidates and crowd out newer leaders, as discussed in the previous paragraph. From an economic perspective, incumbent presidents may have access to substantial public resources, including money to fund their re-election campaigns and state-run media to promote their candidacy and agenda (Baker, 2002). Many presidents in developing countries, in order to ensure popular support, also establish broad patronage networks that leave large swaths of the population dependent upon their largesse and continuation in power.\(^{22}\) The collective impact and weight of these factors often make it difficult to unseat an incumbent without the artificial constraint of term limits.

Finally, there is the supposition that politicians in their final term, freed from the constraints of re-election, are free to promote the policies they feel are in the best interests of the nation. This effect, known commonly as “lame-duck syndrome”, may result in better policy because of the prioritization of the public welfare over more myopic political concerns. It bears mention though that this argument has an easy and natural, if cynical, counterargument in that politicians are just as likely to pursue their own self-interests as those of the state during their final term in office. One study has shown that a change in party control of Congress (i.e., a lame-duck legislature) in the United States affects legislative output, but the author makes no value judgment as to the nature of the policy.\(^{23}\)

**The Theoretical Arguments against Term Limits**

Despite the numerous compelling theoretical arguments in favor of presidential term limits, plausible arguments against their universal implementation exist as well. The main reason offered against term limits is that they are inherently anti-democratic, but other arguments assert that they undermine stability and continuity, lead to a lack of accountability, and, in the extreme, may foment constitutional crises. Moreover, having term limits in place is no guarantee that former presidents will not continue to yield considerable influence—as when Vladimir Putin assumed the position of prime minister in Russia—or that a rotation in the ruling party necessarily occurs if term-limited elections are contested—a fallacy to which the PRI’s monopoly of power in Mexico during the better part of the 20\(^{th}\) century testifies.\(^{24}\)

The most fundamental argument against presidential term limits is that it may controvert the will of the democratic majority. If the people want to retain a president, the argument goes, they should have the ability to do so in an election unconstrained by constitutional mandate or imposition. Taking the decision out of the hands of the electorate presupposes that they are not qualified or politically mature enough to make this decision themselves. The populace, if it so

\(^{22}\) Baker, 2002  
\(^{23}\) Yuravlivker, 2013.  
\(^{24}\) Dulani, 2011.
desires, should have the ability or option to change course downstream and re-elect a president or even change or alter term limits if there is sufficient support.25

There is also the contention that maintaining the same leader or administration in power provides a necessary source of policy stability and continuity, especially in developing democracies that tend to be more fragile. It is undoubtedly true that presidents, like anyone else, improve at their jobs over time, and that experience is often the best teacher. Indeed, in Mexico and South Korea, both of which have strict one-term presidential term limits, critics charge that presidents are effectively lame ducks upon entering office and may be unaccountable to the electorate in the final year of their term, making it difficult to achieve concrete gains. Frequent executive turnover may also promote unnecessary policy fluctuations. While the shortcomings of this argument were addressed in the previous section, there have been noteworthy examples of long-serving elected leaders who achieved impressive development gains. Singapore’s Lee Kwan Yew and Rwanda’s Paul Kagame spring immediately to mind. However, even the most ardent opponent of term limits would likely agree that these transformative leaders have been the exception, rather than the rule. Furthermore, the conflict and violence that result from the attempts to unseat long-standing rulers also undermine this argument.26

Finally, there is the issue of electoral constraint and potential constitutional crisis. If a sitting president is unconstrained by the desire or need to get re-elected, there is the danger that they may seek to promote their own narrow personal gain or wealth during their final term. Knowing that the state is often the principal source of revenue in developing countries, they may attempt to squeeze all the possible benefits out of the office of the presidency before exiting the position. Additionally, with a final term on the horizon, a constitutional crisis might arise. Alexander Hamilton argued that leaders might provoke such a constitutional crisis in order to remain in power, and Gouverneur Morris (another founding father and a signatory of the US Constitution) claimed that leaders might resort to violent means to stay in power. Both of these actions could easily destabilize a fragile government.

