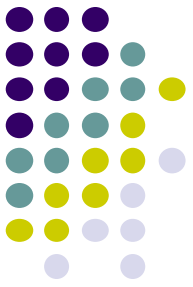


FROM ATHENS TO ZIMBABWE: The evolution of presidential term limits in historical perspective



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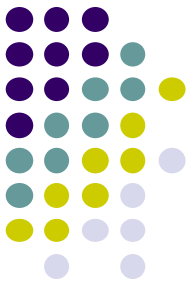
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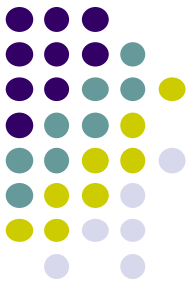
Motivation



- Presidential term limits introduced as part of the constitutional reforms of the 1990s in Africa as a way of ending history of personal rule (Baker, 2002; Von Doepp, 2002; Dulani, 2011, 2019)
- Term limits remain very popular across the globe, in Africa as well as Malawi.
- Despite their popularity, there is very little written about the philosophical foundations and historical origins of tenure limitations.
- In many instances, presidential term limits are wrongly attributed to the passage in of the 22nd Amendment of the United States Constitution that introduced a two-term limit rule on the US presidency in 1947.
- Frankly, this is also a topic I am most familiar with and can speak on with my eyes closed!

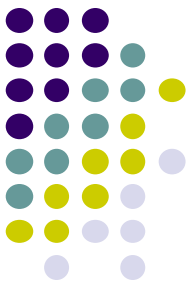


Three Questions



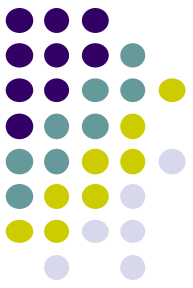
- What are the origins of term limits?
- How have presidential term limits evolved over time?
- What are the justification of these rules?

Data



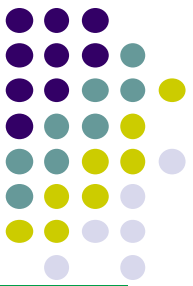
- Desk review of historical documents
- Afrobarometer surveys
- Data from the Comparative Constitutions project (<https://comparativeconstitutionsproject.org/>)
- Supplemented by original data collected between 2008-2011 in Malawi, Namibia, Uganda and Zambia

State of term limits in contemporary politics



- In the modern era, term limits are imposed on a number of elected political offices at various levels of government
 - Executives at lower rungs of government administration (about half of State Governors, Mexico, Nigeria and South Africa also impose term limits on State/ Provisional Governors) and City Mayors (all Mayors in Mexico, Colombia, some major cities in the US such as New York)
 - But by far the most common application of term limits is on the presidency. Globally, 3 in 4 presidents are subjected to term limits.

Term limits in select constitutions



Malawi



- Article 83(3) of the Constitution

“The President, the First Vice-President and the Second Vice-President may serve in their respective capacities a maximum of two consecutive terms...”

Ghana



Article 66(2) of Ghana Constitution
“

The President, the First Vice-President and the Second Vice-President may serve in their respective capacities a maximum of two consecutive terms,

