

# Term Limits can Check Corruption and Promote Political Accountability

BY STEVEN GRINER

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Since the mid-1990s, no fewer than 10 countries of Latin America have attempted to reform, rewrite or reinterpret their constitutions. The chief motivation has been to extend the mandate of a popular chief executive. For the most part, public debate has concentrated on extending, but not eliminating, presidential term limits. Yet as stunted and unequal growth exacerbates political polarization, interest has mounted in doing away altogether with term limits. This would be a mistake. Term limits provide an important check on the concentration of power; they strengthen democracy and ensure long-term stability.

Term limits fall into three general categories: the complete prohibition of re-election (Mexico); a limit to two consecutive terms of usually four years (Brazil); and the prohibition of consecutive re-election (Chile). The latter restriction has the practical effect of limiting the executive to two, often very distinct, terms in office as exemplified by the administrations of Alan García in Peru and Oscar Arias in Costa Rica.

At the moment, several incumbent governments in Latin America are trying to allow a third presidential term; one, Venezuela has eliminated executive term limits altogether. Of course, there is a distinction between eliminating and extending term limits, but the difference has been less perceptible during the last decade. The longer a chief executive holds power, the more the delineation between the state and the ruling party becomes blurred. A third term erodes the balance of power and weakens the authority of autonomous legislatures, independent judiciaries, neutral electoral authorities, and competitive political parties. Forays into a third term and beyond distract from implementing important policies, contribute to political polarization and smack of soft authoritarianism.

Brazil, one of the largest democracies in the world, is one of the best illustrations of the benefits of term limits. Presidents are banned from serving beyond a second term. As a result, government and opposition forces over the past 16 years have developed an equilibrium of power, which in turn has helped the country address its deepest problems through consensus. The result has been internationally acclaimed

antipoverty programs, including conditional cash transfers and long-term investments in primary education.

Defeating a long-sitting president in Latin America is a forbidding task. The spontaneous, ad hoc efforts to tweak constitutions to expand the mandates of sitting presidents has not been followed by meaningful legislation to control the use and abuse of state resources in an electoral campaign. There are few rules that determine when a president seeking re-election is a chief of state, with unrivaled and unfettered access to public resources, and when he or she is a presidential candidate, drawing on private or public campaign funds. Even in the most consolidated of multiparty democracies, international observers have reported flagrant use of state resources during the electoral campaign.

Eliminating or unduly extending term limits engenders corruption, the main cause of public distrust in democratic institutions, and a significant obstacle to economic development in the region. Latin American presidents possess a disproportionate amount of influence over other branches of government. In the face of political gridlock, they can rule by decree. They can choose and dismiss their cabinets with little or no congressional oversight and hire and fire other officials at will. In times of emergency, they can suspend basic civil rights and possess significant economic and political influence over the media.

Peruvian President Alberto Fujimori's heavy-handed efforts to concentrate his presidential powers and his continued efforts to extend his mandate met with popular support at first: In 1990, he easily won an absolute majority of the vote. His shutdown of congress in 1992 met with even higher public approval ratings. Yet, as the shine on his important victories against terrorism and inflation faded, so did the patience of his electorate. By 2000, despite significant opposition to his administration, Fujimori was able to win a third term using a pernicious mix of bribery, intimidation and state largesse. Had Fujimori abided by the existing term limits, his legacy might have been a different one. As it was, the transition of power in 2001 shook Peruvian democracy to its core, its former hero turned villain.

With term limits, transitions take place as a natural course of events in the democratic system. Politics ceases to be viewed as a zero-sum game. Ruling parties are able to cultivate new leadership which can carry on the successful policies of their former leaders, but also correct for past missteps. They can remake themselves in the public eye and adapt to the dynamic challenges of the world around them. Such has been the

case of Chile, where the *Concertación* has governed for four consecutive terms with four presidents representing three different political parties.

Likewise, the opposition is more likely to remain a loyal opposition, rather than try to upset the system, since it can envision taking power one day via a free and fair election. Peaceful transitions in Brazil, Uruguay and El Salvador have helped political parties maintain relevance even when they are not in power. Indeed, public perception of democracy, always a fluid measure of democratic stability, appears to be enhanced in democracies where a transition from one party to another has taken place.

Of course, term limits alone will not guarantee a flourishing multiparty democracy. Despite its promise of “Universal Suffrage and No Re-election,” the Mexican Revolution did not usher in a meaningful multi-party democracy until seventy years later. To avoid another dictatorship, Paraguayans carefully included a no re-election clause in its constitution, yet the reign of the Colorado Party remained unbroken for nineteen more years until the election of Fernando Lugo last year. In both countries, however, presidential succession between individuals, even of the same party, paralleled a gradual change in political reform. Moreover, the vigorous, even acrimonious, debate within the ruling parties demonstrated the vulnerabilities of the ruling party and provided important opportunities for the opposition in the general elections. The legacy of “No Re-election,” one important check on the otherwise unrivaled power of these political parties, contributed in some small measure to the eventual peaceful transitions of power.

It is telling that when the issue of re-election was broached by sitting presidents in Mexico and Paraguay, party leaders and the public roundly rejected the idea. Today, the electorate in Latin America remains highly ambivalent about lifting one of the few checks on their executive. In 2007, Venezuelans rejected unlimited re-election of the executive. The measure was eventually passed in a “doover” vote fourteen months later; even in defeat, though, more than five million people voiced their preference for term limits. As President Álvaro Uribe contemplates an unprecedented third term, public opinion in Colombia has voiced significant skepticism.

Efforts to extend term limits beyond two terms are not driven by ideology. Their impetus comes from governments whose power is unrivaled and popularity unprecedented. In politics, though, both power and popularity are ephemeral. In a democracy, the electorate should maintain its prerogative to change its mind, and politicians should have the opportunity to encourage it to do so.