The Evidence on the Impact of Term Limits and Term Limit Violations

In assessing the arguments of these opposing theoretical camps, the balance of the empirical evidence should weigh heavily. Numerous research studies exist that provide this empirical evidence, either directly or indirectly, on term limits including papers on political stability, the benefits of rotating leadership, the advantages of incumbency, and the reasons that leaders respect or violate term limits. Before addressing the individual research trends, I first present a generally overview of the empirical literature.

26 Zamfir, 2016.
On Political Stability

On the subject of political stability, Przeworski’s landmark study “Democracy and Economic Development” examines the commonly-held perception that dictatorships outperform democracies where development is concerned. The conventional wisdom holds that dictatorships, due to their longer tenure and ability to mandate certain economic, investment, or infrastructure policies, tend to produce higher growth. In a comparison of democratic versus dictatorial economic performance from 1951-1999, Przeworski finds this claim to be unsubstantiated. He performs regression analysis on his historical dataset to establish that neither investment nor capital stock growth was higher under dictatorships, and, moreover, that per capita income actually grew faster under democracies (due to slower population growth in democratic regimes). Dictatorships, he demonstrates, do not necessarily produce better economic results than democracies; therefore, there is no reason to “sacrifice democracy at the altar of development.” Within democracies, he further debunks the argument that changes in chief executives impair stability and therefore growth and development; changes in chief executive only undermine economic growth in dictatorships, not democracies, he finds. These conclusions undercut the political stability argument of those who oppose presidential term limits on the grounds that longer-serving leaders (be they autocratic or democratic) promote stability and hence growth and development.

Democracies have come to be associated with higher incomes, with the vast majority of high-income countries being full participatory democracies. As a result of the association of democracy with higher incomes, Przeworski claims that people will respect electoral results if they believe that they have a chance to gain power in future elections. This idea highlights the reason that respect for term limits is critical: if there is even a possibility of an opposition victory, “the mere prospect of alternation in office can avoid violence” if people have a vested stake in the system. The likelihood of victory still matters though—if the system is perceived as rigged, then the possibility of overthrow becomes more rational and likely. Still, as Posner and Young point out in their 2007 paper “The Institutionalization of Political Power in Africa,” the increasing reliance of African leaders on institutions over extraconstitutional methods to extend their terms in office has improved stability and predictability and augurs well for the future of democracy on the continent. Posner and Young use observational data to create an updated dataset from 1960-2005 that details the ways in which 227 sub-Saharan African leaders left power.

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Figure 2: How African Leaders Have Left Power, By Decade

According to their data, by the 2000s, African leaders were as likely as leaders in the rest of the world to leave power by regular vs. irregular means.\(^{30}\) Faith in the democratic system matters, and their data indicate that adherence to democratic norms and institutions increasingly matter as well.

*On the Benefits of Rotating Leadership*

Numerous research studies demonstrate that the practice of rotation in leadership has proven democratic benefits. Alesina et. al use robust regression techniques on a dataset from 1960-1985 to conclude that while coup d’états do reduce economic growth, “routine” turnovers of leadership do not.\(^{31}\) Taking this logic one step further, Przeworski, again using regression analysis on the aforementioned dataset, concludes that democracies are in fact more likely to survive when heads of government change every few years.\(^{32}\) Zamfir uses recent data (1990s-2015) on sub-Saharan African countries from several widely available sources (the Ibrahim Index of African Governance, Reporters Without Borders, and Freedom House) to support the benefit of rotation in office. He finds that there is a negative correlation between length of time in office and political and civil rights; he also finds a similar negative correlation between length of time in office and governance and press freedom scores.\(^{33}\)

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30 Posner and Young, 2007.
31 Alesina et al., 1996.
33 Zamfir, 2016.
As leaders stay longer in power (shown on the horizontal axes), scores for governance, civil liberties, human rights, and press freedoms tend to deteriorate (shown the vertical axes). Collectively, these results undermine the argument that term limits are inherently destabilizing, establish the importance of preventing violations to maintain civil liberties, and support the broader enforcement of presidential term limits.

A consistent rotation in the executive, however, often only occurs because leaders are compelled to step down as a result of term limits. Baturo analyzes historical records from 1960-2008 and cites the critical impact of term limits in assuring new candidates have a legitimate chance to win elections:

“in 60 percent of elections without incumbents, the latter did not run because of term limits, while in 38 percent they did not run because they died or exited ‘irregularly’, which suggests that term limits were the most important obstacle preventing them from standing for re-election.”

