

Ne Touche Pas Ma Constitution:
Pressures and Presidential Term Limits

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Abstract

Why do some African presidents retire according to term limits while others seek to repeal them? Among those who seek to cling to power, why do some succeed and others fail? Debates deciding whether to enforce term limits reveal the sources and the strength of the rule of law in African states. Democratization theories suggest five possible explanations for term limits enforcement: voluntary cession of power; strong individual opposition leaders; institutional pressures; populist pressures; and foreign pressures. An examination of six African cases reveals the critical influence of domestic institutional pressures – particularly from linkages between political opponents, legislatures, and civil society organizations – on term limits enforcement. Democratic activists and foreign pressures are occasionally influential, but they have not played a decisive role. The broader lessons from term limits debates illustrate that the strength of the rule of law depends on the interdependence between opposition leaders, political parties, and legislative and judicial institutions.

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“If you don’t leave power, power will leave you.”¹
-Beninois President Mathieu Kerekou, in his retirement speech.

Introduction

The key moment in Benin’s democratization was not the ratification of its 1990 constitution or the culmination of its first free and fair elections in 1991. The critical event came over a decade later, when longstanding premier Mathieu Kerekou neared the end of his second elected term under the new constitution. The population of Beninois journalists and democratic activists had grown since the authorship of the 1990 constitution, but these civil society leaders feared that Kerekou would vie to repeal constitutional term limits.² Kerekou, after all, was the same leader who had labeled Benin a “Marxist-Leninist one-party state” in the 1970s.³ While newspaper reports suggested that Kerekou offered MPs substantial bribes to support a third term, civil society leaders joined with the growing political opposition in Parliament to pressure

¹ “BENIN: Kerekou says will retire next year, will not change constitution to stay” 2005.

² Benin’s 1990 constitution, like many Post-Cold War constitutions in Sub-Saharan Africa, limits Presidents to a maximum of two five-year terms.

³ “Benin President to retire next year” 2005.

Kerekou into retirement.⁴ The chorus from Benin’s growing democratic class was simple and powerful: “*Ne touche pas ma constitution.*”⁵

The lessons from Benin are manifest throughout the continent. Most African states adopted multiparty democratic constitutions in the early 1990s, but only a few have experienced democratic consolidation. Most states remain in limbo with a mix of democratic progress and persistent “tinctures of authoritarianism.”⁶ The vigor with which Benin’s civil society sought to protect the teenage constitution represents the degree to which those norms had been internalized. The rule of the constitution was legitimate; it would not waver according to the will of Big Men. Benin’s neighbors represent the alternatives. Nigeria’s President Obasanjo – who had helped Nigeria briefly transition from military to civilian rule in the 1970s – sought to repeal term limits, but the Nigerian legislature rejected his proposal. Togo’s longstanding authoritarian ruler Eyadema succeeded in his attempt at repeal. Indeed, successful repeal has been the most common outcome among Sub-Saharan African states and successful enforcement the least.⁷ Why do some leaders abide by term limits while others seek to overturn them? Among those who seek to cling to power, why do some succeed and others fail?

By 1994, there were no one-party states left in Sub-Saharan Africa,⁸ but few of the continent’s nascent democracies had the institutional capacity to enforce the new rules. Newly signed constitutions contained the fundamentals of electoral competition and allowed for the free formation of civil society organizations and a formal political opposition. However, these democratic constitutions were applied to longstanding authoritarian rulers who benefited from

⁴ “Smuggling, corruption, and another term for the President” 2005.

⁵ “Do not touch my constitution.” Adamolekun 2007.

⁶ Van de Walle 2002.

⁷ See Table 1.

⁸ Bratton and van de Walle 1997.

the continuation of the *status quo ante*. Thus, many African leaders who had ruled during the Cold War stayed in power; they ensured that constitutional term limits meant to curb the rule of men did not apply retroactively. It was an open question whether the authoritarian rulers would respect democratic principles when it was their turn to retire according to term limits.

Understanding what makes term limits stick is critical for the study of democratization. Enforcing term limits promotes party turnover, strengthening the rule of law, which is essential for political stability and democratic consolidation. I will address each of these relationships in turn. First, term limits by definition produce open-seat elections, which – empirically – are more likely to yield a change in the ruling party.⁹ Second, changes in leadership contribute to the rule of law, or the institutionalization of constitutional democratic norms. Stable institutions cannot balance on patronage networks or trust in a premier; they balance on trust in the legitimacy of shared rules.¹⁰ The third step invites a paradox. The rule of law exalts stability and guards against the concentration of power at the whims of a few. However, more rule of law does not necessarily translate into more democracy. Indeed, an authoritarian regime can establish a solid rule of law without corresponding democratic institutions. However, the rule of law in these cases means the internalization of and adherence to the principles codified in the state’s democratic constitution.

The democratization literature has traditionally examined the birth of democracy as the ratification of a democratic constitution and the execution of free and fair elections. The seminal work of Bratton and van de Walle and Staffan Lindberg provide prime examples. While the literature on “democratization by elections” has merit, democratic consolidation requires more than a pattern of free and fair elections for which incumbency advantages have pre-ordained the

⁹ Cheeseman 2010.

¹⁰ Posner and Young 2008.

results. This essay focuses on the rule of law and political competition in the form of open-seat elections as necessary pillars of democratic consolidation. As a result, it evaluates many of the same questions that Bratton, van de Walle, and Lindberg pose, but with a different focal point: term limits. Past approaches to the term limits question focus on the political effects of term limits or whether they are proper state policy. This research takes term limits as given, questioning what pressures influence whether a president retires or runs for a third term. Identifying these pressures might generate useful information for NGOs, government agencies, or democratic activists intent on promoting executive accountability and the rule of law in Sub-Saharan Africa and across the developing world. It contributes to the continuing debate on how the rule of law manifests in new African democracies. Term limits are useful for students of executive-legislative relations as well as the role of civil society in democratization.

The democratization literature – coupled with a cursory review of Post-Cold War African history – suggests five possible hypotheses that might explain term limits enforcement. First, presidents might voluntarily step down or choose to stay in office without much or any resistance from their political allies or opponents. Second, the effectiveness of individual opposition leaders will determine whether a president can stand for a third term. Third, strong institutional pressures from political parties, government institutions, and civil society might force a president into retirement, while weak institutional pressures (or institutional support) might allow a president to cling to power. Fourth, pressures from the context immediately surrounding the term limits debate – presidential popularity, economic performance, and parliamentary majorities at the time of the debate – might affect the outcome. Fifth, exogenous pressure – or a lack thereof – from foreign states and international financial institutions might influence a president's ability to remain in power.

The six cases discussed herein reveal – unsurprisingly – that presidents will seek to stay in power if the costs of overcoming political opposition are bearable. Thus, the data do not suggest that presidents retire voluntarily. The immediate context of the term limits debate does not seem to affect the outcome; for example, multiple leaders who controlled a commanding majority of Parliament failed to pass amendments permitting a third term. Moreover, though the sources are often unclear and incomplete, exogenous pressures did not seem to have a decisive effect on third term outcomes,¹¹ though the presence or absence of foreign intervention inflected the debate in some cases. While individual opposition leaders often seemed to command the debates in the media, institutional pressures have been the most decisive factor in term limits debates to this point. Ruling party defectors have consistently worked through Parliament and civil society to organize a broader opposition and prove to the president that amending the constitution will be costly. I infer from these cases that term limits enforcement is strongest when – first – the costs of dissent within the ruling party are low and – second – Parliament and the Courts have sufficient autonomy to serve as fora for elite political dissenters to stage their opposition.

The chapters that follow examine the continuing debate over term limits; question the relationship between term limits and democratization; examine specific African cases with varied third term outcomes; and identify patterns in the data to support the conclusion that institutional pressures are most salient. Chapter One is theoretical. It situates the present argument in the literatures on term limits and African democratization. Moreover, it establishes the suggested link between term limits and democratic consolidation, which is the central claim for the importance of examining term limits. Chapter Two introduces specific hypotheses with a

¹¹ I use “third term” as shorthand to communicate the enforcement of presidential term limits. The colloquial use came from Campbell 2011.

particular focus on explaining the categories of pressures that might affect term limits enforcement. Chapter Three includes specific case studies that provide a brief history of the specific Third Term debate and identify how the three types of pressure manifested. Table 1.1 provides an overall breakdown of term limits outcomes in Sub-Saharan Africa. Chapter Four is the argument, drawing patterns from the case studies with examples from still more cases and evaluating the five hypotheses set forth in Chapter Two.

Chapter One | Term Limits and Democratization

Livy's account of Cincinnatus, the Roman who famously ceded dictatorial power upon fulfilling his perceived public duty, is perhaps the oldest fable of term limits.¹² The legacy of Cincinnatus as a virtuous and humble leader survived through the eighteenth century when it was invoked as an analog to U.S. President George Washington's precedent-setting retirement after two terms in office. There is often magnanimity in retirement when power is still an option, and there is the stench of authoritarianism when Presidents refuse to recognize that their time has passed. Juan Linz specifies this distinction between authoritarian and democratic politics; while autocrats rule without an end date, democracies are governments "*pro tempore*," he argues. The

¹² Livy 1960.

people acknowledge – indeed, they expect – that democratic governance is time-limited.¹³ While authoritarian governance often depends on the accrual of individual power, the development of democratic government means ceding individual power to government institutions. The cession and subsequent transition of power is thus a critical event for democratization; however, there has been only minimal discussion of term limits and their effects in the democratization literature. This section merges the literatures on term limits and African democratization in order to establish the importance of understanding the politics of term limits in the African context.

The democratization literature offers definitions of and explanations for the process of democracy formation in a variety of regions, but with a particular focus on Latin America and Central and Southern Europe. Huntington's *The Third Wave* highlights a trend in democratization after the Cold War.¹⁴ The focal point for his study is the cascade of regime change resembling democratic transition throughout Europe and Latin America stretching from the 1970s to the early 1990s. Indeed, the trend stretches to Sub-Saharan Africa; Bratton and van de Walle consider the origins of “democratic experiments” on the continent.¹⁵ It is tempting to examine the moment of democratic transition that Huntington and Bratton and van de Walle identify. It was certainly a dynamic time for the states that this essay examines. Bratton declares a “divergence” in African politics during the post-Cold War period. Some states adopted democratic constitutions and began to transition to democracy while other states faced persistent civil conflict or unyielding autocratic regimes.¹⁶ However, this is not the only important divide in African politics since the Cold War. Among the states that began to democratize during the early 1990s, some continued their democratization while others reverted to an authoritarianism in

¹³ Linz 1998.

¹⁴ Huntington 1993.

¹⁵ Bratton and van de Walle 1997.

¹⁶ Bratton 1998.

which elections only served to rubber stamp the status quo. This essay is concerned with the distinction among those countries that began to democratize, and considers the politics of term limits as a proxy for those states' democratic progress.¹⁷

Presidents decide whether to adhere to or challenge term limits nearly a decade after the inauguration of a democratic constitution: the period of democratic consolidation. Beetham describes the process of democratic consolidation as the set of tests – e.g. two-election test, two-turnover test – to determine whether democratic rules and principles have stuck in a state's political system.¹⁸ Passing the two-turnover test, for example, requires two transitions of power from a ruling party or coalition to a challenging party or coalition. The turnover test proves more helpful than the two-election test, for – as Beetham suggests – African elections ratifying an entrenched ruling party's hold on power do not represent democratic progress. In short, a democracy consolidates when those with authority accept the autonomous “rules of the game” as legitimate – when the rule of law advances past the rule of men. The question now is whether adherence to term limits is a strong and appropriate representation of the rule of the law and democratic consolidation.

The consequences of term limits remain disputed. There is a significant body of work on term limits in American legislatures¹⁹ and the merits of term limits in the United States²⁰; these analyses focus on whether state and national offices in developed countries should have term limits. Do term limits make for a more efficient legislature or are career politicians better for the institution? These analyses are not directly relevant to the question at hand, but they do introduce

¹⁷ In a way, it is thus a re-examination of Bratton and van de Walle's work re-appropriated for democratic consolidation.

¹⁸ Beetham 1994, 160. Beetham refers to the “two turnover test” as the ““transfer of power’ test.”

¹⁹ Weissert and Halperin 2007.

²⁰ Elhauge 1997.

an important skepticism. Term limits are not the only approach to limiting political power. Some established Parliamentary systems function well without term limits. Thus, we cannot dismiss calls to repeal term limits as undemocratic *prima facie*. Instead, we need to consider those calls within the specific political context.

Are Term Limits Democratic?

Term limits are fundamentally a mechanism of ensuring political transition. In some cases, legal term limits are irrelevant or unnecessary, for democratic accountability is strong enough that the electorate will vote an undesirable leader out of office at the next election. Thus, the relevance and necessity of term limits depends on how reliable national democratic institutions are to translate popular choice into political reality. If elections are not sufficiently competitive, term limits might be the best option to produce an open-seat election. Even if there is a growing opposition, entrenched incumbency advantages might prevent the opposition from gaining representation. This is often the case in Sub-Saharan Africa, where campaign regulations are largely underdeveloped and under-enforced. The incumbent can draw on state resources and an extensive patronage network to curry favor and secure another term in office, even if the voting is free and fair.²¹ These states might need an open-seat election to incubate political competition. The concern here is not with producing a perfect democratic outcome; it is instead with establishing rules that will facilitate and not delay democratic development. Term limits are more likely to prevent autocratic outcomes than they are to hinder democratic ones. While term limits by no means guarantee democratic consolidation, they foster an environment conducive to democratic development.

²¹ Posner and Young 2008, 130; Cheeseman 2010.

However, two serious objections remain. First, if the electoral process is truly democratic, the people should be able to choose the candidate whom they find best qualified for office. If they think that the incumbent is still the best leader for the country moving forward, should they be prevented from casting a ballot for him?²² Term limits clauses represent a lack of faith in the electorate and electoral institutions to make informed decisions. For example, when the Cameroonian Parliament voted overwhelmingly to repeal Presidential term limits, one minister justified the decision as a “classic democratic exercise.” “Constitutions are not made to limit the voters’ choices,” he insisted.²³ Term limits, by this interpretation, are undemocratic. While this objection is partly sound – term limits do restrict voter choice – it does not obviate the previous defense of term limits. Political competition is not developed enough in Sub-Saharan Africa to support the type of perfect democratic choice that elections without term limits imply. Incumbency advantages are too strong. Cheeseman’s recent work demonstrates that open-seat elections – though fairly uncommon on the continent – represent nine (9) of eighteen (18) party turnovers in Sub-Saharan Africa since the end of the Cold War.²⁴ Huntington has similarly drawn a link between party turnover and democratization. His “two-turnover test” argues that once a state has experienced two transfers of power between parties, the state has made substantial progress toward consolidating democracy.²⁵ Cheeseman’s data and Huntington’s thesis are consistent with the previous proposition that term limits do not produce democracies, but they facilitate an environment in which it is more likely to materialize. Thus, paradoxically enough, though term limits restrict democratic choice, they promote democratic competition.

²² For a more thorough discussion on this point, see Baker 2002.

²³ Butty 2008.

²⁴ Cheeseman 2010, 140. His Table 1 captures the relationship.

²⁵ Huntington 1993.

The second objection is related. This essay suggests that the repeal of term limits hinders democratic development. The idea is that term limits allow for longstanding leaders to further personalize the power of the state, rendering its institutions weak and its rule dependent upon one man and his allies rather than the laws of the system. However, what is the problem with repealing term limits if democratically elected representatives vote to repeal as a result of constitutional procedure? After all, constitutions invite amendment and often establish procedural obstacles to ensure that the amendments overcoming those obstacles are legitimate. If Third Term could garner enough support to overcome these obstacles, the repeal might be legitimate. Again, opposition to third term hinges on a mistrust of democratic institutions. Opponents must either 1) argue that term limits stand as a protected clause in the constitution that is impervious to amendment until after a certain date or 2) argue that the process of amending the constitution (popular referendum or parliamentary vote) is corrupt. The second is an easier claim to make. Where leaders claim that the people wish to abolish term limits, their evidence is flawed. Leaders often pursue repeal through bribery (as allegedly occurred unsuccessfully in Nigeria and successfully in Uganda), intimidation, and other influence-peddling. Elections and referenda are consistently flawed, rendering not only the amendment procedure unreliable, but rendering illegitimate those voting on the amendment in Parliament. The second objection is strong; term limits should be open to repeal by democratic procedure. However, the reality in fledgling democracies is that “legitimate constitutional reform” is rare, and particularly rare in cases where the substance of the reform helps the premier consolidate personal power.

