The Architecture of Executive Restraint in Developmental States: Reassessing Presidential Term Limits and Legislative Longevity under the Zambian Constitution.

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ABSTRACT

This article examines the structural asymmetry between strict presidential term limits and indefinite legislative tenure within the Republic of Zambia, as codified under Article 106(3) of the Constitution of Zambia (Amendment) Act No. 2 of 2016 and dramatically expanded by the Constitution of Zambia (Amendment) Act No. 7 of 2025. While the 2025 Act increased the National Assembly to 251 elected members (211 constituency seats plus 40 proportional representation seats) and removed all mayoral term limits, the two-term ceiling on the presidency remains absolute. Employing fuzzy-set Qualitative Comparative Analysis (fsQCA) and drawing on the developmental state experiences of the Four Asian Tigers (South Korea, Taiwan, Singapore, Hong Kong) and the People's Republic of China, this article demonstrates that rigid executive term caps impose three structural pathologies on developing economies: lame-duck policy atrophy, systematic short-termism, and the sovereign hazard of successor incompetence. The article also engages critically with countervailing evidence showing that term limits can reduce corruption and improve fiscal discipline (Besley and Reynal-Querol, 2011; Acemoglu, Robinson and Torvik, 2013). Recognising this trade-off, the article proposes a constitutionally anchored, performance-based extension mechanism for Zambia: a president who meets objectively verifiable economic and governance benchmarks may seek one additional five-year term, subject to super-majority parliamentary approval and a national referendum. A counterfactual analysis of Zambia's past presidents (1991 - 2026) shows that only the most exceptional would have qualified, mitigating fears of systematic abuse. The article concludes that for low-income, structurally transforming economies, a narrowly tailored exception to term limits can reconcile output legitimacy with democratic safeguards.

Keywords: Constitutional engineering; Article 106(3); Act No. 7 of 2025; executive restraint; legislative longevity; Asian Tigers; output legitimacy; policy whiplash; fuzzy-set QCA; performance-based term extension; developmental state.

INTRODUCTION: THE UNFINISHED BUSINESS OF ZAMBIAN CONSTITUTIONAL ENGINEERING

Constitutional engineering in post-colonial Africa has often been a reactive enterprise - a defensive architecture erected against the lived memory of personalist rule. Zambia's constitutional journey exemplifies this trajectory. The one-party state under President Kenneth Kaunda (1964 - 1991) concentrated executive power for 27 years without any legal term limit, producing institutional stagnation, economic decline, and eventual sovereign distress (Sardanis, 2014; Sichone, 2018). The restoration of multi-party democracy in 1991 brought with it a strict two-term presidential limit, later entrenched as Article 106(3) of the Constitution of Zambia (Amendment) Act No. 2 of 2016: *"A person who has twice been elected as President shall not be eligible for election as President"* (Republic of Zambia, 2016).

Yet the enactment of the **Constitution of Zambia (Amendment) Act No. 7 of 2025** (assented to on 18th December 2025) has fundamentally altered the constitutional landscape. This historic amendment expanded the National Assembly from 156 to 211 constituency seats, added a 40-seat closed-list mixed-member proportional tier reserved for women, youth, and persons with disabilities (bringing the elected Assembly to 251 members), 11 presidential nominees, Vice President and most significantly **removed all term limits for executive mayors and local council chairpersons** (Republic of Zambia, 2025). The presidency remains the sole political office bound by an absolute temporal ceiling.

This institutional asymmetry is not accidental. As the original article correctly notes, legislative longevity builds institutional memory, and the proportional tier injects technocratic expertise (PTI=1). However, the absolute prohibition on any president even one who demonstrably transforms the economy serving beyond two terms has become a binding constraint on Zambia's ability to emulate the East Asian developmental state model (Haggard, 2018; Wade, 2004). Drawing on 40 years of academic and industrial experience in Zambia's economic planning and constitutional review processes, this article argues that a narrow, high-threshold exception to Article 106(3) is not only constitutionally permissible but economically necessary provided that it is accompanied by rigorous empirical safeguards and an honest acknowledgment of the trade-offs involved.

The article proceeds as follows: Section 2 restates the legal architecture of Act No. 7 of 2025 and the continued force of Article 106(3). Section 3 presents a fuzzy-set QCA of the post-2025 framework. Section 4 provides comparative evidence from the Asian Tigers. Section 5 catalogues the structural pathologies of forced presidential rotation. Section 6 profiles the traits of developmental leadership. Section 7 advances the core normative argument for extending a working president's tenure. Section 8 addresses countervailing empirical evidence on term limits. Section 9 proposes a legally enforceable performance-based extension mechanism with counterfactual testing. Section 10 concludes.

The Legal Architecture: Article 106(3) and the Innovations of Act No. 7 of 2025 of the laws of Zambia.

The Unyielding Constitutional Ceiling: Article 106(3) of Act No. 2 of 2016 of the laws of Zambia

The baseline constraint on executive power within the Zambian constitutional order is unambiguous and absolute. Article 106(3) of the Constitution of Zambia (Amendment) Act No. 2 of 2016 states: *"A person who has twice been elected as President shall not be eligible for election as President"* (Republic of Zambia, 2016). This provision operates independently of any circumstantial variables: an incumbent's popularity rating, the size of their parliamentary majority, their macroeconomic performance record, or even a national state of emergency. No Zambian president may serve more than two five-year terms, yielding a constitutional maximum of ten years in office.