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Figure 4 shows that the incorporation of format terms limits into the constitution (whether respected or not) has dramatically increased over the last fifty years, as has the proportion of countries in which formal term limits are actually in effect. When coupled with Cheeseman’s finding that in Africa “opposition parties are almost four times more likely to win elections when the sitting president does not stand,” the importance of term limits in assuring a healthy rotation in the highest office becomes clear. Additionally, when presidents honor term limits, their successors are more likely to do the same. Dulani traces this path dependency in his 2011 dissertation, using regression analysis on his dataset of sub-Saharan African countries from 1990-2009 to show that the established precedent of alternation in office is significantly associated with the entrenchment of the institution of term limits.

On the Advantages of Incumbency

There is a considerable empirical literature that establishes the overwhelming advantages that incumbent candidates, and presidents in particular, enjoy in elections throughout the world. In the United States, Lee used a regression discontinuity analysis to show that incumbency had a significant causal effect, raising the probability of re-election by 0.40 to 0.45. In the developing world, with the deck stacked even further in favor of incumbents, this probability is likely to be even greater. Posner and Young, in compiling their historical database of potential term limit violations, found that incumbents in Africa won re-election more than 85% of the time. Using his more recent 2016 dataset, Zamfir noted that “since independence, only 18

35 Cheeseman, 2010, p. 1
36 Dulani, 2011.
38 Posner and Young, 2007.
African heads of state have lost re-election—a small proportion on a continent with 54 states,” and these eighteen leaders came from only eleven countries. The statistics on incumbency in Latin America are no more encouraging: incumbents won 90% of the time under consecutive re-election and 83% of the time under indefinite re-election. Corrales and Penfold’s regression model estimates that “the right to re-election increases the electoral advantage of incumbents” by approximately 60%. While they do not find any particular electoral advantages for former presidents in countries that allow non-consecutive re-election (just under half of all Latin American democracies with term limits), the practice of bringing back former presidents may result in elite capture of the presidency and “crowding out” of newer candidates. Given that Latin America has far and away the highest incidence of this constitutional quirk of any other region, it is not surprising to see a number of ex-presidents return to office as in Bolivia (de Lozada in 2002), Peru (Garcia in 2006), Nicaragua (Ortega in 2007), Chile (Bachelet in 2014), and Uruguay (Vazquez in 2015), among others.

Beyond the mere stagnancy of having the same leaders in office, there is the more salient issue of governance performance. Corrales and Penfold find that countries with non-consecutive re-election perform significantly better on the World Bank’s Worldwide Governance Indicator scores relative to countries that feature other types of electoral designs with less restrictive rules. Countries without any limits on consecutive election scored the worst among all types of presidential regimes. While this finding is not enough to prove causation, the correlation between more restrictive term limits and better governance scores is telling.

On the Reasons That Leaders Respect Term Limits

Several studies have sought to determine the factors that influenced leaders to respect term limits. Posner and Young, based on their observational dataset in Africa, argue that public opinion, age of a leader, and foreign aid dependence are the most salient variables. Analyzing their data set from 1990-2005, they find that leaders with higher margins of victory in the previous election were more likely to test term limits. They also posit that younger leaders would be more likely to test term limits because they would expect to benefit more from being in office and may have a greater fear of prosecution for potential crimes given a longer life expectancy post-presidency; leaders who sought a third term in their sample had an average age of 60 compared to 66 for those who did not. Finally, Posner and Young cite foreign aid dependence as an important predictor of term limit violation. They claim that higher dependence on foreign aid makes countries more susceptible to donor pressures to respect constitutional norms. The attempted violators in their sample had a median aid as a percentage of GDP of

39 Zamfir, 2016, p. 3.
40 Corrales and Penfold, 2014.
41 Ibid, p. 158.
42 Corrales, 2008.
43 Corrales and Penfold, 2014.
44 Posner and Young, 2007.
7.3% while those presidents who respected term limits averaged 12.1%. While observational data is important, a more quantitative approach could reinforce these hypotheses. Thankfully, Dulani conducted just such a similar study of African leaders with a larger database and a more rigorous, regression-based approach and found the statistically significant third-term determinants to be a precedent of alternation, government legislative majority, ethnic fragmentation, legislative fractionalization, a president’s military background, and foreign aid dependency. Dulani found no such connection between either the share of vote in the previous election or age of the president and the seeking of a third presidential term.