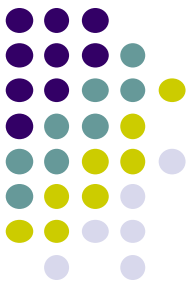
Zambia



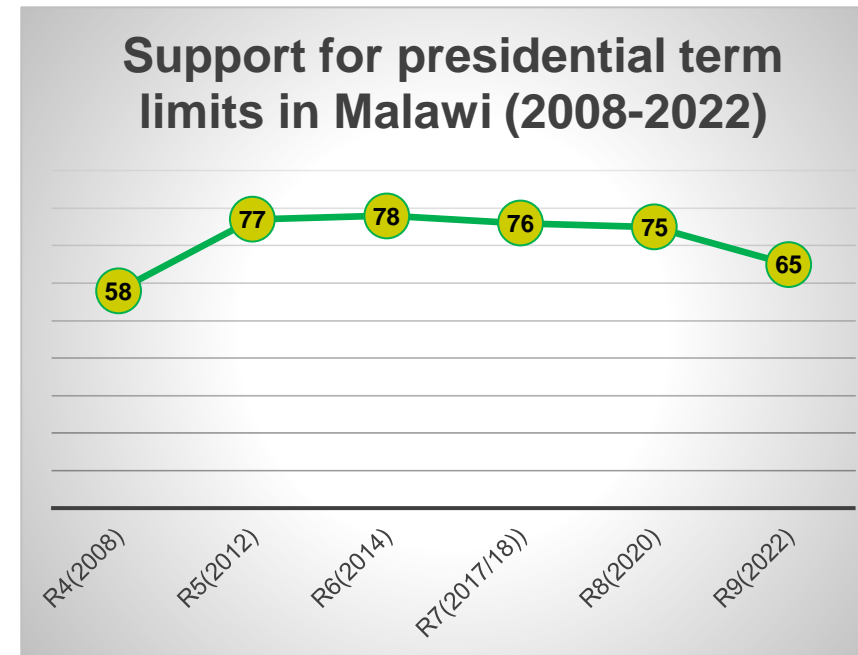
Article 106(3) of Zambia Constitution

“A person who has twice held office as President is not eligible for election as President.”

Popularity of Presidential term limits

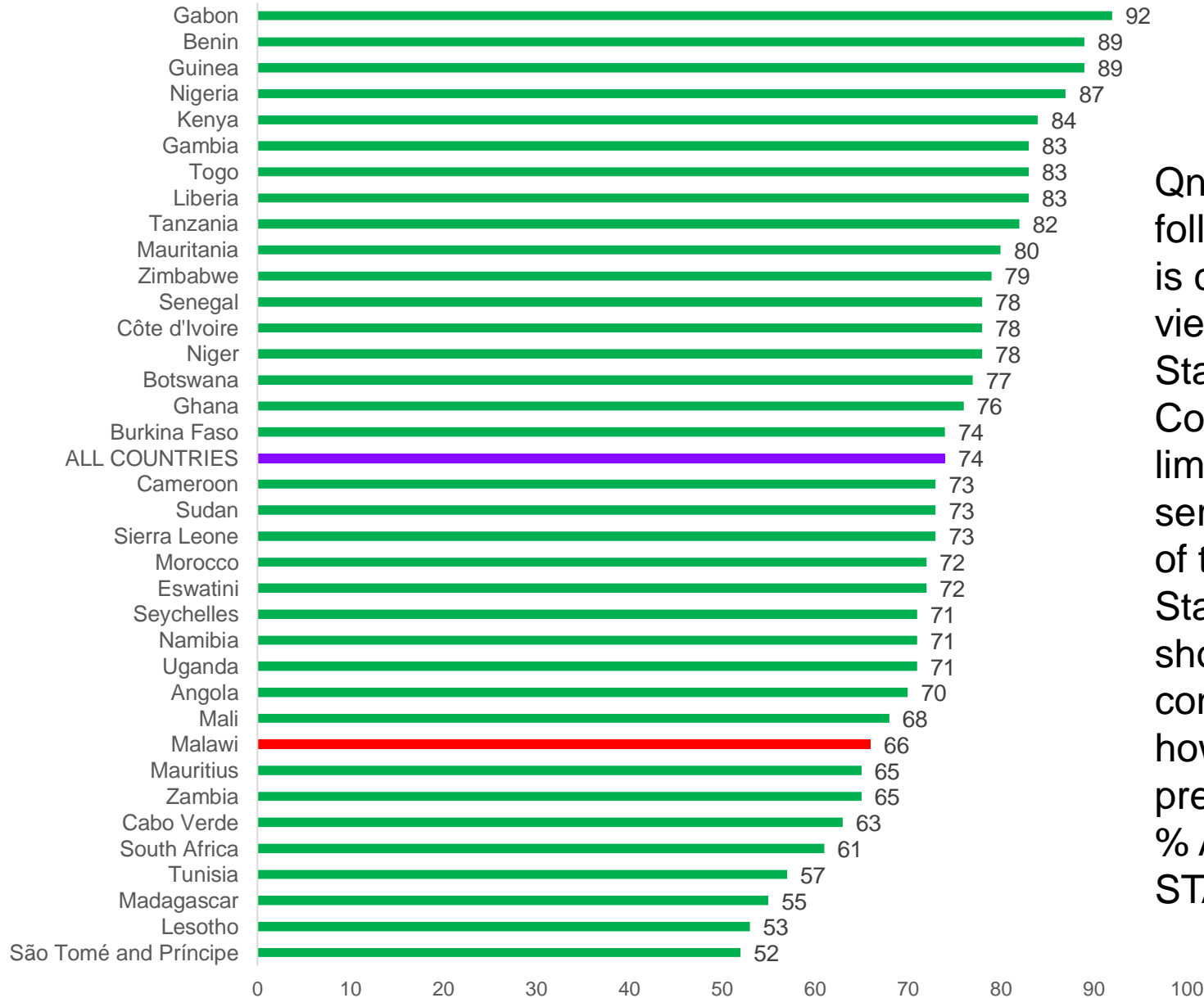
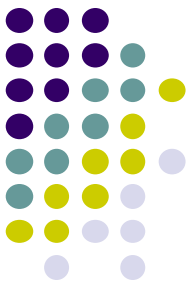