The history of term limits outcomes highlights the popularity of repeal. *Twenty-nine* African constitutions contain term limits. Eight have experienced full compliance; three have

experienced a legislative challenge that the legislature rejected; nine have repealed term limits; and term limits have yet to be tested in ten Sub-Saharan African cases.²⁶ The data reveals first the rarity of a failed attempt to challenge term limits and second the number of cases where term limits debates have yet to unfold, but will likely unfold in the coming decade. The number of future cases underscores the intrigue and potential importance of this research. Cases of full compliance are presidential retirements where the proposed constitutional amendment does not come to a full debate or a vote in the legislature or the ruling party.²⁷ For example, if a President simply retires without exploring the possibility of repealing term limits, this counts as full compliance. If a President generates rumors that he will seek a third term, but decides not to challenge term limits in Parliament (as it happened in Ghana), it counts as full compliance. And if a President's allies introduce a legislative item to repeal term limits, but the proposal never comes to a vote – in committee or in the full Parliament – (as it happened in Kenya) then the case counts as full compliance. The latter cases count as full compliance because introducing legislation to repeal term limits could occur even if the president plans on retiring, just as an ally of the President of the United States could pay homage to his party compatriot by introducing a bill to repeal term limits that is merely symbolic. Thus, cases of “legislative challenge” mean that the legislation seeking to repeal term limits has come to a vote before Parliament or to a case before a court of law, and the legislative body or court has rejected the president's attempt at

²⁶ Vencovsky 2007. The data here is thorough and my table is primarily a reproduction of his excellent research. However, it was only updated as of 2007. Niger is the key case that requires updating.

²⁷ I should recognize that this definition is not airtight. I have cross-referenced and borrowed data from Vencovsky 2007, but my data has been updated to reflect recent events. I have excluded Sao Tome and Principe. The debates over term limits in Senegal and Rwanda are ongoing.

repeal.²⁸ Legislative repeal means – quite clearly – that the president and his allies have tried and succeeded in repealing constitutional term limits. The method – fiat or legislative action – is clearly relevant, though the coding does not distinguish. The cases under examination repealed term limits by legislative action.

Table 1.1. Third Term Outcomes in Sub-Saharan Africa²⁹

Term Limits		No term limits	
Compliance	Legislative Challenge	No constitutional provision	Legislative repeal
Benin	Malawi	Cote D’Ivoire	Burkina Faso
Ghana	Nigeria	Equatorial Guinea	Cameroon
Tanzania	Zambia	Ethiopia	Chad
Mali		Lesotho	Gabon
Botswana		The Gambia	Guinea
Kenya		Guinea-Bissau	Namibia
Sierra Leone		Swaziland	Niger
Mozambique		Sudan	Togo
	Angola*	Zimbabwe	Uganda
	CAR*		
	Congo - Brazzaville*		
	Djibouti*		
	Mauritania*		
	Liberia*		
	DRC*		
	Madagascar*		
	Rwanda*		
	Senegal*	*= Term limits yet to be tested.	

*African Democratization*³⁰

²⁸ Of course, it is very difficult to discern presidential intent. However, not many cases seem to be controversial on this point. Again, these definitions are consistent with Vencovsky, but he does not offer a thorough definition of “attempt” at a constitutional amendment.

²⁹ Vencovsky 2007, Table 1. This is an updated adaptation of his excellent table. Vencovsky provides an excellent snapshot of term limits outcomes in Africa. My data and table exclude Seychelles and Sao Tome e Principe.

³⁰ In this section, I draw on work that was first presented as a research paper entitled “Ghanaian Exceptionalism” for Professor Will Reno’s Modern African Politics course.

The literature on democratization in Africa focuses primarily on political competition. Scholars highlight the role of civil society, growing opposition political parties, and independent institutions that foster free and fair elections as instrumental sources of democratic change in the few democratic success stories from the continent. In addition to institutional factors (which they label “structural”), Bratton and van de Walle recognize “contingent” and “international” explanations for democratic change. Structural explanations, they claim, perceive democratic development as a series of long-term changes that manifest as the result of evolving class dynamics and institutional development.³¹ Contingent explanations focus on individual or mass decisions like elections or elite pacts. Bratton and van de Walle cleverly draw from market theorists and proponents of agent-based explanations of history to develop the “contingent approach.”³² Finally, Bratton and van de Walle recognize the potential influence that international context – particularly exogenous forces – might have on the process of democratization in Sub-Saharan Africa. Debates over whether conditionality on aid can change state behavior are particularly relevant here.³³ Bratton and van de Walle not only offer a parsimonious account of potential explanations, but they also present a broad argument for evaluation and further development. Instead of choosing a particular explanation, their work offers a more nuanced mix of explanations that they label “structured contingency.”³⁴ Analysis of the case studies herein seeks to be more targeted and specific than “structured contingency,” though there will be definite similarities, particularly recognition of the interdependence between elite political opponents and government institutions like legislatures.

³¹ Bratton and van de Walle 20.

³² Ibid. 24.

³³ Ibid. 29.

³⁴ Ibid. 20.

Staffan Lindberg's work on "democratization by elections" focuses on the "contingent" explanations. He argues that hosting elections that provide opportunities for political competition and public exchange, the institutions of democracy in African states become stronger.³⁵ Elections become the arena for political parties and civil society groups to organize existing supporters and attract new ones. Even if the opposition loses, their efforts during the election will have yielded a lasting organization that can challenge the ruling party in Parliament and in the media. The electoral process legitimizes political competition and emboldens political challengers. Dahl's second axiom is particularly relevant: "The likelihood that a government will tolerate an opposition increases as the expected costs of suppression increase."³⁶ Lindberg argues that elections – by enabling the growth and development of the opposition – raise the president's cost of suppressing them. This balance of costs will remain an important framework for understanding the politics of term limits in the cases below.

Nic van de Walle presents an important adaptation and extension of Lindberg's basic argument. Van de Walle's work makes two important arguments that require thorough discussion. First, founding elections in African states often serve as the critical determinant of whether the state democratizes. Second, incumbency is a chief obstacle to democratization. The purpose of exploring these arguments is to raise and resolve further objections to the potential importance of term limits in African democratization.³⁷

In 2002, van de Walle argued that "the chaotic events of the early 1990s were a true fork in the road: They set countries on distinctive paths and continue to have important

³⁵ Lindberg 2009.

³⁶ Dahl 1971, 15.

³⁷ I first explored these van de Walle pieces in "Ghanaian Exceptionalism."

ramifications.”³⁸ This argument is partly accurate. The countries that adopted democratic constitutions in the early 1990s embarked on significantly different courses than those countries that remained at war. However, van de Walle does not note the difference between countries with similar political experiences in the early 1990s. Van de Walle seems to endorse the idea that elections are important in a democracy’s infancy, but why they are important remains unclear.³⁹ There are two possible interpretations. First, Lindberg’s argument suggests that initial elections could help develop electoral and law enforcement institutions that advance the rule of law independent of which regime is in power. Second, Cheeseman might claim that initial elections determine the ruling regime, which can subsequently accrue incumbency advantages that make it all the more difficult to achieve a party turnover.⁴⁰ Van de Walle’s later research suggests that the latter outcome has been more prevalent.

He argues that the political opposition is exceptionally weak in African political systems; one political party tends to dominate the politics of nascent democracies on the continent.⁴¹ Systems of “presidentialism” allow for one party to remain in control. Stronger legislatures would likely invite more party competition and opportunities for greater opposition representation in Parliament. However, where the executive is particularly strong and the ruling party dominates in the legislature, Parliament remains an executive puppet. “Presidentialism,” van de Walle and Rakner argue, “is the single biggest impediment to truly competitive democracy.”⁴² Malawi is a featured example. However, the Malawian Parliament rejected President Muluzi’s attempt to repeal term limits despite a presidential system with a substantial

³⁸ Van de Walle 2002, 78-79.

³⁹ I draw this same conclusion in the original paper for which this section of the literature review was developed.

⁴⁰ Cheeseman 2009.

⁴¹ Van de Walle 2003.

⁴² Rakner and van de Walle 2009, 113.

Parliamentary majority for the ruling party. Thus, presidentialism survives in states that have a strong enough political opposition to reject a critical presidential initiative. Van de Walle's "presidentialism" thus seems to be an effective variable for differentiating states that have democratized from those that remain hybrid states. This is not to argue, however, that Parliamentary autonomy is unimportant, for the cases herein will reveal that it is.

Institutionalization and the Rule of Law

The literature on the institutionalization of rules in Sub-Saharan Africa begins to suggest that enforcing term limits contributes to democratic change.⁴³ Posner and Young document a positive trend in African political development, claiming that autonomous political institutions are developing the capacity to challenge personal rule.⁴⁴ Simplified, when presidents lose, democracy wins. When Parliament rejects a presidential proposal, the courts render a decision that the ruling party challenges, or the bureaucracy amends a presidential order, these institutions build the capacity for autonomous action. These types of events prove that government institutions follow a code independent of the presidential will. The enforcement of executive term limits provides key evidence for the strength of rules in their narrative. While Posner and Young make a strong case for the trend toward rule-based systems in Africa, they omit any explanation of why this trend has occurred and under what conditions it will continue.⁴⁵ The following will examine specific African cases to explain why these rule-based systems have emerged in some African states and not in others. These cases will build upon Posner and Young's initial findings and hypotheses to infer what term limits decisions mean for democratic consolidation.

⁴³ Maltz 2007.

⁴⁴ Posner and Young 2007.

⁴⁵ Posner and Young 2007.

Chapter Two | Under Pressure

While the first chapter established a link between term limits and democratization, it did not move any closer to resolving why some states enforce term limits and others repeal them. This chapter will outline five potential hypotheses that might explain term limits outcomes. First, the decision whether to retire or repeal term limits might be a presidential one. It is possible that some African states have concentrated so much power in the executive that the president can make the decision whether to stay or go without any serious external influence. However, a variety of pressures and risk calculations probably limit the president's freedom to make an independent decision. A president will unlikely choose to challenge term limits if he is confident that he will lose the battle to repeal them. Thus, it is unlikely that a president "chooses" to retire; rather, a cocktail of political pressures forces him into retirement. Discussing the rationale for

presidential retirement is analogous to discussing the costs of repression versus the costs of toleration. Effective pressure from individual opponents, institutions, the masses, or foreign agents will increase the costs of repressing the agent applying the pressure. However unlikely this hypothesis might seem, refuting it has important implications for African political development to be discussed in Chapter Four. The latter four hypotheses focus on variations of these pressures on presidential decision-making.

The links between pressures and the outcome of term limits enforcement will not always be clear, for considerable confounding variables remain. The states under examination had significantly different political experiences during colonialism and during the Cold War. Indeed, some might argue that a state's relative level of democracy after the Cold War would condition its likelihood to abide by term limits. If adherence to term limits is indeed a proxy for democratic progress, then endogeneity could pose a serious problem. However, nearly every state under examination experienced significant authoritarian periods during the Cold War that hewed to a norm of authoritarian African political leadership. Notwithstanding, endogeneity remains a concern. If pressures that reflect the level of democracy are the most convincing explanatory variables, then the ultimate explanation will need to decouple the effects of democracy on the decision to enforce or not enforce term limits from the effect of open-seat elections on future democratic development.

Hypothesis 2: Opposition Leaders

The second hypothesis argues that the effective leadership of individual political entrepreneurs creates the space for a strong political opposition to materialize and challenge presidential ambition. Bratton and van de Walle borrow Linz and Stepan's concept of "crafting" democracy, while McFaul and others discuss pacts where individual leaders can arrange a

specific distribution of power.⁴⁶ Both of these concepts are relevant here. If this hypothesis is true, the cases will reveal a pattern of strong individual opponents whose decisions shaped the trajectory of democratic consolidation irrespective of their institutional contexts. Under this hypothesis, why some states consolidate democracies and others not is a question of agency (or contingency, in Bratton and van de Walle's terms). The hypothesis assumes that agents have the ability to shape the structures in which they operate; there is thus some arbitrariness to why – for example – D.F. Annan, a leading opposition figure in Ghana, was born in Ghana and not Uganda. The cases will note the role of pressures from individual opposition leaders, but will not devote them an independent section. It is most reasonable – as Bratton and van de Walle recognize in “structured contingency” – to examine how individual opponents work within their institutional and international contexts. Chapter Four will re-examine the extent to which outcomes stemmed from individual or institutional behavior.

Hypothesis 3: Institutional Pressures

The third independent variable is pressure from political institutions including political parties, government branches, and civil society organizations. The hypothesis is that an institution's levels of strength, will, and autonomy determine the extent to which it can support the constitution and keep presidential ambition in check. While all cases had fragile democratic institutions when term limits debates began, challenges to the constitutional order from presidential ambition reveal which institutions developed to defend (or let wither) the rule of law. The institutionalist hypothesis focuses on a particular strand of Bratton and van de Walle's structural explanation. While they argue that structures are “static” and slow-moving, African

⁴⁶ McFaul 2002, 214.

institutions in some cases have undergone quite rapid development.⁴⁷ This hypothesis focuses more on institutions as agents than economic structural factors like class. Linz and Stepan's five-part definition of democratic consolidation reflects this view. Their focus is on political society (which this essay will discuss as the political party system), the bureaucracy (discussed as branches of government with a particular focus on legislatures), the rule of law (discussed as legal institutions), and civil society.⁴⁸

This hypothesis does not argue that the state's level of democracy at the time of the term limits debate determines how likely it is that the country will undergo democratic consolidation, though there is some truth to this suggestion. The problem is that this relationship would not only be endogenous, but it would render studying term limits unnecessary. After all, if a state's current level of democracy is all that predicts the effectiveness of its democratic consolidation, scholars and practitioners need only focus on the initial stages of democratization.⁴⁹ The institutionalist's hypothesis does not necessarily argue that a strong institutional framework predicts term limits enforcement; instead, it argues that pressures stemming from individual institutions raised presidents' calculated costs of repression.

Institutions are permanent fixtures of the state. While institutional leadership and remit might change over time, the institution often functions according to a mission and rules independent of leadership so that it can survive independent of an individual or group. Institutional pressures occur when members of an institution – not individually, but on behalf of

⁴⁷ Bratton and van de Walle 1997, 23.

⁴⁸ Linz and Stepan 7. I intentionally exclude any discussion of economic society from this essay. I have avoided the continuing and tangled debate on the relationship between economic development and political development. The cases reveal no direct link between economic development or economic solvency at the time of the debate (which is discussed) on term limits enforcement.

⁴⁹ Dr. Rachel Riedl first raised this question in brainstorming potential hypotheses, and it remains an important one.

that institution – challenge the actions of another agent of government or of society. These pressures can be intentionally applied or perceived. Such pressures require an objective. An institution cannot just apply pressure; it must pressure an agent x to do and not do an act y. Pressure from the legislature on the executive could mean the passage of a bill that restricts executive power or the refusal of an executive priority. The legislature could even apply pressure by passing one of its own priorities on which the president is ambivalent, articulating its own strength and independence.

One agent might not intend to pressure another. For example, a political party might garner a new base of support, strengthening its reputation and – by implication – increasing the ruling party’s calculated costs of repression and toleration. The ruling party feels pressure from a rising opposition, though the opposition did not intend to apply pressure. Yet another possibility is that an individual action applies or causes an agent to perceive pressure, though it is unclear on behalf of which institution this individual is acting. For example, a party leader and member of the legislature make a statement to call for a conference on executive power. Is the individual calling for the conference in his capacity as party leader or in his capacity as an MP? It is likely that some of these cases will be indistinguishable. For the others, it is important to identify on behalf of which institution the action that conditions the pressure is taken. In the example, is the conference held on the legislative campus or with the support of legislative funding? Are only MPs in attendance, or is it held with party members in mind? The flexibility of process tracing will allow room to make distinctions in each case. Each case will examine institutional pressures from political parties, government branches, legal institutions, and civil society.