**Conclusion: Reconciling the Two Arguments**

Despite valid theoretical arguments on both sides of the term limit debate, the weight of the scholarship falls clearly on the side of the pro-term limits camp. One could argue that the majority of political scientists, who conduct these studies, themselves support term limits, but the overwhelming nature of the empirical results speak volumes. Term limits do seem conclusively to promote stability and good governance and therefore democratic consolidation. Democratic consolidation, however, involves more than just holding elections, and many elections, particularly in Africa, do not qualify as “free and fair.” Huntington’s two-turnover test still applies, and the measure of mature democracy is when those in power accept the rules of the game as legitimate and unalterable.

Term limits may represent a lack of faith in the electorate, but many democracies—African ones in particular—may not be mature enough to have complete electoral freedom. The incumbency advantages are simply too strong. Term limits themselves do not produce democracies, rather they foster an environment in which they are more likely to survive. Where term limits are repealed, it is often in an undemocratic, corrupt process. Bribery, intimidation, and influence peddling are often employed. The paradox then, is that restricting democratic choice may allow for greater democratic consolidation. The weight of the existing scholarship clearly appears to favor term limits.

**Limitations of the Literature**

While the theoretical and empirical arguments have been made that term limits promote alternation in power, provide more space for opposition parties and candidates, and open up the political space, the specific political and economic consequences of term limit violations remain to be established. I did not find any before and after comparisons to measure the empirical effects of term limit violations. If we are to advocate against them, our arguments would be strengthened with specific, demonstrable proof of negative effect. There is also the question of which institutions most effectively prevent the violations of term limits. While there are several good small-N case studies available, such as the dissertations by Armstrong and Dulani, I could

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45 Ibid.
46 Armstrong, 2011.
47 Ibid.
48 Ibid.
not find any medium or larger cross-country studies that might delve into the comparative cases to find commonalities and patterns in the protection of term limits. It is on these two general subjects that my research and results will shed further light. There are also interesting questions that remain unanswered regarding the ideal number of terms as well as the ideal length of presidential terms, but I will leave those for others to answer.

4. Sources of Data and Data Collection Methods

To create my database, I aggregated across available secondary sources (online election databases, official diplomatic working papers and country profiles, and news articles, among others) to compile an original dataset of all potential and actual term limit violations in all regions of the world within a given period of time. To bound the cases in question, I narrowed the time period to the post-Cold War Era. The rationale is that before 1989, the US and the Soviet Union propped up various dictatorships or illiberal regimes solely in order to gain their favor and win them over to their respective sides. After the end of the Cold War, this practice diminished considerably. At the same time, not coincidentally, Huntington’s third wave of democracy began, ushering in many new presidential democracies, many of them incorporating term limits into their constitutions.

5. Methods

I will employ a mixed methods approach that uses country and regional variance analysis, event analysis (a type of difference-in-difference methodology), case studies, and qualitative methods. I compare the short- and medium-term differences in key political and economic metrics for countries that experience term limit violations with the averages of countries in the same region during the time period in question as well as with the countries that came up against term limits but did not experience violations. In a separate paper (available upon request), I use case study methodology to delve deeply into two critical cases—Colombia and Venezuela—that can be used to illustrate important lessons about countries that have or have not had presidential term limit violations. A final paper, yet to be written, will use qualitative comparative analysis to draw inferences from patterns in the data to determine the set of key factors that may prevent term limit violations.

For the results cited in this paper, I used my original database to conduct paired t-tests for several key political (indices of civil liberties, human rights, and governance scores) and economic (GDP per capita PPP, economic growth, and foreign direct investment) variables between the states that had violations of presidential term limits and their respective regions for the years of the actual violations. By comparing the medium (+/- 5 years) and short-term (+/2 years) differences between these countries and their regional counterparts, we can measure any statistically significant variation from the regional averages. I chose the regional comparison in order to control for regional political and macroeconomic trends, as well as to account for differences in income and development levels among different regions. This analysis highlights
any key discrepancies between the countries with term limit violations and their regional counterparts and makes the empirical case for the hypothesized negative impact of the violation of term limits, though causality is difficult to establish.