- Term limits enjoy strong public support across the globe.
 - In Malawi support for presidential term limits has averaged 72% in the 15-year period between 2008 and 2023
 - In the United States, between 70 and 80 percent of the population support limiting holders of elected public office
 - Across Africa, recent Afrobarometer survey data shows strong support for TL even in countries that do not have them.
 - Attempts to manipulate term limits have resulted in violent demonstrations, most recently in Bolivia and in several African countries, notably Burundi, Burkina Faso, Senegal, Togo, Gabon and Guinea



Support for Presidential Term Limits in Africa

36 countries | 2021-2022



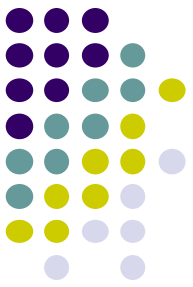
Qn: Which of the following statements is closest to your view?

Statement 1: The Constitution should limit the president to serving a maximum of two terms in office.

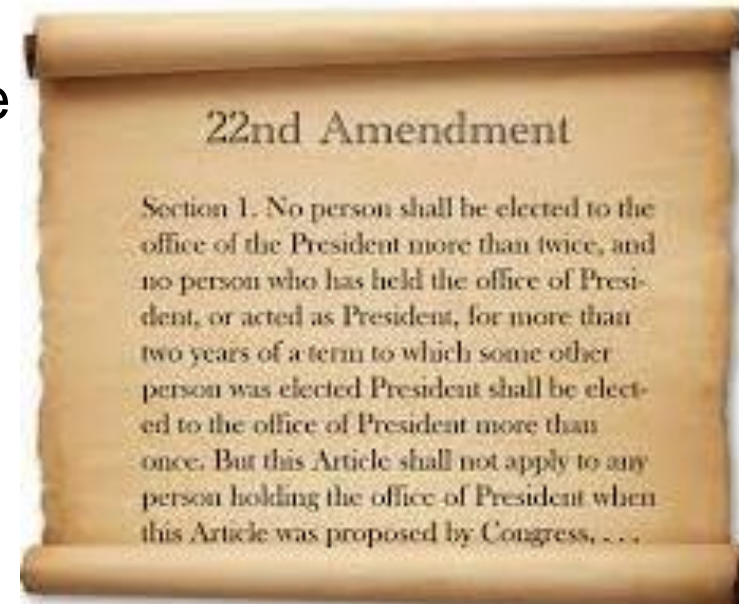
Statement 2: There should be no constitutional limit on how long the president can serve.