Hypothesis 4: Contextual Pressures

Non-institutional pressures that might affect or precipitate the enforcement or repeal of term limits are contextual or temporary pressures. The fourth hypothesis argues that the implications these pressures – of presidential popularity, economic performance, and the party breakdown in Parliament – might influence term limits enforcement. Unpopularity increases a president’s calculated costs of repression, for the number opposing him has expanded. The expected consequences of each action have changed as his supposed political capital has expanded or shrunk. With regard to term limits, it is probable that a less popular president will feel more pressure to step down, for it will be more difficult to be re-elected, let alone govern for another term. If the president has fostered high growth near the time that his second term ends, for example, fewer are probably eager to see him retire than if he has presided over a recent economic decline. The American elections literature has drawn a particularly strong link between economic performance and election outcomes for the incumbent party.⁵⁰ Finally, the party breakdown in Parliament can pose a practical barrier to challenging term limits, for if the opposition has more than the required seats to block a constitutional amendment, term limits repeal becomes increasingly unlikely. Thus, the potential pressure that the president would experience from the opposition would increase with the number of opposition MPs.

Hypothesis 5: Exogenous Pressures

The final hypothesis – in the tradition of the literatures on aid dependency⁵¹ -- suggests that the international community’s diplomatic and economic relationships with African states produced pressures that affected term limits enforcement. The effects of pressure from agents

⁵⁰ Erikson 1989 is an American example. Lewis-Beck and Stegmaier 2000 provides a more global perspective.

⁵¹ The literature on these subjects is vast; Bratton and van de Walle 1997 provide a brief review, but Knack 2003 offers a more poignant approach on the debate from the World Bank’s perspective.

beyond the state are the most difficult to comprehend, though they might indeed be critical. Like institutional pressures, exogenous pressures can be applied directly from one agent toward another, or one actor can perceive them from another. Hauser provides three helpful categories of international pressure. First, the international community can explicitly support a specific reform. Second, they can privately persuade a domestic government to reform in a certain direction. Third, they can make the provision of foreign aid contingent on specific reforms.⁵² The primary mechanism of exogenous pressure is threat. A country or financial institution might threaten to revoke aid unless and until the threatened actor undertakes a certain action. This type of threat is an extension of conditionality. Of course, presidents can also perceive exogenous pressure. If a foreign actor has a policy or a history of a certain response to a specific action – say, violating term limits – the pressured actor might assume the possibility of this action – and the feel the associated pressure – irrespective of whether the foreign agent makes any threat. Of course, discussions between leaders and foreign agents are largely confidential and subject to misreporting.

Methodology

Case studies will use process tracing as a method of drawing nuanced comparisons and distinctions between cases. The purpose is to focus on the influence of discrete factors on the emergence of a particular outcome over time. I focus on three categories of pressures -- institutional, contextual, and exogenous – without losing sight of opposition leaders' roles during term limits debates. I will compare how these pressures manifest in each case to explain variation in outcome. Chapter Three describes three cases in detail, and Chapter Four introduces three more to confirm and compare the results across a broader sample. For example, what is it about

⁵² Hauser 1999.

pressures in the Nigerian case that led the Nigerian Parliament to uphold term limits while the Ugandan Parliament abolished them? I will use primary documents – including newspaper articles and field interviews⁵³ – as well as secondary literature to construct an historical narrative that suggests links between certain pressures and the effectiveness of attempts to enforce term limits. Each case will begin with a short overview of the history and main actors before launching into an in-depth study of particular pressures. I will infer the relative importance of particular pressures from their prominence in primary accounts as well as their representation in the secondary literature. For example, background literature on the Nigerian parliament will serve as an important supplement to newspaper accounts in order to determine whether parliamentary independence was an important factor in Nigeria’s rejection of Third Term. Together these sources trace and confirm the narrative of each case. The objective is not to build a bulletproof case for one particular pressure, but to make an open and balanced argument considering and weighting a variety of relevant pressures.

Table 2.1. Categories of Pressures

Institutional pressures			
Political parties	Legislative institutions	Legal institutions	Civil society

Contextual pressures		
Presidential popularity	Economic solvency	Parliamentary majority

Exogenous pressures		
Indirect pressure	Targeted pressure	Conditional aid

⁵³ I conducted over fifteen interviews with government and academic sources in Accra, Ghana during August and September 2010. List of interviewees is Appendix A. One subject – a journalist who covered President Rawlings – offered information on the condition of anonymity.

Chapter Three | “Should I stay or should I go?”⁵⁴

The cases in this chapter represent three distinct term limits outcomes: compliance, failed legislative challenge, and legislative repeal. The Ghanaian case showcases compliance with term limits. An alliance between civil society leaders and members of the political opposition mounted a strong campaign against the longstanding incumbent, Jerry Rawlings. However, the critical pressure in Ghana did not come from the opposition, but from within the ruling party, which fractured Rawlings’s ruling coalition. The Zambian case highlights how the president might try and fail to secure a third term. In Zambian President Chiluba’s case, he successfully amended the ruling party’s constitution to allow for a third term, but dissenters within the ruling

⁵⁴ Cheeseman 2009 includes a subsection entitled “To Stay or Go?” While I must recognize the similarity with Dr. Cheeseman, my inspiration derives not from the Oxford professor but the London band, The Clash, whose song proves unexpectedly prescient and insightful for African leaders.

party and civil society prevented him from passing a constitutional amendment through the national parliament. In these cases democracy passed the test: the rule of law won out over the rule of men. The Ugandan case traces the abolition of term limits in a country where the coherence of the ruling party, the political brilliance of the president, and the youth of multi-party democracy all conditioned repeal. The purpose of examining these cases is to discern why the pressures that existed in the first two instances either did not exist or were less effective in the third instance. These studies will begin to reveal some of the differences, particularly dissent within the ruling party and linkages between those dissenters and legislative and legal institutions. The primary difference is that an historical process of public competition created a political space for dissenters to challenge the president in Ghana and Zambia, while dissent in Uganda was controlled and contained within the ruling Movement.

Table 3.1. Pressures in Practice: Summary of Case Studies

	Ghana	Kenya	Zambia	Nigeria	Uganda	Namibia
Institutional Pressures						
Ruling party dissent	Grey	Grey	Grey	Grey	Black	Black
Opposition parties	Grey	Grey	White	Grey	Black	Black
Parliament	Grey	Grey	White	Grey	Black	Black
Legal institutions	Grey	Grey	Grey	White	Black	Black
Civil society	Grey	White	Grey	Grey	Black	Black
Populist Pressures						
Presidential unpopularity	White	White	Grey	Black	Black	Black
Economic insolvency	White	White	White	Black	Black	Black
Parliamentary majorities	White	White	Black	White	Black	Black
Exogenous Pressures						
Diplomatic pressure	White	White	White	Grey	White	White
Conditional aid	Grey	Grey	White	White	Black	White
Grey=high pressure Black=low pressure/support for regime						

Ghana: Compliance with Term Limits

Introduction

While Ghana was the first African state to achieve independence in 1957, much of its post-independence history is tumultuous. Volatile cocoa prices and multiple coups d'état in the 1970s conditioned both economic and political turmoil. Flt. Lt. Jerry Rawlings, a Ghanaian Air Force officer, staged a coup in 1979 before calling for a democratic election and ceding power to the victor, Dr. Hilla Limann. After determining that Limann was unfit to rule, Rawlings re-seized power and implemented what he considered a revolutionary regime under localized governing units.⁵⁵ Rawlings's military rule continued through the 1980s with significant humanitarian consequences. Following the 1979 coup, Rawlings ordered the execution of three former Ghanaian heads of state.⁵⁶ Such political violence set a ruthless precedent that Rawlings would later extend in cracking down on his political opponents and those accused of corruption. The Rawlings regime was widely repressive with a consistent disdain for democracy. Rawlings himself declared in 1991: "What is democracy? Even God was unable to practice democracy, that is why when Lucifer rebelled against him, he drove him away from heaven."⁵⁷ With the end of the Cold War, donors introduced a policy of "aid conditionality" that demanded states receiving aid to undergo certain democratic reforms. In an apparent attempt to placate demanding donors, Rawlings commissioned a report to take the pulse of the people on the future of the Ghanaian polity, and he asked a member of his party and Ghanaian political sage – Justice

⁵⁵ Machipisa 1999.

⁵⁶ Haynes 1991.

⁵⁷ Westwood 2000.

D.F. Annan – to lead the effort. Annan’s primary conclusion was clear: the people wanted multi-party democracy.⁵⁸

Rawlings responded to Annan’s call – and pressures from the IMF and other donors – in supporting the establishment of a constitutional convention. The convention produced a 1992 constitution that codified multiparty competition and restrictions on executive power, including presidential term limits: a maximum of two five-year terms.⁵⁹ The limits were not retroactive, so the constitution permitted Rawlings to stand for office in the inaugural 1992 elections. When the elections were set to proceed, the opposition perceived that they would unduly favor the ruling party and boycotted the parliamentary elections. Rawlings won the presidency and Rawlings’s NDC won a commanding majority of seats in Parliament. After Rawlings again won the 1996 Presidential elections, the public was uncertain whether President Rawlings would vie for a third term. Newspaper articles assumed and decried the possibility of Rawlings violating the constitution.⁶⁰ Civil society groups mobilized in anticipation of and opposition to Rawlings’s potential campaign. The strategy was pre-emption, and the opposition succeeded. Rawlings announced in 1998 – after Parliament had approved a guaranteed presidential retirement package⁶¹ – that he would abide by the constitution and support the candidacy of his Vice President, John Atta Mills, to become President of Ghana. Rawlings’s announcement that he was not running for re-election did not mark his retirement from Ghanaian politics; to the contrary, the NDC named Rawlings Chairman for Life, which would allow him to wield power from behind the scenes if Mills won the presidency.⁶² Thus, what might have seemed to be Rawlings’s

⁵⁸ Jonah, Personal Interview 2010; Oquaye, Personal Interview 2010.

⁵⁹ Rake 118.

⁶⁰ Machipisa 1999.

⁶¹ Greenstreet 2008.

⁶² “Ghana: Reforming the Reformers” 1999.

retirement speech did not assuage fears that he would challenge the constitution if the opportunity arose.

Once the NDC lost the presidential and parliamentary elections, Rawlings retired to become a UN envoy and one of the first and only African executives to transition from authoritarian ruler with a disdain for democracy to a two-term, elected president who voluntarily ceded power in a democratic election.⁶³ Ghana's peaceful transition continued after executive power changed hands from Rawlings's NDC to John Kufuor's NPP in 2000 when the NDC reclaimed power in 2008 as John Atta Mills – Rawlings's designated successor – won a run-off election by less than .5% of the vote. Despite the closeness of the electoral outcome, the popular reaction was peaceful. The Ghanaian political story is unexpected. Rawlings was a longstanding military ruler who did not even pretend to be a democrat. Observers expected him to exploit opportunities to cling to power rather than retire according to term limits. Nonetheless, Rawlings's retirement has become the model for others in the region. The following will describe in some detail how Rawlings's initial concessions to the Reform Movement within the NDC and to a fledgling NPP fostered political competition and emboldened civil society in a way that would pressure Rawlings to step down from the presidency.

Institutional Pressures

Challenges within the Ruling Party

Democrats within the NDC helped introduce multiparty competition and embolden civil society to keep Rawlings accountable. Moreover, a Reform Movement within the NDC materialized in the late 1990s that would challenge Rawlings's policy priorities. Initially, not only did members of the NDC help convince Rawlings to host a constitutional convention, but

⁶³ "Is There Life After the Presidency?" 2005.

Justice D.F. Annan – a leading member of the NDC and a Speaker of Parliament under the 1992 Constitution – secretly established *The Ghanaian Chronicle*, a newspaper designed to criticize the Rawlings administration for human rights and other abuses that state media might have overlooked.⁶⁴ The Chronicle is only one example of a shift in Ghanaian political culture toward openness and debate. Emmanuel Akwetey claims that silence worried Rawlings. If members of his government were not speaking, he suspected that something was amiss. Thus, Rawlings’s paranoia indirectly stimulated discussion within the administration. Moreover, Akwetey focuses on the individual role of Justice Annan as a bulwark to Rawlings’s attempts to consolidate power. Despite the NPP’s boycott of Ghana’s first multiparty Parliamentary elections in 1992, Annan insisted on facilitating political competition and a vibrant exchange of ideas within Parliament.⁶⁵

Political competition within the ruling party emerged not only from the advocacy of Ghanaian democrats, but also from the opportunism of Rawlings’s challengers. Goosie Tandah began a Reform Movement within the NDC to challenge what he and his allies perceived as the undue influence of the Ghanaian business community.⁶⁶ As the Reform Movement continued to separate from the historical base of the NDC, *Africa Confidential* reported that the Reform Movement within the NDC appeared more threatening to Rawlings and his allies than the NPP prior to the 2000 elections. Rawlings began a purge of NDC members who associated with the Reform Movement, ordering their termination from civil service jobs and pressuring private firms to release their Reform Movement employees.⁶⁷ This harsh reaction highlights the weakness of Rawlings’s ruling coalition before the 2000 elections and helps to explain why the

⁶⁴ Asante Personal Interview 2010.

⁶⁵ Akwetey Personal Interview 2010.

⁶⁶ Ibid.

⁶⁷ “Ghana: Reforming the Reformers” 1999.

NPP candidate, John Kufuor, won the presidency. However, did internal opposition affect Rawlings's decision not to run for re-election? It is most likely that intensifying challenges from within led Rawlings to perceive higher potential costs of repressing internal challengers if he sought to stand for re-election. Not only would Rawlings need close political advisors to navigate his presidential run, but he would also need sponsors in Parliament and regional allies to support his bid. While it is likely that Rawlings's populist appeal remained high, his status among elite members of the NDC was faltering. Thus, the work of Justice Annan and other NDC democrats to keep President Rawlings accountable despite the still-inchoate opposition NPP (coupled with the emergence of a Reform Movement determined to take on the NDC establishment) began to normalize a level of political competition that would have made it evermore difficult for President Rawlings to rule by fiat and cling to power.

Opposition NP, Parliamentary Autonomy, and Civil Society

After boycotting the 1992 parliamentary elections, the opposition NPP organized a base of support that afforded it significant parliamentary representation and strong alliances with civil society agents. Pressure from the opposition manifested in grassroots alliances and legislative victories. First, the alliance of opposition actors hosted demonstrations against the regime proving that they could generate popular pressure should Rawlings seek to cling to power (discussed in the civil society section). Second, NPP representatives in Parliament delayed and amended presidential initiatives, defusing power from President Rawlings and further normalizing competition within the political system.

The birth of the modern political opposition arguably began with Professor Adu Boahen's 1988 lectures on Ghanaian political history that were later published as *The Ghanaian Sphynx: Reflections on the Contemporary History of Ghana 1972-1987*. Boahen, a distinguished history

professor at the University of Ghana, used the lectures to call on Ghanaians to “break” the “culture of silence” in the political culture that had emerged under the Rawlings regime.⁶⁸ The message from the Boahen speech, which multiple Ghanaian political leaders identified as a key turning point in the trajectory of Ghanaian political history, seemed to affect the process by which Ghana debated the 1992 constitution.⁶⁹ Drafting the national document was an open process in which interest groups like the Ghanaian Bar Association, the Association of Recognized Professional Bodies, and the National Union of Ghana Students all played an active role.⁷⁰ Raymond Atuguba described a constitution-drafting process during which political elites reached out to “ordinary” Ghanaians to see what they wanted to include in the document.⁷¹ Nonetheless, Adu Boahen’s challenge to President Rawlings in the 1992 presidential elections on behalf of the NPP was unsuccessful.

The establishment of the 1994 Inter-Party Action Committee (IPAC), which facilitated negotiations between the ruling NDC and the opposition NPP on electoral rules, was essential to the development of the political opposition.⁷² In 1994, Rawlings’s political opponents and donors pressured the president to improve voting institutions. Irregularities and fraud in the 1992 elections underscored that Ghana required a stronger Electoral Commission. Donors funded the establishment of an Inter-Party Action Committee that would fortify an electoral commission to guarantee that political competition was vibrant, free, and fair. Among other reforms, the parties agreed to change ballot-boxes from an opaque wood to a transparent plastic to prevent ballot-

⁶⁸ “Tribute to Late Professor Albert Adu Boahen” 2006.