The next step will be to analyze the broader data set of instances of violations and non-violations using a more rigorous methodology. I have examined different methodologies for studying the effects before and after certain events, including difference-in-difference methods. Among these methods, I believe that event analysis will best allow me to show these non-temporal differences most effectively. This approach is outlined in “The Aftermath of Civil War” by Chen, Loayza, and Reynal-Querol, and I intend to use their methodology to try to establish the political and economic effects of term limits violations using the pre- and post-event data that I have collected.

6. Preliminary Findings

Term Limit Database

To populate the database of potential violations, I had to first decide which states would be included and which states would not. All states that were classified as high income (by the World Bank), were not presidential democracies (e.g., parliamentary democracies, monarchies, or authoritarian communist states), or have never had presidential term limits were excluded. I am not concerned about term limit violations in high-income countries, as there have been no historical incidences of this, and term limit violations cannot occur where there are no presidential democracies or constitutional term limits. As stated previously, I have bounded the time period from 1989 to the present because of the better comparability of post-Cold War presidential regimes in low- and middle-income democracies.

In constructing the database, I found 129 total transitions in which a sitting president came up against a constitutionally-mandated term limit. Of these 129 transitions, there was no challenge to term limits in 79 of these cases (61.2%), a successful challenge to term limits in which the president was able to evade or abrogate term limits in 33 of these cases (25.6%), and an unsuccessful challenge to term limits in 17 of these cases (13.2%) in which constitutional term limits were upheld. While the majority of potential transitions resulted in the respect for term limits, incumbent presidents were successful in violating term limits two-thirds of the time that they attempted to do so.

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I also discovered a gradual but clear increase in the number of actual and attempted violations of presidential term limits from 1989 to 2016. The following chart shows the visible trend toward more total violations.

**Figure 5: Number of Actual and Attempted Term Limit Violations by Year**

**Results from Paired T-Tests**

As indicated in the methods section, I conducted paired t-tests on the means from the countries that experienced term limit violations and their regions of origin during the same time periods. I conducted tests on a variety of political (civil liberties, political rights, and governance) and economic (GDP/capita PPP, economic growth, and FDI) measures in the short (+/- 2 years) and medium (+/- 5 years) terms. For the political measures, I found statistically significant differences at the 0.10 level for civil liberties in the short term and political rights in the short and medium terms (using measures from Freedom House). I did not find a statistically
significant difference for governance in either time frame (using measured from the World Bank’s Worldwide Governance Indicators). For the economic measures, I found statistically significant differences at the 0.01 level for economic growth in the short term and FDI in the short and medium term (using World Bank data). I did not find any statistically significant difference for GDP per capita PPP in either time frame.

While these initial paired t-tests demonstrate that there were significant discrepancies between countries in which term limit violations occurred and their respective regions for the period in question for certain key political and economic indicators, the tests do not show causation nor are they necessarily conclusive. Further statistical inquiry using the aforementioned event analysis techniques is necessary to build a stronger empirical case to establish a causal link given the many other possible confounding variables.

7. **Future Research**

Future research will look to build upon this database to identify the factors that are likely to lead to the violation of presidential term limits in low- and middle-income democracies. In order to understand what factors are most important in preventing violations, we must have a sense of the key potential independent variables that can affect the decision to respect or attempt to alter constitutional term limits along with the factors that determine the outcomes of these constitutional challenges. Several variables, such as independent judiciaries or legislatures, vibrant civil societies, or strong opposition parties, emerged from a review of the relevant literature. These factors will be used as the main criteria through which to examine all potential cases of term limit violations.

The identification of these factors can inform decisions and priorities for pro-democracy actors seeking to prevent these violations in countries where they are at risk of occurring and allow them to increase prospects for peaceful, democratic transitions of power. For domestic actors, the results of this research will pinpoint where scarce resources can best be allocated to protect democratic institutions such as independent legislatures, judiciaries, and electoral commissions, if these are determined to be most essential. For international actors such as bilateral donors and multilateral organizations, this research can highlight which organizations and pro-democracy actors, such as opposition parties, civil society, or the media, can most effectively protect against illiberal forces and therefore merit sustained support.
WORKS CITED