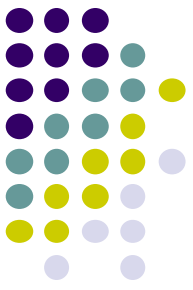
% AGREEING WITH STATEMENT 1

Origins of term limits: mistaken attribution to the 22nd Amendment of the US Constitution



- Due to the increased adoption of term limits in the period following their adoption in the US, most authors mistakenly attribute their popularization to the 22nd Amendment of the US Constitution of 1947 (see Peabody, 2001).
- The mistaken attribution might also be due to the fact that most recent uptakes of term limits follow the 2-term model of the US Constitution.
- In reality, these rules have a much longer history that not only predates the 22nd amendment of the US Constitution, but they even predate the adoption of the US Constitution itself.



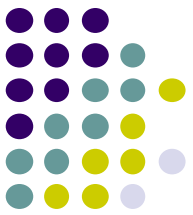


Term limits in classical Athens

- The Greeks popularized term limits as a tool for promoting leadership alternation and democratic survival.
- Aristotle made this case forcefully, arguing that
- *....the characteristics of democracy are as follows: the election of officers by all....that **a man should not hold the same office twice, or not often**, or in the case of few except military officers; that the tenure of all offices, or of as many as possible, should be brief.....*



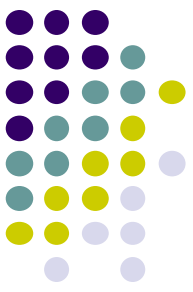
Term limits in classical Greece, cont'd



- Term limits can be traced to the 7th Century BC, when the citizens of the Greek state of **Dreeros-on-Crete** passed a law (that was cast in stone no less!) stipulating that no individual could hold the post of the state's Chief Magistrate, the *Kosmos*, until at least a period of ten years had passed.
- As early as the 6th Century BC, majority of Athenian public officials were selected by random rotary and often only permitted to serve for fixed and non-renewable, terms.
 - Among the notable examples were members of the Council of 500, the *Boule*, who were allowed to serve for a maximum of two years in one's life time.
 - The *Epistates*, who served as Chairman of the Council of 500 and presided over all Council meetings, was rotated daily and only held that office once in one's lifetime.



This has been decided by the polis: when a man has been Kosmos for ten years, that same man shall not be Kosmos. If he should become Kosmos, whatever judgments he gives, he himself shall owe double, and he shall be useless as long as he lives, and what he does as Kosmos shall be as nothing....

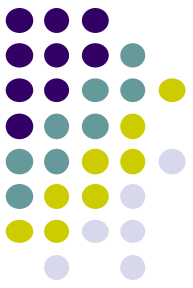


Term limits in Sparta

- In the Greek city-state of Sparta, the five-member Spartan ***Ephorate***, whose members were elected to serve as magistrates for one-year terms, were forbidden from seeking re-election in their lifetime.
- The rotation of *Ephors* was justified as part of a strategy of preventing them from behaving like Kings



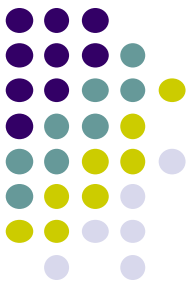
Term Limits in classical Rome



- Like their Greek counterparts, the ancient Roman Republic leaders incorporated a system of elected rulers who were subjected to strict term limits
- During the period of the Roman Republic (509 BC–27 BC), term limits were widely imposed on senior public officials as a way of preventing a relapse into monarchism.
 - For example, the two co-holders of the office of **Consul**, who served as the co-heads of the Republican government, were allowed to serve for a maximum of one-year terms after which they could not stand for re-election



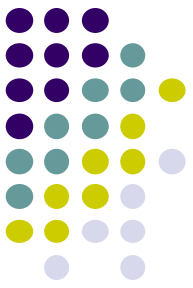
Term limits in classical Rome



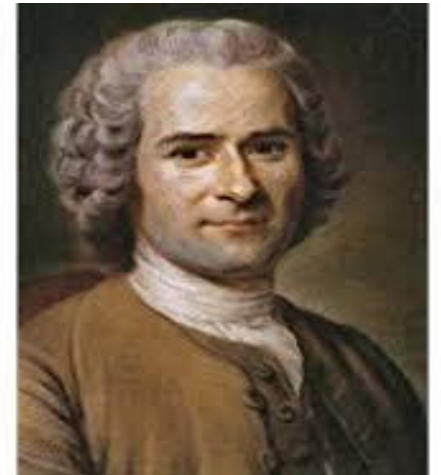
- Other public officials in the Roman republic that were limited to serving one-year terms and forbidden from being re-elected for ten years included:
 - the **tribunes** of the plebs (people's magistrates)
 - **quaestors** (who supervised the treasury and financial affairs of the state)
 - **praetors**, (who exercised magistracy powers)
 - **Censor**, (who maintained the census) – initially not subjected to formal term limits but relied on convention of serving of one term until **Gaius Marcius Rutilus** broke the tradition when he was re-elected *Censor* for a second term in 265 BC