⁶⁹ Oquaye Personal Interview 2010;

⁷⁰ Agyeman-Duah 2005, p. 10.

⁷¹ Atuguba Personal Interview 2010.

⁷² Akwetey Personal Interview 2010.

stuffing at voting sites.⁷³ After meeting with the ruling NDC and agreeing on the foundations of an independent Electoral Commission, the opposition National Patriotic Party (NPP) contested the 1996 elections and won a significant percentage of seats in Parliament. With representation in Parliament, NPP MPs insisted on amending the majority of presidential legislation sent to the floor.⁷⁴ The IPAC provided a forum for the opposition to have a hand in shaping the political rules of the game. Inviting the opposition to participate in rule-making conferred on the NPP a fresh legitimacy that they could use to galvanize support.

An anonymous journalist noted that civil society organizations including the Ghanaian Bar Association, the media, unions, and the opposition parties all played a role in publicly articulating their dissent and consequently raising Rawlings's perceived costs of repression. Agyeman-Duah argues that civil society organizations' public presence in Ghana grew between the 1992 and 1996 elections under the banner of a prominent think-tank, the Institute of Economic Affairs.⁷⁵ While civil society protests did not play as public and explicit of a role in Ghana as they did in Zambia, this is not to say that the strength on NGOs like the Center on Democratic Development and the public commentary of academics did not influence Rawlings's retirement. It is most likely that the growth of civil society organizations – particularly pro-democracy think-tanks – elevated the expected opposition that Rawlings would face in the public forum should he challenge term limits.

Legal Institutions: Constitutionalism and the Rule of Law

The 1992 constitution acquired an independence and legitimacy over time that prevented Rawlings from clinging to power without concomitantly addressing the term limits provision.

⁷³ Agyeman-Duah 2005.

⁷⁴ Atuguba Personal Interview 2010.

⁷⁵ Agyeman-Duah 2005.

The challenges of constitutional reform grew alongside the challenges of vote-rigging during the 1990s, raising the costs of repression for President Rawlings. It was not just that constitutional term limits were practically difficult to overturn; it was also that the constitution itself acquired an independent legitimacy. Rawlings felt compelled to abide by the processes codified in the constitution if he wanted to remain in power; he could not scrap the rules altogether. In short, the rule of law pressured Rawlings to retire by raising the costs of repression. Numerous discussions with Ghanaian political experts confirm the “entrenched” position of term limits in the constitution. Repealing term limits would require not only a two-thirds majority in Parliament, but also a popular referendum approving the measure in which at least 40% of the population approves the measure by at least 75%. The difficulty of overcoming these obstacles likely prompted Rawlings to continue his political influence through the NDC.

Temporary Pressures

While observers and Ghanaians consistently describe Rawlings as charismatic, it is unclear how popular he was during his second term. Demonstrations and popular criticism suggest that elite opinion was at least mixed and at most turning against President Rawlings. However, these pressures do not underscore popular perceptions; elite dissent does not necessarily speak to executive unpopularity. There is scarcely reason to judge the Ghana Bar Association, for example, as a *vox populi*. Moreover, *Africa Confidential* argues that Rawlings was the NDC’s “best chance” to win the 2000 elections.⁷⁶ Rawlings had restored Ghana’s economic viability during the 1990s; neither the interviewees nor the literature mentions economic volatility as a factor in either Rawlings’s popularity or the case for Third Term. This is in sharp contrast to the Nigerian case, where Obasanjo could use Nigeria’s economic success to

⁷⁶ “Ghana: Finding Flagbearers” 1998.

frame his administration as the sine qua non for the country's continued growth.⁷⁷ The party breakdown in Parliament was most relevant to the debate. Machipisa explicitly invoked the prospect of Third Term when a special Parliamentary election risked giving the NDC the 2/3 majority that they would need in order to pass constitutional reform through parliament.⁷⁸ However, since executive provisions in the constitution were embedded – they required both popular and parliamentary approval – the parliamentary breakdown did not matter without concomitant support for Rawlings (and constitutional reform) among the population. Due to Rawlings's continued popularity and deferment of economic questions to his Vice President and close advisors, neither Rawlings's general unpopularity nor poor economic stewardship seemed to have a significant impact on his cession of power.⁷⁹ The NDC's inability to muster a Parliamentary majority sufficient for constitutional amendment might have raised Rawlings's costs of repression to amend the constitution, but it is likely that the costs were already too heavy for the President to bear.

Exogenous Pressures

The United States and other donors had applied effective pressure on Rawlings to open political society in the early 1990s, but there was minimal explicit pressure on the President not to run for a third term. This is not to say that there would not have been such pressure if Rawlings became more serious about repealing term limits. Moreover, foreign donors funded and encouraged the establishment of the IPAC that facilitated opposition development. The U.S. National Democratic Institute (NDI) funded civil society programs through the Institute for

⁷⁷ Campbell 2011.

⁷⁸ Machipisa 2009.

⁷⁹ "Ghana: Zero Tolerance" 1998.

Economic Affairs.⁸⁰ Thus, the exogenous pressures affecting Rawlings's decision were indirect. However, at least one Ghanaian political expert suggested that Rawlings's deep concern with his international reputation might have led him to compliance.

Zambia: Failed Legislative Challenge

Introduction

Zambia's founding leader Kenneth Kaunda transitioned to multi-party competition in 1991 and ceded power to Frederick Chiluba soon thereafter. Chiluba was elected in 1991 and re-elected by popular vote in 1996. In 1998, soon after his re-election, Kaunda predicted that Chiluba would seek a third term in power. Chiluba denied all allegations; one of his spokesmen even made it explicit: "two terms is two terms. He will not stand in the year 2001."⁸¹ Notwithstanding, the rumors grew stronger as Chiluba supporters began to organize for a third term.

All the while, public dissent was strong. Before third term rumors had reached their peak, ruling party members and legal experts argued that any attempt at a third term would require constitutional amendments to the MMD party constitution and the constitution of the republic.⁸² As the rumors grew and MMD announced a convention to consider the amendment, students at the University of Zambia took to the streets with signs that decried Chiluba as a dictator.⁸³ "Traditional leaders" – tribal chiefs – threatened mobilizing opposition to Third Term in the rural communities. Their statement is particularly revealing:

We are asking our 19 MPs to publicly state their views on the third term issue and that if they support the cause to extend President Chiluba's term of office, then

⁸⁰ Agyeman-Duah 2005, 14.

⁸¹ "Zambia: President Chiluba says he will not seek third term" 1998.

⁸² "Zambia: Opposition says President Chiluba 'cannot stand for third term'" 2000.

⁸³ "Zambia: Students stage more protests against Chiluba's third term bid" 2001.

they have failed us in their functions and must quickly come back to their homes to look after cattle because they are not fit to be in parliament.⁸⁴

Newspaper reports detailing Chiluba's efforts suggest that it was the most intricate and extensive of any unsuccessful attempt to repeal term limits restrictions. The government provided Chiluba supporters a "slush fund" with which to improve opinion among the population.⁸⁵ During the campaign, Chiluba took a hardline against his opponents, purging his inner and outer circles from potential opponents to the Third Term. Chiluba's firings affected members of the military, the intelligence service, and top echelons of legislative politics. The most prominent defection was Chiluba's own Vice President, who announced his opposition to term limits in April 2001.

In the lead-up to the MMD conference on constitutional change, Chiluba supporters intimidated and abused those opposing constitutional term limits. Conference leaders' intimidation ultimately barred third-term opponents from participating in the conference, but the opposition would not accept the MMD's amendments without a fight. They petitioned the Zambian courts, arguing for an injunction to stop the proceedings until they could participate. While at first the judge sided with Chiluba, the courts ultimately ruled in favor of the opposition. Chiluba pushed ahead with his campaign, but not for long thereafter. Rising civil society demonstrations and a growing number of MMD leaders in opposition backed Chiluba into a corner from which he could not escape. He announced his retirement in May 2001, and even then those opposed to the third term did not believe him.

The ancillary results from the third term campaign in Zambia are staggering. The campaign caused the fracturing of the MMD and the formation of the opposition Forum for

⁸⁴ "Zambia: Southern chiefs reject calls for Chiluba third term" 2001.

⁸⁵ "Zambian government gives Chiluba 'slush fund' for third term campaign" 2001.

Democracy and Development (FDD) by former MMD elites.⁸⁶ It mobilized civil society behind the constitution and tested the legitimacy of the courts to hand down independent decisions. This is not to say that the level of mobilization did not have something to do with Chiluba's unpopularity. Notwithstanding, the Zambian story showcases the confluence of institutional, temporary and exogenous forces to pressure a president to retire. Since nearly every element of Zambian "political society" was involved in the third term debate, the question becomes which elements applied the most influential pressures.

Institutional Pressures

Political Parties

In the early 1990s, Zambian President Kenneth Kaunda faced a suite of international, regional, and domestic pressures to democratize. Kaunda was Zambia's independence hero, but he had ruled for nearly three decades, consolidating power in the ruling United National Independence Party (UNIP) and establishing Zambia as a one-party state. The most powerful pressure on Kaunda was the Movement for Multi-Party Democracy (MMD), a loose coalition of former UNIP elites, labor unionists, and other Kaunda opponents. As the early stages of democratization unfolded elsewhere on the continent, Kaunda agreed to end the legal prohibition on opposition parties and called for competitive multi-party elections to be held in 1991.⁸⁷ The MMD – with Chiluba as their presidential candidate – overwhelmingly won the inaugural multi-party Parliamentary and Presidential elections. The MMD continued to dominate in 1996 – having barred Kaunda from contesting the election as UNIP leader – and some accused the new ruling party of running a similarly one-party system. Chiluba faced such strong opposition to a

⁸⁶ "Zambia: Vice-president says ruling party plagued by power struggle" 2001.

⁸⁷ U.S. State Department. "Background Notes: Zambia." 2011.

third term because the MMD began with such a fragile coalition.⁸⁸ The MMD was founded on opposition to Kaunda – not support for Chiluba or his ideology. He soon realized that ideological and political loyalty within his own party – even his own cabinet – was fleeting. The important takeaway – particularly in contrast to the Ugandan case – is that while Chiluba was hailed for leading the transition to multi-party democracy and used significant political resources to consolidate his own power, he did not have the personal coalition to convince political elites that his rule was indispensable. It was primarily opposition within the MMD that galvanized civil society and ultimately pressured Chiluba to retreat in the term limits debate.

In the mid-1990s – as the economy struggled and Chiluba began to seek some revenge against UNIP – members of the MMD saw “no basis for ideological unity.” Chiluba faced the internal perception that the MMD was “not a political party.”⁸⁹ Some might argue that internal dissent within the MMD was insignificant because Chiluba could still pass key legislation that would consolidate his power. The State Proceedings Act, which prevented the courts from issuing injunctions or stays of execution against the government, is a prime example.⁹⁰ However, any suggestion that opposition from within and without did not affect Chiluba’s governance ignores the extra hurdles impeding Chiluba from legalizing a third term. First, as Burnell aptly notes, Chiluba invested significant resources contesting by-elections and intimidating his political opponents; with an overwhelming majority in Parliament, he would not have needed to invest such energy unless he recognized as legitimate his political opposition.⁹¹ Second, when rumors of third term ambitions surfaced, purged members of Chiluba’s cabinet became public opponents of the potential maneuver and inspired civil society organizations to mount a similarly

⁸⁸ Ihonvbere 1995.

⁸⁹ Ibid.

⁹⁰ “Bill Alarms Critics of Zambian Govt.” 15 September 2000.

⁹¹ Burnell 2001.

vigorous opposition. Little more than a week before the MMD conference to determine the party's position on third term, former Vice President Chiston Tembo made a "public plea" opposing the third term.⁹² His statement was part of a broader public movement against Chiluba's efforts to cling to power.

Finally, MMD MPs dealt the final blow to President Chiluba before he announced his retirement. Despite continued public demonstrations calling for his retirement, Chiluba organized a MMD conference to amend the constitution to permit a third term. The amendment was successful, but not without excluding opponents of the amendment who were refused security protection. When Chiluba opponents within the MMD left the conference out of protest, reports indicate that mobs of Chiluba supporters made them targets, breaking the Mines Minister's arm and intimidating others.⁹³ The next step was to pass a similar amendment through Parliament, where it required a two-thirds majority. The MMD had well over two-thirds representation in Parliament, but the dissent was too strong. As Chiluba supporters planned to introduce the amendment, some of his opponents – now comprising over one-third of the legislature – co-sponsored a measure calling for his impeachment.⁹⁴ Moreover, in response to Chiluba's expulsion of senior party members at the party conference permitting a third term, the Speaker of Parliament invoked a High Court decision rendering those decisions illegal.⁹⁵ While it might seem as if Parliament and the Courts were important tools for this opposition, it was this sharp opposition from Zambian political leaders that ultimately pressured Chiluba into retirement. Mass protests had not sufficiently raised the costs of repression, but it appears as if the support for impeachment convinced Chiluba that he would not be able to secure the necessary

⁹² "Ministers tell Chiluba: Time's up" 2001.

⁹³ "Third-term boost for Zambian President" 2001.

⁹⁴ "Chiluba: 'I won't stand again'" 2001.

⁹⁵ "Zambia: New ministers sworn-in" 2001.

constitutional reform. Moreover, any ancillary pressure from Parliament and the Courts stemmed from ruling party dissent.

Parliament and the Courts

The Zambian political system concentrates power in the President. The Chiluba regime used Parliament as a tool to legitimize its desired reforms. Prior to the term limits debate, Parliament did not have any clear victories where it defeated a presidential initiative because Chiluba perceived and treated Parliament as a rubber stamp. The State Proceedings Act is one example where a Chiluba initiative denuding the courts of their ability to hold the executive accountable.⁹⁶ Thus, the Zambian Parliament was not a venue for opposition during the 1990s as the MMD began to fracture. But when opposition reached fever pitch with the term limits debate, opposition political leaders took three decisive actions before Parliament to increase pressure on Chiluba: MMD opponents threatened Chiluba with impeachment, called for the dissolution of Parliament, and overruled Chiluba on dismissing opposition MMD MPs.⁹⁷ Parliament might have been at the ostensible center of these developments, but it did not suddenly become an independent institution that served as a substantial counterweight to the executive. It was not Parliament but the opposition movement that used Parliament as a tool to apply pressure.

The Zambian courts were in a similar position; they had not demonstrated a vigorous independence in the past, but MMD dissenters reached out to the judiciary both as a protest against Chiluba's irresponsible approach to the rule of law and as a way of nominally legitimizing their opposition. The problem again was that the courts had not taken a strong stand against Chiluba's erstwhile consolidation of power. Of course, the judiciary is primarily a reactive constitution that is only able to take a strong stand if opponents raise an issue before it.

⁹⁶ "Bill Alarms Critics of Zambian Govt" 2000.

⁹⁷ "Zambia: New ministers sworn-in" 2001.

During the term limits debate, the judiciary had both positive and negative influence: while it did not support the opposition initially, it became their advocate after the opposition had already won the fight. First, when Chiluba excluded opponents from the MMD conference where he passed the first hurdle to a third term, those whom he ousted faced violence and intimidation. They sought to nullify the results of the convention, so they sought judicial review. The judge refused to intervene, deeming the dispute an “internal matter” for the political parties to resolve.⁹⁸ Thus, the judiciary’s refusal to intervene was a tacit recognition that the term limits fight did not have a direct or indirect bearing on the Zambian rule of law. The judiciary in this case was providing Chiluba cover to consolidate further power.

However, the second case suggests the opposite conclusion. Chiluba used Parliament to strip the courts of certain powers in amending the State Proceedings Act – as described above – prevented the courts from issuing injunctions. The courts, however, refused to comply with these amendments in early May 2001, when they issued an injunction on behalf of MMD dissidents who had been expunged from the party at the convention after disagreeing with Chiluba on term limits. The Speaker of Parliament used the court order as leverage to seat opposition MPs in Parliament and ensure that Chiluba could not force any pieces of legislation through the body.⁹⁹ The re-seating of opposition MPs unfolded concomitantly with the movement to impeach Chiluba, which seemed to send a message to the president marking opposition organization and strength. Pressure emanating from the courts did not really emerge until May 2001, but the judiciary ended up as an effective tool for the opposition to prove their mettle as a check on Chiluba. In this way, it was a significant, but not a decisive, source of pressure on the executive.

Civil Society: Legal and Religious Organizations

⁹⁸ “Zambia: Third term opponents barred from convention on amending constitution” 2001.

⁹⁹ “Zambia: New ministers sworn-in” 2001.

Pressures from within Zambian political parties – particularly the MMD – and within civil society organizations were mutually dependent. While political elites were some of the first to raise high-profile opposition to Chiluba, civil society organizations – particularly student and religious organizations – both legitimized and fortified the initial opposition with popular backing. Zambians had experience with mass demonstration from the early 1990s and the pressure that brought the multi-party 1991 constitution. The protests that peaked in April 2001 certainly raised the costs of repression for President Chiluba. However, it is important to remember that the initial spark came from political elites, as did the finishing blow. Thus, mass protests fed off of pressure from individual dissenters, and vice versa. What is perhaps most remarkable is how civil society organizations bandwagoned in protest, but for different reasons. The students opposed Chiluba because he flouted the constitution;¹⁰⁰ religious organizations decried his hypocrisy, declaring Zambia a Christian nation without governing it accordingly;¹⁰¹ and unionists opposed the administration because they failed to deliver on job promises.¹⁰² The presence of each and all of these groups applied pressure, but the student organizations had the most significant contribution to the rule of law. They were protesting the unconstitutionality of the proposed third term; their dissent was targeted rather than general. The other protesters could just have easily been campaigning for an alternative MMD candidate to run for president. Their opposition joined the strong, persistent ideological dissent from students. In the end, the near unanimity of civil society opposition to third term illustrates how the extravagant costs of repression that Chiluba incurred during the term limits battle: “all of Zambia’s main churches

¹⁰⁰ “Zambia: Students stage more protests against Chiluba 's third term bid.” 2001.

¹⁰¹ “Zambia’s president faces people power.” *BBC News*. 3 April 2001.

¹⁰² “Zambian civil servants reject Chiluba third term” 2001; “Zambia: Moses in the wilderness” 1998.

have condemned it – so too have the country’s main trades unions, major civil rights groups, opposition parties and a large section of the president’s own parties.”¹⁰³ This realization seems to point to Chiluba’s own unpopularity as a potential cause of his failure to secure a third term; however, the following will demonstrate that flagging popularity was a consequence rather than a cause of the term limits debate.

Populist Pressures

Chiluba was hemorrhaging popularity among political elites and the general population in the early 2000s. The sharp anti-incumbent sentiment, however, was a product of power consolidation and the term limits debate. President Chiluba began to lose credibility in late 1997, when there was an alleged coup attempt against the administration. The President declared a state of emergency, consolidating even further powers in the executive and detaining eighty-two (82) people including the Chairwoman of his own MMD’s Women’s Committee and the leader of the opposition Zambian Democratic Congress. Most critically, Chiluba ordered the incarceration of former President and independence hero Kenneth Kaunda, who proceeded to go on a hunger strike.¹⁰⁴ Chiluba came to power on the back of frustrations with the Kaunda regime and its decades-long rule, but upon Kaunda’s incarceration, the international community rallied behind him and began to pressure Kaunda. The following section covers Chiluba’s declining credibility in the international arena. By early 1998, the state of emergency continued and Chiluba’s paranoia became evident as he purged his army commanders and feverishly reshuffled his cabinet to replace both his Foreign and Defense Ministers. Moreover, Chiluba had begun to

¹⁰³ “Zambia’s President faces people power” 2001.

¹⁰⁴ Zambia: Moses in the wilderness” 1998.

lose the unions, which threatened a strike after the President ordered a freeze in public service pay.¹⁰⁵

Rumors of Chiluba's intentions to change the constitution to pursue a third term surfaced as he purged his government of anyone who chose to oppose his continued rule. His inner circle shrank to the point that he excluded party leaders and MPs from the MMD convention that decided whether to amend the party constitution to permit a third term. When over one-third of the MPs – many of them from MMD – called for Chiluba's impeachment in early May 2001, shortly after the MMD constitution had been amended to allow for a third Chiluba term, their complaints were not focused on Chiluba's poor governance over the past decade, but his recent recourse to "thuggery" and repression, which stemmed primarily from the third term fight.¹⁰⁶ Thus, while Chiluba's sharp drop in popularity was certainly dramatic, the popularity was a consequence rather than a cause of a failed attempt to amend the national constitution to continue the rule of men. Chiluba's inability to win repeal was grounded in a decades-old competitive political culture in Zambia that manifested in the party system.

Similarly, high inflation and slow economic growth might have made it simpler for Chiluba's political opponents to galvanize the public behind alternatives to Chiluba, but – again – these were long-term problems that began late in the Kaunda administration.¹⁰⁷ Some might claim that poor economic performance – coupled with pressures from the Structural Adjustment Program – led to the unions' disenchantment with Chiluba's administration and a jolt to the opposition. However, as described above, unions' opposition to Chiluba was not on constitutional grounds; their opposition to constitutional reform was not independent, but in

¹⁰⁵ Ibid.

¹⁰⁶ "Chiluba: 'I won't stand again'" 2001.

¹⁰⁷ Ihonvbere 1995.

conjunction with the plethora of civil society organizations intent on protecting the rule of law. Finally, Chiluba's MMD had overwhelming representation in parliament, leading some to argue that Zambia was a *de facto* one-party state.¹⁰⁸ They controlled 143 of 158 seats in Parliament,¹⁰⁹ which led one MMD leader to declare in late April 2001 that he was confident that over 70% of Parliament would vote for third term.¹¹⁰ It is clear from the impeachment petition and Chiluba's decision to retire in early May 2001 that the strong MMD representation in Parliament at the time of the debate was not a factor in the outcome of the term limits debate, though Chiluba certainly hoped that it had been.

Exogenous Pressures

During the 1990s, Chiluba not only accepted western aid and a Structural Adjustment Program, but he also vaunted about the positive economic relationship he had with the west. Ihonvbere describes a Chiluba who was so proud of the aid that Zambia received from foreign donors that he would repeatedly make public speeches stressing the importance of foreign funding to the future of the Zambian economy.¹¹¹ Just as Chiluba and the Zambian economy relied on continued funding from the west, western donors likely looked to Chiluba for stability in a changing region, much like with Museveni in Uganda. Notwithstanding the west's interest in Zambian stability, international opposition to the Chiluba regime began in earnest in 1997 after an alleged coup attempt. Chiluba ordered the detention of former President Kaunda in a maximum security facility, which elicited both outcry and interest from western governments and media. Newspaper reports from throughout the United States indicate that the U.S., Britain,

¹⁰⁸ Burnell 2001.

¹⁰⁹ "Chiluba May Seek a Third Term" 2000.

¹¹⁰ "Third-term boost for Zambian President" 2001.

¹¹¹ Ihonvbere 1995, 7.

South Africa, and others pressured Chiluba to release Kaunda if he was not to stand a fair trial. Chiluba relented after only a week, opting to keep Kaunda under house arrest.¹¹²

The term limits debate featured less intense international pressure. Reports from the period indicate minimal international interest or involvement in the debate. Statements suggest that the international community trusted Chiluba to abide by his previous “commitment” to step down at the end of his second term. Even a casual observer would have noticed that he made this commitment in bad faith. The international community suspended disbelief in refusing to make a public statement on the matter until violence began at the MMD party conference. Even then, they did not make a strong statement in opposition. After reassuring Zambians of their sovereignty, the western donor nations declare that they hope Chiluba will fulfill his earlier pledge to serve only two terms.¹¹³ The statement was soft and weak, particularly compared to the sustained pressure from the west in Kenya and Nigeria. Of course, any analysis of public statements is incomplete. Most effective diplomatic pressures go unreported, and this could be a similar case. However, public pressure from the international community on third term was wanting.

Uganda: Legislative Repeal

Introduction

Post-independence Uganda experienced multiple repressive regimes with violent transitions of power between them. Both Milton Obote and Idi Amin were dictatorial leaders who made minimal room for political competition or independent institutional development. Their regimes were heavily dependent on the Ugandan military. When the National Resistance

¹¹² “Zambia Frees a Former President From Prison” 1998.

¹¹³ “Zambia: Diplomatic missions oppose President Chiluba’s third term” 2001.

Movement (NRM) led by Yoweri Museveni prevailed in the Ugandan civil war and assumed power in 1986, their objective was not necessarily democratic development, but basic stability. The first priority was reconstituting a stable Ugandan state. After a decade of transition and “movement government,” Museveni’s chosen institutional structure, Uganda adopted a constitution with presidential term limits in 1996, though “The Movement” continued to dominate Ugandan politics. While the constitution did not leave room for vibrant multi-party competition, the process of constitution-making integrated widespread participation through the Uganda Constitutional Commission – which involved students and mass media conversations – and through representative delegates.¹¹⁴ Museveni called a national referendum on multi-party politics in 2000. When the people had the choice to adopt democratic, multi-party political competition, over 70% favored the Movement system. Observers considered the referendum results unreliable, however.¹¹⁵ While the Movement system limited the formation of opposition parties, there was still controlled debate within the NRM on some policy questions. Museveni and other NRM leaders publicly argued that the Movement system afforded Ugandans democracy and reconciliation without risking political stability.¹¹⁶ The reality was somewhat different as the Museveni government passed legislation like the 2002 Political Organisations Act restricting the opposition’s ability to assemble.¹¹⁷ Members of the opposition challenged the law in court, and the Constitutional Court rendered “no-party rule” unconstitutional in 2003. Shortly thereafter, though only 20% of the Ugandan electorate voted for multi-party competition in 2000, President Museveni called for the introduction of multi-party competition at a party

¹¹⁴ Moehler 2006.

¹¹⁵ U.S. State Department. “Background Notes: Uganda.” 2011.

¹¹⁶ Hauser 1999.

¹¹⁷ “Uganda: the great U-turn” 2003.

convention at Kyankwanzi.¹¹⁸ Cynics argued that Museveni’s proposal was “using the confusion of multiparty politics to negotiate another term after amending the constitution.”¹¹⁹ It was in the wake of this proposal that Museveni first floated the idea of repealing term limits; only one minister in Museveni’s government initially opposed the suggestion. It took two years until Ugandans approved the transition to multi-party politics by referendum in 2005 during the heat of the term limits debate.

The term limits debate began with the discussion at the 2003 Kyankwanzi Convention, prompting Andrew Mwenda – among the most popular Ugandan political commentators – to label the attempt at repeal a “powder keg.” He revealed that Museveni had begun sacking key allies within the NRM – including his former Prime Minister, Eriya Kategaya – after they expressed reservations about a planned third term. Even this early in the debate Mwenda highlighted the vigilance with which opponents organize to halt Museveni’s effort: “Never in the history of Uganda has an issue united opposition and ruling party politicians, church and mosque clerics, traditional and civil society leaders, etc than the anti-third term campaign.”¹²⁰ Mwenda proceeded to stress the particular importance of term limits to Uganda, a state that had experienced multiple violent transitions in its recent history. He argued that Uganda’s institutions must not rely on Museveni alone, but on a set of replicable and consensus-based rules. “[N]o amount of economic growth figures, no number of factories, schools, hospitals a president will build, no record of kilometres of tarmac a government will construct will give Uganda an

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ Mwenda 2003.

enduring legacy of political stability and maturity than a peaceful hand over of power by one president to another,” he argued.¹²¹

Later responses were mixed; some government officials expressed public opposition to Third Term, while others commentaries approached the potentially negative consequences of Third Term more moderately. One commentary suggests that a third term would obviate Museveni’s progress in working toward a reliable constitution.¹²² Museveni responded harshly to opposition within his own party. In October 2004, he fired the Second Vice Chairman of the NRM Organization as well as multiple ministers including the ethics minister, Miria Matembe, and the minister of internal affairs, Sarah Kiyingi. The ministers, once fired, joined the fledgling opposition party: The Forum for Democratic Change (FDC).¹²³ In 2005, the Parliamentary Affairs Committee officially introduced legislation that would repeal term limits in Uganda. The question becomes: what allowed Museveni to succeed in repealing term limits? The most likely reason is that there was not a clear alternative to Museveni’s rule. Multi-party competition was barely a year old, and there had been no public discussions of succession within the NRM. The lack of a credible alternative strengthened Museveni’s campaign, capitalizing on memories of past instability. However, even without a clear successor Daniel arap Moi was pressured to cede power in Kenya. Moreover, there had been dissent within the NRM just as there had been within the NDC in Ghana and within the MMD in Zambia. The differences in Uganda were three: first, the Parliament was not an effective counterweight to executive authority; second, multiparty competition was very young; and third, the international community was compliant with Museveni’s consolidation of power.

¹²¹ Ibid.

¹²² “Commentary Urges Ugandans not to heed president’s third term campaign” 2005.

¹²³ “Governing body official warns members against third Museveni term” 2004.

Institutional Pressures

The Ruling NRM, Its Inchoate Opposition, and Civil Society

While there were documented debates within the NRM over the transition to multi-party competition, executive power, and budgetary issues, Museveni seemed to have few vocal opponents in Parliament and a near-perfect legislative record. If anything, dissenters might have tempered presidential initiatives. Compared to Ghana, why did Uganda fail to produce credible defectors within the NRM who could begin to hold Museveni accountable and prove his fallibility? First, Museveni had done an excellent political job in building consensus around the movement system and permitting some competition within it to accommodate those who needed to vent disagreement. His establishment of a committee within the executive to consider “political liberalisation” is only one example.¹²⁴ Second, members of the NRM and others feared political instability, and any serious in-fighting might threaten the political peace that Museveni had brought to Uganda. Third, while there might have been strong potential defectors within the NRM, they faced threats from NRM loyalists and lacked civil society infrastructure to organize a veritable movement. When members of Museveni’s loyal base of supporters defected upon rumors that he was seeking a third term, their institutionalized base of support (The Forum for Democratic Change) provided a weak foundation from which to wage an opposition campaign.¹²⁵ Moreover, experts assert that Museveni was “far more popular than the NRM,” which likely affected opponents’ decision to remain loyal to the premier.¹²⁶ Uganda’s nascent political opposition had been unable to galvanize serious public support for similar reasons. Museveni had restricted the political space within they could operate while concurrently making

¹²⁴ “Uganda: The great U-turn” 2003.

¹²⁵ “Governing body official warns members against third Museveni term” 2004.

¹²⁶ “Uganda: The great U-Turn” 2003.

strategic concessions, particularly endorsing the transition to multi-party democracy. Opponents argued that Museveni was “using the confusion of multiparty politics to negotiate another term after amending the constitution.”¹²⁷ This seems reasonable, but in any case, the opposition did not have a key issue of disagreement on which they could generate a base of support. On the referendum, they were left to debate internally whether boycotting or challenging the election would be more effective, since they had concluded that they had such a minimal chance of winning.¹²⁸

Parliament

The Ugandan legislature was significantly weakened during the late 1990s and early 2000s, rendering it unable to exert significant pressure on Museveni to abandon his third term ambitions and retire. Parliament had some independence in the 1990s, and while it challenged the Museveni government on corruption and the 2001 Budget Act, legislators who opposed the government faced serious consequences. Museveni campaigned against rogue MPs, intimidating the next Parliament into compliance.¹²⁹ Notwithstanding Museveni’s legislative purge, Kasfir and Twebaze argue that the expansion of the committee system gave Ugandan MPs the ability to articulate their own policy beliefs while avoiding direct confrontation with Museveni. They claim, citing a Ugandan MP, that the reason for Parliament’s refusal to check executive power in important cases was not the incapacity of Parliament, but the unwillingness of members to take unpopular action.¹³⁰ If correct, Kasfir and Twebaze’s supposition is problematic for institutionalists, who would argue that the weakness (or non-existence) of opposition parties in Uganda – coupled with a rubber stamp Parliament – explains why Museveni was able to amend

¹²⁷ Ibid.