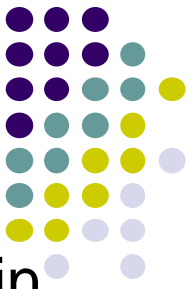
The period of dormancy of term limits in



- The widespread shift towards monarchical regimes in the early modern European era, led to the gradual disappearance of tenure limitations
- Although some of the leading thinkers of the Enlightenment period such as Voltaire, Jean-Jacques Rousseau and Montesquieu, abhorred tyranny and absolutism, they tended to prefer constitutional monarchy and the permanency of leadership that it provided over rotation.
- The idea of term limits accordingly went into dormancy until the 18th Century



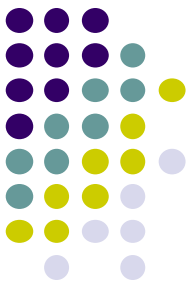
Revival of term limits in contemporary politics

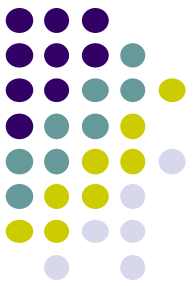


- The first serious discussion for reviving term-limits took place in the build-up to the drafting and enactment of the United States Constitution in 1776
- Among the leading proponents of term limits was Thomas Jefferson, who portrayed them as a tool to promote leadership rotation and prevent tyranny
- But term limits were opposed, among others, by James Madison, who spoke in favour of leadership continuity in order to ensure that the running of government would not fall into the hands of complete novices.
- Jefferson and his allies had to settle for the belief that term limits could be established “*by practice and force of precedent and usage.*”

Term Limits in France

- France's Constitution of 1795 included a provision specifying that the five-member executive body, the "*Directoire*," could only serve for a single term of five years without the option of reelection "until after an interval of five years had lapsed.
- A new French Constitution of 1799 also stipulated that holders of the newly created office of *Consul*, which replaced the *Directoire*, could only serve for a maximum of ten years after which they were "indefinitely ineligible

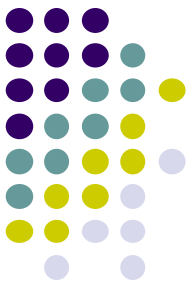




Term limits in Latin America

- The practice of presidential term limits began to gain traction as more countries, particularly in Latin America, gained independence in the 19th Century
- Colombia led in this process by including in its constitution of 1821 a provision that stipulated that holders of the office of president should serve for four years and should not be allowed to stand for re-election.
- Similar tenure limits were included in the Constitutions of Ecuador (1830), El Salvador (1841), and Argentina 1853.
- In Europe, the Swiss Constitution of 1874 stipulated that the Chairman of the Federal Council, would serve for a term of one year [and that] the outgoing President is not eligible to be President or Vice-President for the following year (Article 98 of the Swiss Constitution of 1874)

Era of personal rule and term limits in Africa



- Although the adoption of presidential term limits in the US in 1947 gave these rules a major boost, they did not immediately become popular in Africa at independence.
- The slow adoption of term limits in the 1960s was in large part a consequence of the personalized nature of leadership in the new independent states of Africa (Jackson and Rosberg, 1982).
- Presidential term limits only became popular in Africa following the third wave democratizations of the 1990s
- However, as the new generation of leaders approached the end of their tenures, they began to contemplate the removal of term limits, using various methods and strategies to do so.
- These efforts notwithstanding, term more African countries embraced term limits than those that removed them between 2000 and 2018 (Dulani, 2019)



Yebo
Thank You
Sikomo