¹²⁸ “Uganda: Asking the People” 1998.

¹²⁹ Kasfir and Twebaze in Barkan at 74, 81.

¹³⁰ Ibid. 83.

the constitution and stand for a third term. However, Kasfir and Twebaze's claim largely ignores the term limits debate, particularly the relative ease with which presidential allies could intervene to secure a public vote on the third term question. Instead, they minimize the importance of term limits by suggesting that Parliament's rejection of other attempts to centralize executive power somehow makes passing the third term amendment acceptable.¹³¹

Legal Institutions

In the Ghanaian and Zambian cases, the legitimacy of the constitution was a consistent barrier to the consolidation of executive power. In Uganda, Moehler notes that drafting the 1996 constitution was collaborative, including student organizations and initiating public dialogue in the media. Notwithstanding these attempts at public discourse, Moehler concludes that the public did not maintain strong individual views of the constitution; they interpreted it through their representatives.¹³² In 2003, as the constitutional debate over multi-partyism continued, a small opposition successfully blocked a presidential initiative with help from the courts. The Movement Amendment Bill would have created new executive committees to embolden the Museveni's allies; the opposition petitioned the Ugandan judiciary to block the bill, and the courts gave the Parliamentary committee cover to stall the bill.¹³³ In responding to the position, judges criticized the Movement, arguing that they acted like a political party even though the constitution exalted a no-party system.¹³⁴ The opposition could muster no similar success when the amendment to repeal term limits came before Parliament. The term limits debate unfolded in the context of constitutional flux. Museveni had invited broad discussions of constitutional reform that challenged the very fabric of the Ugandan system in proposing multi-party politics.

¹³¹ Ibid. 103.

¹³² Moehler 2006.

¹³³ "Uganda: Dr. Faustus, I presume" 2003.

¹³⁴ Ibid.

Moreover, Museveni tucked the third term amendment in a package of suggested reforms that Parliament only partially ratified. The point is that Museveni's actions and rhetoric framed the constitution as a liquid document that could be changed for the better – perhaps to allow more multi-party competition. However, the deeper motivation was probably to frame the acceptance of term limits repeal as a compromise in which the opposition could claim that they opposed at least a part of the president's package of power-grabbing proposals.

Populist Pressures

While Museveni's popularity and Uganda's solid economic performance at the time of the third term decision might have contributed to support for President Museveni, the campaign for a third term relied on longer-term questions of Museveni's leadership and the Movement's economic stewardship; there was no dramatic shift in economic performance or popularity before the Parliamentary decision on the third term that might have swayed Parliament. Museveni remained a war hero who had brought stability to Uganda after a series of brutal dictatorships. In the fashion of the most personalistic dictators, framed pictures of Yoweri Museveni are omnipresent in Ugandan buildings and homes. Again, in 2003, as the term limits debate began, Museveni was considered "far more popular than the NRM."¹³⁵ While it is important not to underestimate Museveni's individual popularity (or Ugandans' fear of the alternative), the president faced substantial dissent from within Buganda, the wealthiest and most numerous ethnic community in the country.¹³⁶ The Buganda called for the devolution of administrative power so that they could have a semblance of self-government. Notwithstanding, there were still reports preceding the 2005 referendum of rural Ugandans approaching the decision asking,

¹³⁵ "Uganda: The great U-turn" 2003.

¹³⁶ "Dr. Faustus, I presume" 2003.

“How does Museveni want me to vote?”¹³⁷ Thus, while Museveni might have benefited from a weak and unformed opposition, he was not unpopular. For these purposes, this means that his immediate individual reputation among Ugandans preceding the term limits vote in Parliament did not present significant pressure on him to step down; his popularity was fairly consistent from 2003 to 2005, though the organization of the opposition might have advanced during this same period. Moreover, Museveni had shepherded a stable economy that delivered significant growth with low inflation. Juxtaposed against a Ugandan history replete with economic volatility, Museveni’s economic stewardship won him favor among the international community (discussed below) and Ugandan elites. This is not to say that the Movement’s economic success was a decisive factor compelling Parliament to grant a third term.

Perhaps the most influential contextual pressures were Museveni’s attempts to peddle influence with Members of Parliament. In the lead-up to the vote on term limits, the Museveni government made cash payments to Members of Parliament who supported the repeal of term limits. The government said that they payments were delivered to inform MPs about the proposed amendments. The education campaign, however, cost over \$2,000 per MP and was directed only to those who had made previous public declarations in favor of the reform. When an MP who had yet to declare his position on the reform asked for the cash payment, the government reportedly asked him to hold a press conference expressing his support before he was to receive any cash.¹³⁸ Coupled with monetary incentives, MPs and other top officials faced political and personal consequences if they opposed the president’s campaign. Andrew Mwenda – the popular journalist and public critic of Museveni – was arrested for libel as were other political opponents; those within the regime who continued to oppose the third term proposal

¹³⁷ “Uganda: A Tree, A House, A President” 2005.

¹³⁸ “Uganda: Milton Stays Lost” 2005.

were sacked, including a former Internal Security Organisation Boss¹³⁹ and State Minister for Ethics and Integrity, Miria Matembe, who challenged the government's process of repealing term limits in court. Purportedly in response to the complaint, the government simply broke the "omnibus bill" into two smaller pieces of legislation.¹⁴⁰ Finally, government incentives and intimidation extended beyond Museveni's interaction with individual MPs or political elites. The ruling party also changed the process of amending the constitution to increase pressure on those MPs who might have remained uncertain about their vote. In an exercise of selective transparency, the NRM declared that the Parliamentary vote on third term would be changed from a secret ballot to prevent dissenters' identities to a public roll call vote in which all those opposing the measure would be publicly known.¹⁴¹ The confluence of financial incentives, the threat of incarceration or dismissal, and the inability to dissent under the radar were short-term methods to marginalize the opposition; however, it is unlikely that these strategies were decisive. The opposition had been too weak to mount a serious challenge as long as Museveni prevented them from organizing. Perhaps Museveni's victory was clinched during the late 1990s, when the Movement's campaign to continue no-party government won without a serious challenge from the international community.

Exogenous Pressures

During the late 1990s, donor nations refrained from exerting strong pressure on the Movement to adopt multi-party competition. This was peculiar, for the international community had taken strong stands in Kenya and elsewhere, threatening aid cuts if authoritarian regimes did not reform. Uganda was different. Hauser demonstrates that international pressure on Uganda –

¹³⁹ "Uganda: Clamped." 9 September 2005.

¹⁴⁰ "Uganda: Milton Stays Lost." 15 April 2005.

¹⁴¹ Ibid.

while it could have given overt support for a specific set of reforms or introduced aid conditionality – relied on indirect persuasion that was ultimately ineffective.¹⁴² The lack of international pressure on the Museveni government during the first multiparty debate had two primary effects. First, it allowed Museveni to continue no party rule without any serious challenge or opposition. The lack of serious international opposition tacitly legitimized the continuation of Movement rule. Second, the international community’s reticence to take a tough stand on democratization made future threats less credible. Specifically, when international agents opposed third term, Museveni assumed that he had enough leverage over the international community to overcome their threats and maintain the alliances between the Movement and the West. Thus, while foreign donors publicly opposed Museveni’s third term, they ultimately accepted the result. Why did Museveni have so much leverage?

First, donor countries (and other agents) understood and respected that Museveni had brought Uganda from chaos and civil war to stability. They were not only wary of the alternatives to Museveni’s rule, but they were also glad to have a stable ally in a region that – particularly in the 1990s – was experiencing genocide, civil war, and widespread human rights abuse.¹⁴³ It would be foolish to take a diplomatic stance that would destabilize the only reliable partner in the region, realists would argue. Second – and perhaps most importantly – Museveni symbolized success for western donors. He had adopted a Structural Adjustment Program (SAP) shortly after assuming power in 1986 and had delivered strong growth and low inflation in the succeeding years.¹⁴⁴ Moreover, Museveni’s government had leveraged western support to

¹⁴² Hauser 1999.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

dramatically reduce the number of deaths from HIV/AIDS.¹⁴⁵ Would it not be hypocritical to at once herald a government as a model of money well spent while concomitantly threatening not to spend any more money unless the government reforms? It is likely that the international community's weak position on both one-party rule and later term limits gave the Museveni regime the legitimacy to continue suppressing the opposition and consolidating power. Cynics will argue that the international community's legitimization was only marginally important, for the domestic community still accepted Museveni's rule. However, if the international community could have severely raised the costs of repression – particularly by forcing multiparty rule in 2000 and emboldening civil society and opposition groups around that same time – Museveni would have felt far more pressure when it came time to challenge term limits.

Conclusions

The foregoing has largely assumed that once Museveni chose to challenge term limits in the context that he did, victory for the Movement was inevitable. This assumption simplifies this study's two main questions into one, focusing on whether leaders challenge term limits rather than why some succeed in challenging and others fail. The answers for Uganda are similar in both cases. Museveni managed the political space during the 1990s so that he and the Movement remained “the only game in town” politically. By keeping the political space as small as possible at the national level – and permitting some competition at the local and regional level – Museveni might have sowed some dissent among Ugandans, but his opponents lacked a ready alternative.¹⁴⁶ The 1996 Constitution included a term limits provision, but there is no indication that Museveni ever planned to abide by it. There was never a clear succession plan, and preparations for the third term campaign began three years before the scheduled elections. In a

¹⁴⁵ Kirunda 2008.

¹⁴⁶ “Uganda: The great U-turn.” 2003.

small political space with high barriers to entry, Museveni's costs of repression were very low. The puzzle begins not with Museveni's decision to challenge term limits, but with why the debate was so one-sided. Uganda saw dissent and sharp debate within the Movement on the question of one-party rule, but when a third term was floated, only one minister called for debate.¹⁴⁷ Moreover, why was Uganda's strong independent media presence more outspoken? Andrew Mwenda's arrest suggests it was the fear of retribution. The same fear of retribution – coupled with bribes to those who came out in favor of third term – fueled the overwhelming support for the constitutional repeal in Parliament.

¹⁴⁷ Ibid.

Chapter Four | Patterns

The challenge now is to translate the lessons from these few cases into a more general evaluation of the five hypotheses described previously. While the three case studies furnish a nuanced understanding of a few possible trajectories of the term limits debate, there is no evidence thus far to suggest that they are representative of the broader historical experience on the continent. Thus, the following will introduce three further cases – Kenya, Nigeria, and Namibia – to support and expand the data from the original three. This chapter will compare and contrast these six cases through the lens of the five hypotheses. This analytical process will drive toward a clearer understanding of what pressures have been determinative in the enforcement of term limits. The key to discerning which pressures were effective and which were ineffective is to contrast cases with different term limits outcomes. Where pressures were particularly poignant in a state that enforced term limits, but largely absent in a state that saw term limits challenged repealed, it will be reasonable to suggest some contribution of these pressures to the rule of law. This chapter is divided into five sections according to the hypotheses. It concludes with a concise restatement of the overarching argument.

Voluntarism

The first hypothesis argues that leaders have the individual choice whether to cede power or stand for re-election. The argument supposes personalistic political systems in which individuals and institutions respond to the will and whim of the executive. While it might be tempting to dismiss this agent-based explanation out of hand, examiners of the Ugandan or the Namibian case might argue otherwise. They could claim that President Museveni's status as a national hero and an effective leader allowed him to choose his own course without significant inhibition. When Namibian President Sam Nujoma faced term limits in the early 2000s, he leveraged his status as independence hero and national steward to pass constitutional reform with relative ease. When time came for a fourth term, he declared that he was too old and stepped down in favor of a successor.¹⁴⁸ Notwithstanding, both had opponents in civil society, among the political opposition, and even within their own political movements. Simply because these presidents were able to overcome the pressures from opposing forces does not mean that their individual will determined the outcome of the term limits debate. Indeed, it was a *debate* in each case. The voluntarism hypothesis becomes even less convincing in light of the Ghana and Kenya cases.

President Rawlings might claim that he voluntarily ceded power, but indeed a forceful opposition from within the ruling NDC and civil society left Flt. Lt. Rawlings with little choice but to step down and try to influence Ghanaian politics as a senior party official. Kenyan President Daniel arap Moi's case is even more revealing. President Moi led a one-party state during the 1980s before reluctantly introducing multi-party rule in the early 1990s. He was accused of a variety of human rights abuses and feared for his legal immunity should one of his

¹⁴⁸ Baker 2002.

political opponents succeed him. Moi did not choose to groom a successor during his second constitutional term of office, and he coyly allowed speculation about a third term.¹⁴⁹ He even allowed his political allies to introduce a bill in Parliament that would have permitted a third term.¹⁵⁰ Notwithstanding Moi's apparent openness to the idea of a third term, he decided to retire after a growing opposition proved Moi's political fallibility in Parliament. If these cases were not the death knell of the voluntarism hypothesis, there are three cases – including Zambia – where a president has challenged term limits and failed. This category of cases illustrates convincingly that the dynamics African politics – in Uganda or in Zambia – are far more complicated than an individual leader's will. Thus, it would be myopic and largely inaccurate to claim that complying with or repealing term limits is a presidential choice. Instead, the president's ambitions face limitation and redirection from what Dahl called the costs of toleration and the costs of repression. While the reality of political contestation in these cases is unsurprising to Africanists, it is still important to note the positive and relatively quick progress toward political competition only two decades after many of these states practiced one-party rule. The next four hypotheses examine sources of pressure that influence a president's cost/benefit calculation and ultimately might condition his retirement.

Opposition Leaders

The stories of Justice D.F. Annan in Ghana, Mwai Kibaki and Raila Odinga in Kenya, and Vice President Christon Tembo in Zambia underscore the importance of individual leaders to challenging the status quo and helping “craft” a new order. Scholars might suggest that these and other leaders exert personal pressures on the ruling regime to enter into an elite pact that governs the transition of power. They argue that effective leaders who are committed to

¹⁴⁹ “Moi Dismisses African Unity Calls” 2000.

¹⁵⁰ “Kenya: Motion on presidential term approved by Speaker for debate” 2001.

democracy can substitute for weak institutions in galvanizing mass interests and convincing an incumbent that transition is necessary. If this hypothesis were true, the cases would reveal strong individual opponents to the presidents in states where third term was not attempted; strong individual opponents that emerge during the campaign in those cases where the third term attempt failed; and few effective individual opponents in cases where the president successfully secured a third term. The challenge is that it is often difficult to untangle the influence of individual opponents from the institutions from which they launch their opposition. Media outlets – which have served as the most illustrative sources of information on the term limits debates – might stress the influence of an individual to paint a more compelling narrative. Social scientists risk the opposite bias. They might argue that the variation in institutional development between Ghana and Uganda, for example, should lead us to ignore the role of D.F. Annan. Ugandan journalist Andrew Mwenda, they might argue, could have been just as influential as D.F. Annan if the Ugandan civil society were as well-developed as Ghana's. However, did D.F. Annan's leadership not help develop the infrastructure of opposition while he acted from within it? This section and the next originate from the endless agency versus structure debate in the social sciences. The following neither offers a clear resolution, nor does it shy away from the question. Instead, it claims that while individual opponents have been influential in some term limits debates, agents' primary contribution has been in developing institutional credibility – by entering the political space, they expand it. Thus, it is likely that the decisive pressure came not necessarily from individual opponents, but from the institutions that they helped nurture.

D.F. Annan founded the Ghanaian Chronicle to give voice to a nascent political opposition that would include professionals, the Ghanaian Bar Association, and the NPP. It is important to remember that D.F. Annan's influence on President Rawlings was perhaps strongest

in the early 1990s during the beginnings of multi-party rule, particularly when Annan convinced Rawlings that constitutional reform was necessary.¹⁵¹ While Kenya's Moi made the same decision to retire, the pressures from individual opponents were far more muted. Of course, leaders of the opposition publicly declared their ability to defeat the president's initiative. Raila Odinga declared third term attempts "time-wasting"¹⁵² and Kibaki argued that the opposition would not "allow an amendment to the constitution."¹⁵³ In retrospect, some might claim that these were the justified declarations of future Kenyan premiers. However, a more thorough examination of the case reveals that most pressure on Moi came from "a vocal fifth column of KANU (the ruling party) backbenchers."¹⁵⁴ These MPs manifested their opposition in a Parliament that was beginning to develop an autonomous voice. The Zambian and Nigerian cases reflect the same phenomenon.

Elite defections began the debate over term limits in Zambia, but they did not sustain them. When Chiluba sought to push through changes to the party constitution at the Kabwe convention, elite defectors from the MMD initiated a petition to the Zambian courts; Vice President Christon Tembo helped rally Chiluba opponents, and other former cabinet ministers became public opponents. Moreover, Tembo became leader of the opposition FDD.¹⁵⁵ However, the energy of the opposition – it seems – came from the masses. However, it is difficult to discern from media and other reports to what extent the opposition protests organized from the grassroots. Most evidence points to organization through existing civil society institutions, not

¹⁵¹ Jonah, Kwesi. Personal Interview 2011.

¹⁵² "Moi Will Leave in 2002, Says Raila" 2001.

¹⁵³ Wright 2001.

¹⁵⁴ Warigi 16 July 2000.

¹⁵⁵ "Zambia: Former ruling party vice-president elected FDD leader" 2001.

individual political leaders.¹⁵⁶ In Nigeria, too, the opposition coalesced around their opposition to Obasanjo and their desire to acquire representation in the next government. It was not that Nigeria did not have leaders in opposition, but it was perhaps that they had too many regional and traditional leaders representing different sections of the opposition. Opposing third term was more about enforcing the constitutional understanding that power would shift between regional interests. Thus, third term opponents' interest in upholding the rule of law aligned with their interest in state capture.¹⁵⁷ The next section will explore other explanations for the Nigerian case.

As the hypothesis would suggest, few individual opponents emerged as effective leaders in the cases where presidents won a third term. Namibia is a particularly apt example. The primary individual opponents came from the media and academia, but they seemed to draw minimal support from other political elites and the masses, who offered thoroughgoing support for the continuation of President Nujoma's rule.¹⁵⁸ The Uganda underscores the limitations of focusing on the agency of individual opponents. There were both opponents within the ruling NRM and within civil society during the initial rumblings of the term limits debate. Uganda had a strong independent newspaper and a sizeable educated class. There were many potential individual leaders of the opposition including former presidential candidates and media figures like Andrew Mwenda, who has since expanded his profile as a government critic. Why did none of these potential leaders of the opposition become the Ugandan D.F. Annan? Proponents of the hypothesis might argue that there is no clear reason why no powerful opposition leader emerged in Uganda; it was random that D.F. Annan – equipped with charisma and a deft political touch – was born in West and not East Africa. However, it makes more sense that potential leaders were

¹⁵⁶ “Zambia’s president faces people power.” *BBC News*. 3 April 2001.

¹⁵⁷ Lewis in Barkan 2009, 197. I choose to extend this argument further than the source is willing to take it.

¹⁵⁸ Baker 2002.

repressed more easily in Uganda than they were in Ghana; moreover, Ghanaian leaders had access not only to a more reliable legal system for recourse in case they were targeted, but also to a growing civil society capable of organizing and spreading the opposition's message. This is not to discount the influence of D.F. Annan or other brave individuals on the process of democratic consolidation. Institutions and opposition leaders were often interdependent. The Zambian case shows that leaders can both rely on and empower the masses, while the Ugandan case reveals that potential leaders often require legal protection to organize the opposition. The argument is that while enforcing term limits requires individuals to link institutional efforts, the success of term limits opposition has depended less on the leaders than on the institutional environment in which those leaders operate.

Institutional Pressures

The question for this section is how and to what extent pressures from individual institutions matter for the transition of power and the rule of law. Beyond understanding whether institutions exert effective pressure, the challenge is to decipher which institutions are particularly effective. If the institutionalist hypothesis is correct, the cases will show markedly higher effective pressures emanating from Ghanaian and Kenyan institutions than those coming from analogous institutions in Uganda and Namibia. The pressure from institutions in Zambia and Nigeria should be lower than those in Ghana and Kenya before the term limits challenge, but equal to or even higher than those pressures during the term limits debate. This project is not particularly concerned with the origins of institutional difference in these cases, though the conclusion will suggest some potential reasons. This section resolves that institutions – particularly the party system, parliaments, and legal institutions – drive the process of democratic consolidation.

Defections from within ruling parties proved far more popular in the states that complied with term limits than those that repealed them. These defections do not necessarily represent the weakness of the ruling party or coalition, but they represent the openness of the party system to competition. In cases like Uganda and Namibia where there were few defectors, the likely reality is not that few or no political elites disagreed with the president, but that they – one – feared the consequences of opposing the leader and – two – did not see enough political space outside the party to mount an effective opposition. The Ghanaian case is particularly interesting because defection from Rawlings was so popular that there became political space within the ruling NDC to dissent that later formed an opposition Reform Movement.¹⁵⁹ In Kenya, the so-called “fifth column of KANU backbenchers” was essential in opposition;¹⁶⁰ and in Zambia, when Chiluba purged ruling party dissidents from his cabinet and the ruling MMD, they not only fought back in court and in Parliament, but they also started opposition parties.¹⁶¹ In Nigeria, regional divisions and other cleavages allowed for diverse parties, the likes of which were on display in full force during Obasanjo’s continuing “feud” with his Vice President and fellow PDP member, Atiku, who disagreed with the President on Third Term.¹⁶²

Uganda and Namibia did not experience similarly influential defections. While there might have been opponents to the prospect of a third term, they were unable to link with other institutional sources of opposition to challenge executive power. Namibia provides a particularly stark contrast, where the third term attempt prompted only a few defections from within the ruling SWAPO. The highest-profile defector – Ben Ulenga – resigned as High Commissioner to

¹⁵⁹ “Ghana: Reforming the reformers” 1999.

¹⁶⁰ Warigi 16 July 2000.

¹⁶¹ The most poignant example is Christon Tembo, who went from Vice President and military leader to leader of the opposition FDD.

¹⁶² Lewis in Barkan at 197.

London, but declared his intention to remain a member of SWAPO.¹⁶³ Over six months later, he announced that he would form a new opposition party to challenge the third term and contest parliamentary elections;¹⁶⁴ Moreover, because his defection came so close to the peak of the term limits debate, he did not have time to mount a serious opposition to the Parliamentary maneuver. However, judging from his failed presidential bid, it is doubtful that there was political space for Ulenga's opposition in the first place. It is telling that the two most significant defections in the lead-up to the third term debate in Namibia were relatively low-profile. If anything, this proves the coherence of SWAPO during the third term debate.

When political elites defected from government or formed an opposition party, they often needed linkages with government institutions (Parliament and the Courts) and support from civil society. The Zambian experience is particularly illustrative. The capacity to create these linkages and the timing of their establishment helps explain the variation between the cases of compliance, failed challenge, and successful repeal. Ghana experienced poignant political opposition manifesting in Parliament and civil society. While many discount Ghana as a strongly presidential system – and in many ways it is – Parliament served as a forum for a nascent opposition party to gain confidence and independence. When opposition MPs used their position to delay legislation, their capacity to challenge presidential initiative was also a sign of legitimacy. Thus, what might have appeared as pressures from opposition leaders in fact emanated from actions taken in the Ghanaian Parliament, of which D.F. Annan was once Speaker. Ghanaian civil society had organized substantial protests to Rawlings's Value-Added Tax proposal in 1995. While the opposition to Rawlings's fiscal policy begot some violent response from police, it proved – first – that Ghanaian civil society could effectively organize

¹⁶³ “Namibia: Official quits over proposed Nujoma third term, country's role in Congo” 1998.

¹⁶⁴ “Ulenga Expected to Launch Party” 1999.

around a specific cause, and – second – that Rawlings was beatable; the president who had once been a one-party authoritarian would back down if the will of the people was strong enough.¹⁶⁵

The Kenyan experience – particularly with Parliamentary opposition – is similar. Around the same time that third term rumors began to circulate in the Kenyan ruling party (KANU), Kenya’s Constitutional Court and Parliament both proved their independence and handed President Moi a critical policy defeat. Kenya’s Constitutional Court declared in 2000 that the Kenyan anti-corruption agency was unconstitutional.¹⁶⁶ Moi accepted the Constitutional Court’s ruling, but was under pressure from foreign donors to continue support for the anti-corruption agency (discussed further below).¹⁶⁷ Moi presented Parliament a collection of constitutional amendments that would have created another anti-corruption authority and secured retroactive immunity for those who had violated the corruption law prior to 1997.¹⁶⁸ Even after Moi arrived at the Parliament building to personally advocate for the measures, MPs voted to defeat the amendments, claiming that the amendments would not have created an independent anti-corruption body.¹⁶⁹ Parliament proved its independence and Moi’s political weakness by rejecting the measure and handing the President a legislative failure. Like the Ghanaian case, the opposition party found a stronger political voice in Parliament than they did organizing on the streets. These cases contrast with Zambia, where street protests brought MMD defectors together with youth activists, unionists, and religious figures. The weak Parliament only became a tool for the opposition once term limits legislation came before it. The Nigerian case seems to reflect the Ghanaian and Kenyan models.

¹⁶⁵ “2 Killed at Rally in Ghana” 1995.

¹⁶⁶ Warigi 31 December 2000.

¹⁶⁷ “Moi at Bay.” 2001.

¹⁶⁸ “Why Moi Lost to Opposition” 2001.

¹⁶⁹ Ibid.

Nigerian President Obasanjo faced pressure from traditional political elites – the *ogas* – who argued that it was their turn to assume the presidency.¹⁷⁰ It is critical to recognize that the term limits debate in Nigeria unfolded in the context of a rotating presidency. Obasanjo’s opponents begrudgingly accepted his rule with the understanding that their ally would one day succeed him. In addition to pressure from traditional and regional leaders, Peter Lewis argues that the Nigerian National Assembly was a focal point for the term limits debate. Before President Obasanjo challenged term limits, the Assembly had demonstrated an ethos of independence and executive accountability, Lewis argues, but they had not taken concrete stands against executive initiatives.¹⁷¹ Then came the 2006 debate. To illustrate the gravity of the issue to him, Obasanjo reportedly offered MPs \$400,000 each for their support of term limits repeal. The bribes complemented threats that those who opposed the third term would be investigated.¹⁷² Notwithstanding these pressures and temptations, Nigerian MPs rejected the third term bid. Lewis claims that Parliament became a venue for those who opposed Obasanjo and had political ambitions of their own to prevent the president from clinging to power. From this perspective, it does not seem as if the opposition was about constitutionalism as much as it was about the elite pact that promised the rotation of power. However, Lewis also notes the independent stand that the President of the Senate – a neutral figure and member of the ruling party – took to secure a fair debate in Parliament, even though Obasanjo’s allies sought to rig the vote.¹⁷³ One of the key differences was that Nigeria’s third term vote was on a secret ballot; this is in sharp contrast to the public Ugandan vote where presidential pressure on MPs was more effective. Thus, while the Nigerian case does not offer a model of pressure from Parliament as an institution, it does show

¹⁷⁰ Campbell 2011.

¹⁷¹ Lewis in Barkan at 196.

¹⁷² Ibid. 177.

¹⁷³ Ibid. 198.

how an Assembly allowed to obtain some independence can help organize opponents and allow them to challenge presidentialism. This is a clear departure from the Ugandan and Namibian experiences.

Uganda's legislature proved some independence and strength in the 1990s before falling victim to intimidation from President Museveni. While there are isolated examples of Uganda's Parliamentary strength, the institution proved weak when it came to challenging term limits. It was not just Parliament, but the relative youth of multi-party competition in the country and the political brilliance of President Museveni, who managed to maintain low costs of repression, that conditioned the third term amendment.

The institutional pattern reveals the interdependency of opposition leaders, Parliament, the courts, and civil society organizations. During successful enforcement of term limits, opposition leaders find political space to dissent within the ruling party. Their opposition proves the president's fallibility and contributes to the legitimacy of the opposition. Where opposition leadership is effective, it pre-empts any attempt to challenge the constitutional order restricting executive power. Where presidents challenge constitutional term limits, effective opposition leaders both legitimize opposition at the grassroots and seek legitimacy from Parliament and the courts. The Zambian case is a particularly clear example of opposition leaders gaining legitimacy with support of an erstwhile skittish Parliament. Finally, states that repeal term limits have opponents, but these individuals are blocked from exploiting political space within the ruling coalition to exert pressure on the ruling party. Thus, the coherence of the ruling regime – coupled with consistent challenges to the sanctity of the constitution – allows presidents to win a third term.

In effective rejections of third term ambitions, political opponents work through a flexible party system and autonomous political institutions to defend the constitution. The rule of law has triumphed over the rule of men because – just as the president’s costs of suppressing the opposition have increased – the costs of opposing presidential rule have decreased. When opposition manifests in legislative or judicial institutions, these bodies do not advocate for a self-interested alternative to the presidential will, since these institutions by definition aggregate various interests. Thus, the default is to defend the law.

Contextual Pressures

As the hypothesis suggests, those presidents who lost term limits debates were unpopular while the winners were national heroes. However, this does not confirm that presidential popularity is a decisive factor in term limits outcomes. The Zambia case illustrates that Chiluba’s lack of popularity was in many ways a consequence of the term limits debate. Moreover, Museveni’s repressive tactics could have stirred serious opposition if there were political space for opponents to mobilize. As for economic performance, Nigeria is paradoxical. Obasanjo argued that his successful economic stewardship should win him a third term. While Nigeria’s positive economic performance was not in dispute, the Assembly rejected the attempt.¹⁷⁴ Finally, the Zambia case highlights the futility of strong Parliamentary majorities when there is considerable defection within the ruling party. Thus, while positive economic performance and a strong populist record probably allows a leader like Museveni to get away with more repression than a leader who has been a poor economic steward, these contextual pressures did not prove decisive in the cases examined.

¹⁷⁴ Campbell 2011.

Exogenous Pressures

Sketchy evidence makes it simpler to question the effects of diplomatic inaction than it does to attribute great influence to diplomatic action. Indeed, international financial institutions' use of conditional aid to pressure Moi on anti-corruption reform was a big step in proving Moi's fallibility and in building Parliament's autonomy.¹⁷⁵ Targeted donor investments in Ghanaian democracy promotion also proved useful. The international community's lack of pressure in Uganda is similarly revealing, for its reluctance to exert pressure on the initial referendum for multi-party politics delayed the formation of a credible opposition. Campbell stresses the international component in the Nigerian case, but divisions within the ruling party seem to have overdetermined the outcome. In Zambia, lack of serious international pressure did not weaken or delay what proved to be a powerful opposition movement. The point is that while international pressure has the capacity embolden the opposition or delay the creation of institutional space for it to form, the international community did not play a decisive role in any of the six cases examined.

¹⁷⁵ "Moy at Bay" 2001.

Concluding Remarks

What do these results suggest for the ten African states that are currently experiencing or will soon experience a term limits debate? First, it might already be too late for opponents in these states to mount an effective opposition campaign. Key events affecting term limits outcomes often unfolded years before the campaign. Uganda's 2000 rejection of multi-party politics made it increasingly difficult for political challengers to generate institutionalized opposition to Third Term since opposition parties were so weak. Where opposition parties had a longer and more vibrant history, it was easier for them to mobilize opposition to Third Term. Notwithstanding, the most effective opposition in all cases was not from the opposition parties, but from within the ruling party. The challenge for future third term opponents will be to find space within the ruling party to dissent, forcing the president to compromise. If the president allows dissent without purging party members – as it happened in Ghana and Kenya – he will be more likely to negotiate a retirement package in anticipation of Parliamentary opposition to a third term. If the president purges opposition leaders, it is upon the opponents to work through

the courts and civil society organizations to mount an imposing opposition to the consolidation of executive power.

While the number of term limits repeals is undeniably high, the results from this study are promising. Not only do cases like Ghana – where opposition leaders pre-empted a former dictator and forced him into retirement – inspire confidence in the future of rule of law on the continent, but Zambia – too – demonstrates the inspiring capability of a civil society paired with defectors to overturn a leader’s voracious appetite for power. More than anything, this study underscores that democratic consolidation in Africa begins with the limitation of executive power.

Appendix A: List of Interviewees

Alex Frempong is Professor of Political Science at University of Ghana – Legon.

Anonymous is a Ghanaian journalist.

Ato Onoma is Associate Professor of Political Science at Yale University.

Ed Brown is Director, Policy Advisory Services at the African Center for Economic Transformation in Accra, Ghana. He is a former World Bank official.

Emmanuel Akwete is Executive Director of the Institute for Democratic Governance (IDEG).

Gideon Maltz is a Special Assistant at USAID.

Jeremy Weinstein is Associate Professor of Political Science at Stanford University and Director of Democracy for the U.S. National Security Council.

John Kufuor is a former President of Ghana (2000-2008).

Kwame Boafo-Arthur is Director of the Legon Center for International Affairs at the University of Ghana – Legon.

Kwasi Prempeh is Professor of Law at University of Seton Hall and is currently associated with CDD-Ghana as a leader of the constitutional review committee for civil society.

Kwesi Jonah is Chair of the Political Science Department at University of Ghana – Legon.

Kojo Pumpuni Asante is Head of Programmes for CDD-Ghana.

Mike Oquaye is Deputy Speaker of Parliament. He is a former Chair of the Political Science Department at University of Ghana – Legon.

Nana Amma Gyan is a researcher at the African Center for Economic Transformation in Accra, Ghana.

Princeton Lyman is a Former U.S. Ambassador to Nigeria.

Raymond Atuguba is Lecturer in Law at the University of Ghana and a member of the Constitutional Review Committee.

Bibliography

Author's note: Most primary source articles were accessed on-line via the NewsBank Access World News database. Some articles were wire stories and re-published beyond the sources listed. This list of sources goes beyond those works cited, but does not contain all those works consulted during research. If the reader has any questions about sources, please contact the author at the e-mail address on the title page.

"2 Killed at Rally in Ghana." *The New York Times*. 12 May 1995.

Agyeman-Duah, Baffour. "Elections and Electoral Politics in Ghana's Fourth Republic." *CDD-Ghana*. July 2005.

Adamolekun, Ladipo. "AAGM: Three Lessons on Governance for Nigeria." *Vanguard (Lagos, Nigeria)*. 20 June 2007.

Ala-Adjetey, Peter. "Reflections on the Effectiveness of the Parliament of the Fourth Republic of Ghana." *CDD-Ghana*. 2006.

Akwetey, Emmanuel. Personal Interview. 13 September 2010.

"Apres Moi, maybe" *Africa Confidential*. 10 August 2001.

Arthur, Peter. "Ethnicity and Electoral Politics in Ghana's Fourth Republic." *Africa Today*. Vol. 56, No. 2 (2010).

Asante, Emmanuel Pumpuni. Personal Interview. 30 August 2010.

Atuguba, Raymond. Personal Interview. 10 September 2010.

Baker, Bruce. "Outstaying One's Welcome: The Presidential Third-term Debate in Africa." *Contemporary Politics*, Vol. 8, No. 4 (2002).

Barkan, Joel, ed. *Legislative Power in Emerging African Democracies*. London: Lynne Reiner, 2009.

Beetham, David. "Conditions for Democratic Consolidation." *Review of African Political Economy*. No. 60 (1994).

"BENIN: Kerekou says will retire next year, will not change constitution to stay." *IRIN*. 12 July 2005.

"Benin President to retire next year." *IRIN*. 7 July 2005.

"Bill Alarms Critics of Zambian Govt." *Business Day (South Africa)*. 15 September 2000.

- “Bill Was Dress Rehearsal for Moi Third Term.” *The East African*. 20 August 2001.
- Boafo-Arthur, Kwame. Personal Interview. 13 September 2010.
- Boafo-Arthur, Kwame. *Ghana: One Decade of the Liberal State*. New York: CODESRIA, 2007.
- Bratton, Michael and Nicolas van de Walle. *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*. New York: Cambridge University Press, 1997.
- Bratton, Michael. “Second Elections in Africa.” *Journal of Democracy*. Vol. 9, No. 3 (1998).
- Burnell, Peter. “The Party System and Party Politics in Zambia: Continuities Past, Present, and Future.” *African Affairs*. No. 100 (2001).
- Butty, James. “Cameroon’s Parliament Lifts Presidential Term Limit.” Voice of America. 11 April 2008.
- Campbell, John. *Nigeria: Dancing on the Brink*. Plymouth: Rowman and Littlefield, 2011.
- Carey, John. “The Reelection Debate in Latin America.” *Latin American Politics and Society*. Vol. 45, No. 1 (2003).
- Cauvin, Henri. “Zambian Leader Is Nominated For 3rd Term Despite Dissent.” *The New York Times*. 1 May 2001.
- Cheeseman, Nic. “Explaining African Election Outcomes: The Remarkable Importance of Incumbency.” *Journal of Democracy*. 2010 (Forthcoming).
- Cheeseman, Nic. “African Elections as Vehicles for Change.” *Journal of Democracy*. Vol. 21, No. 4 (October 2010).
- Cheeseman, Nic and Robert Ford. “Ethnicity as a political cleavage?” *Afrobarometer Working Papers* (2007).
- “Chiluba: ‘I won’t stand again.’” *BBC News*. 4 May 2001.
- “Chiluba May Seek a Third Term.” *Business Day (South Africa)*. 9 October 2000.
- “Commentary Urges Ugandans not to heed president’s third term campaign.” *BBC Monitoring International Reports*. 2 May 2005.
- Dahl, Robert. *Polyarchy*. New Haven: Yale University Press, 1971.
- “Defeat of third term bill ‘victory for democracy’ – Nigerian MPs.” *BBC Monitoring International Reports*. 17 May 2006.

“Does Kaca Bill Stand a Chance?” *The Nation*. 14 August 2001.

“Elections 2000 in Ghana.” *GhanaWeb*.

<http://www.ghanaweb.com/GhanaHomePage/election2000/parliament.php>.

Elhauge, Einer. “Are Term Limits Undemocratic?” *U. CHIC. L. REV.* Vol. 83 (1997).

Elkins, Zachary, Tom Ginsburg, and James Melton. “On the Evasion of Executive Term Limits.” *William and Mary Law Review* (Forthcoming).

Erikson, Robert. “Economic Conditions and the Presidential Vote.” *American Political Science Review*. Vol. 83, No. 2 (June 1989).

“Ghana: Finding Flagbearers.” *Africa Confidential*. Vol. 39, No. 3. 6 February 1998.

“Ghana: Reforming the Reformers.” *Africa Confidential*. Vol. 40, No. 11. 28 May 1999.

“Ghana: Zero Tolerance.” *Africa Confidential*. Vol. 39, No. 2. 23 January 1998.

“Governing body official warns members against third Museveni term.” *The Monitor*. 26 October 2004.

Greenstreet, Miranda. “Watching Democracy in Ghana.” Accra: Center for Democratic Development – Ghana, 2008.

Gyan, Nana Amma. Personal Interview. 1 September 2010.

Gyimah-Boadi, Emmanuel, ed. *Ghana Under PNDC Rule*. CODESRIA Publishers, 1993.

Gyimah-Boadi, Emmanuel. “A Peaceful Turnover in Ghana.” *Journal of Democracy*. Vol. 12, No. 2 (April 2001).

Hauser, Ellen. “Ugandan relations with Western donors in the 1990s: what impact on democratisation?” *The Journal of Modern African Studies*. Vol 47 No 4 (1999).

Haynes, Jeff. “Human Rights and Democracy in Ghana: The Record of the Rawlings Regime.” *African Affairs*. Vol. 90 (1991).

Huntington, Samuel. *The Third Wave*. Norman: University of Oklahoma Press, 1993.

Ihonvbere, Julius. “From Movement to Government: The Movement for Multi-Party Democracy and the Crisis of Democratic Consolidation in Zambia.” *Canadian Journal of African Studies*. Vol 29, No 1 (1995).

“Is There Life After the Presidency?” *BBC News*. 3 June 2005.

Jonah, Kwesi. Personal Interview. 8 September 2010.

“Kenya: Motion on presidential term approved by Speaker for debate.” *BBC Monitoring International Reports*. 4 April 2001.

Kirunda, Kakaire. “Uganda: Museveni Recommits to Fight HIV/Aids.” *The Monitor*. 3 October 2008.

Knack, Stephen. “Does Foreign Aid Promote Democracy?” *International Studies Quarterly*. Vol. 48, No. 1 (March 2004).

Lewis-Beck, Michael and Mary Stegmaier. “Economic Determinants of Electoral Outcomes.” *Annual Review of Political Science*. Vol. 3 (June 2000).

Lindberg, Staffan. “Democratization by Elections: A Mixed Record.” *Journal of Democracy*. Vol. 20, No. 3 (July 2009).

Linz, Juan. “Democracy’s Time Constraints.” *International Political Science Review*. Vol. 19, No. 1 (1998).

Linz, Juan and Alfred Stepan. *Problems of Democratic Transition and Consolidation*. Baltimore: Johns Hopkins University Press, 1996.

Livy, Titus. *The History of Rome*. London: Penguin Publishers, 1960.

“LOBBYISTS OPPOSE MOVE TO EXTEND NUJOMA 'S RULE.” *Business Day* (Johannesburg, South Africa) 5 June 1997.

Machipisa, Lewis. “Urban Voters Thwart Rawlings’ Third Term.” *Inter Press Service*. 31 March 1999.

Maltz, Gideon. “The Case for Term Limits.” *Journal of Democracy*. Vol. 18, No. 1 (2007).

McFaul, Michael. “The Fourth Wave of Democracy and Dictatorship.” *World Politics*. Vol. 54 No. 2 (January 2002).

“Ministers tell Chiluba: Time’s up.” *BBC News*. 21 April 2001.

Moehler, Devra. “Participation and support for the constitution in Uganda.” *The Journal of Modern African Studies*. Vol. 33, No. 2 (2006).

“Moi at Bay.” *The Economist*. 18 August 2001.

“Moi Must Learn to Let Go.” *The Nation*. 23 October 2001.

“Moi Will Leave in 2002, Says Raila.” *The Nation*. 9 April 2001.

- Mwenda, Andrew. "Museveni's Third Term Bid is a Powder Keg." 10 June 2003.
- "Namibia: Official quits over proposed Nujoma third term, country's role in Congo." *SAPA News Agency*. 28 August 1998.
- "NUJOMA 'S PLANS FOR ANOTHER TERM CRITICISED." *Business Day* (Johannesburg, South Africa). 14 April 1997.
- Oquaye, Mike. Personal Interview. 1 September 2010.
- Prempeh, Kwasi. Personal Interview. 14 September 2010.
- Rakner, Lise and Nicolas van de Walle. "Opposition Weakness in Africa." *Journal of Democracy*. Vol. 20, No. 3 (July 2009).
- Posner, Daniel and Daniel Young. "The Institutionalization of Political Power in Africa." *Journal of Democracy*. Vol. 18, No. 3 (2007).
- "Smuggling, corruption, and another term for the President." *IRIN*. 18 April 2005.
- Southall, Roger and Henning Melber, eds. *Legacies of Power: Leadership change and former presidents in African politics*. Pretoria: HSRC Publishers, 2006.
- Southall, Roger. "Dilemmas of the Kenyan Succession." *Review of African Political Economy*. (2000).
- "Third-term boost for Zambian President." *BBC News*. 30 April 2001.
- Throup, David and Charles Hornsby. *Multi-Party Politics in Kenya*. Oxford: James Currey, 1998.
- "Tribute to Late Professor Albert Adu Boahen." *GhanaWeb*. 8 July 2006.
- "Uganda: A Tree, A House, A President." *Africa Confidential*. Vol. 46, No. 15. 22 July 2005.
- "Uganda: Another third term." *Africa Confidential*. Vol. 46, No. 14. 8 July 2005.
- "Uganda: Asking the People." *Africa Confidential*. 4 December 1998.
- "Uganda: Double war." *Africa Confidential*. Vol. 45, No. 5. 5 March 2004.
- "Uganda: Dr. Faustus, I presume." *Africa Confidential*. Vol. 44, No. 18. 12 September 2003.
- "Uganda: The great U-turn." *Africa Confidential*. Vol. 41, No. 7. 4 April 2003.
- "Ulungu Expected to Launch Party." *Business Day* (South Africa). 18 March 1999.

“U.S. Joins Oil War.” *Ghanaian Chronicle*. 10 December 2010.
<http://www.modernghana.com/news/307801/1/us-joins-oil-war.html>.

U.S. State Department. “Background Notes: Namibia.” Accessed: April 2011.
<http://www.state.gov/r/pa/ei/bgn/5472.htm>

U.S. State Department. “Background Notes: Uganda.” Accessed: April 2011.
<http://www.state.gov/r/pa/ei/bgn/2963.htm>

U.S. State Department. “Background Notes: Zambia.” Accessed: April 2011.
<http://www.state.gov/r/pa/ei/bgn/2359.htm>

Van de Walle, Nicolas. “Africa’s Range of Regimes.” *Journal of Democracy*. Vol. 13, No. 2 (April 2002).

Van de Walle, Nicolas. “Presidentialism and Clientelism in Africa’s Emerging Party Systems.” *Journal of Modern African Studies*. Vol. 41, No. 2 (2003).

Vencovsky, Daniel. “Presidential Term Limits in Africa.” *Conflict Trends*. No. 2 (2007).

Warigi, Gitau. “Analysis: Resolving of KACA’s Legality Was Too Final and Sweeping.” *The Nation*. 31 December 2000.

Warigi, Gitau. “Wrong Timing for Pro-Moi Campaigns.” *The Nation*. 16 July 2000.

Weissert, Carol and Karen Halperin. “The Paradox of Term Limit Support: To Know Them Is Not to Love Them.” *Political Research Quarterly*. Vol. 60, No. 3 (2007).

Westwood, John. *‘Wise Cracks’ of Jerry Rawlings*. Accra: Blue Volta, 2000.

“Why Moi Lost to Opposition.” *The East African*. 20 August 2001.

Wright, Jonathan. “U.S. Opposes Loophole for Kenyan President.” *The Star Ledger (from Reuters)*. 27 May 2001.

“Zambia: Chiluba says not irregular to change the constitution.” *The Post* (Lusaka, Zambia). 3 May 2001.

“Zambia: Diplomatic missions oppose President Chiluba’s third term.” *BBC Monitoring International Reports*. 27 April 2001.

“Zambia: Former ruling party vice-president elected FDD leader.” *BBC Monitoring International Reports*. 14 October 2001.

“Zambia: Moses in the wilderness.” *Africa Confidential*. Vol. 39 No. 6. 20 March 1998.

“Zambia: New ministers sworn-in.” *IRIN*. 7 May 2001

“Zambia: Opposition says President Chiluba ‘cannot stand for third term.’” *The Post (Lusaka, Zambia)*. 20 November 2000.

“Zambia: Opposition youth wings join forces against Chiluba third term.” *The Post (Lusaka, Zambia)*. 1 February 2001.

“Zambia: President Chiluba says he will not seek third term.” *SAPA News Agency*. 23 October 1998.

“Zambia: President Chiluba says he will run for third term if necessary” *The Post (Lusaka, Zambia)*. 12 February 2001.

“Zambia: Southern chiefs reject calls for Chiluba third term.” *The Post (Lusaka, Zambia)*. 31 January 2001.

“Zambia: Students stage more protests against Chiluba's third term bid.” *The Post (Lusaka, Zambia)*. 2 May 2001.

“Zambia: Third term opponents barred from convention on amending constitution.” *The Post (Lusaka, Zambia)*. 30 April 2001.

“Zambia: Vice-president says ruling party plagued by power struggle.” *BBC Monitoring International Reports*. 16 August 2001.

“Zambia Frees a Former President From Prison.” *The New York Times*. 1 January 1998.

“Zambian civil servants reject Chiluba third term.” *The Post (Lusaka, Zambia)*. 25 January 2001.

“Zambian government gives Chiluba ‘slush fund’ for third term campaign.” *The Post (Lusaka, Zambia)*. 5 April 2001.

“Zambia’s president faces people power.” *BBC News*. 3 April 2001.