The historical genealogy of Article 106(3) is rooted in the trauma of the Second Republic (1972 - 1991), during which President Kenneth Kaunda ruled for 27 years without any legal term limit (Sardanis, 2014). The restoration of multiparty democracy in 1991 was accompanied by a deliberate constitutional choice: the presidency must be institutionally weak in terms of temporal duration, even if it remains powerful in terms of formal authority. As Ndulo (2016, p. 12) observed, *"the 1991 framers were less concerned with executive effectiveness than with executive termination, the certainty that a bad president would eventually leave."*

The 2016 amendments under Act No. 2 of 2016 did not alter this philosophical orientation; they merely reinforced it. Article 106(3) was made non-justiciable in the sense that no court may extend a president's term beyond the two-election limit, and the provision was placed among the "entrenched" articles requiring a national referendum for amendment (Article 79 of the Constitution). Consequently, even a president who has presided over a decade of double-digit GDP growth, poverty reduction, and infrastructure modernisation is constitutionally barred from seeking a third term. The clock stops irrespective of performance (Mwansa, 2021).

Act No. 7 of 2025 of the laws of Zambia: Structural Continuity of Executive Restraint.

The Constitution of Zambia (Amendment) Act No. 7 of 2025, assented to on 18 December 2025 and implemented ahead of the 2026 general election cycle, represents the most significant revision of Zambia's electoral architecture since 1991 (Republic of Zambia, 2025). Critically for this analysis, Act No. 7 **left Article 106(3) entirely untouched**. No amendment was proposed to modify the two-term ceiling, nor was any exception inserted for economic or developmental exigencies. As President Hichilema stated in his address to the National Assembly upon assent: *"The two-term limit is a non-negotiable pillar of our democratic stability. It remains inviolate"* (Hichilema, 2025, p. 4).

However, while the presidency remained temporally constrained, the same Act fundamentally restructured the legislative and local government spheres, creating a striking institutional asymmetry. Three structural vectors were introduced, each of which deepens the divergence between executive restraint and legislative/local longevity.

Vector 1: Legislative Expansion and Insulated Careerism

The first vector involved a nationwide delimitation exercise that expanded the number of single-member constituency seats in the National Assembly from 156 to 211. This adjustment was driven by demographic shifts recorded in the 2022 national census, which revealed significant population growth in urban corridors such as Lusaka, Copperbelt, and Solwezi (Electoral Commission of Zambia, 2024). The expansion reduced the average constituency-to-representative ratio from approximately 110,000:1 to 81,000:1, thereby improving theoretical representativity.

In the language of Qualitative Comparative Analysis (QCA) employed throughout this article, this expansion maximises the condition of **Insulated Legislative Careerism (ILC=1)**. Insulated Legislative Careerism refers to the presence of an open-ended temporal horizon that allows political actors to accumulate multi-decade institutional memory, committee specialisation, and networks of local influence unhindered by mandatory retirement or term limits. By increasing the elective base from 156 to 211 seats, Act No. 7 of the constitution of Zambia provides a broader arena for career parliamentarians to serve four, five, or even six consecutive terms. There is no constitutional prohibition on an MP serving 30 years, provided they continue to win their constituency election (Chigudu, 2021).

The developmental rationale for ILC is well established in comparative institutional literature. Legislatures that undergo total turnover every five to ten years are structurally weak, lacking the expertise to audit complex national budgets, scrutinise mining taxation agreements, or conduct effective oversight of the executive branch (Banda, 2019). Long-serving MPs develop specialised knowledge in areas such as public finance, constitutional law, and sectoral policy, enabling them to serve as a meaningful counterweight to the executive. Act No. 7's expansion of constituency seats thus strengthens the legislature's *capacity* for long-term institutional memory – but only for MPs, not for the president.

Vector 2: The Mixed-Member Proportional Tier and Technocratic Inflow

The second and more innovative vector introduced a 40-seat closed-list mixed-member proportional representation (MMPR) tier. These seats are not contested on a constituency basis; rather, they are allocated based on each political party's aggregate share of the national popular vote. Critically, the 40 seats are **strictly reserved** for three demographic categories: women, youth (defined as persons under 35 years), and persons with disabilities (Kasune, 2025). Each party submits a closed list ranked by order of preference, and seats are distributed proportionally.

This institutional choice establishes the condition of **Proportional Technical Inflow (PTI=1)**. Proportional Technical Inflow refers to the introduction of non-majoritarian, party-list selection mechanisms that allow technical experts, policy specialists, and underrepresented demographics to enter the legislature without having to win a highly capital-intensive, locally fragmented constituency race. Because the MMP tier is insulated from the volatile demands of first-past-the-post elections, political parties can use their lists to recruit economists, legal scholars, public health experts, and engineers directly into the National Assembly (Law Association of Zambia, 2025).

The Law Association of Zambia (2025, p. 8) noted in its legal memorandum that the MMP tier *"has the potential to elevate the quality of legislative deliberation by bringing specialised expertise into the parliamentary chamber, free from the pressures of constituency-level patronage."* This is a significant developmental innovation. A legislature that includes technocrats with formal training in macroeconomics can more effectively

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challenge the executive's budget proposals and mining fiscal regimes. However, the same logic is deliberately denied to the presidency: the president remains bound by a rigid term limit regardless of their own technocratic competence or economic track record.

Vector 3: Abolition of Mayoral Term Limits and Sub-National Consolidation

The third vector operates at the sub-national level. Act No. 7 completely removed all term limits for executive mayors and local council chairpersons. Section 47(2) of the amended Constitution now reads: *"A person elected as executive mayor or council chairperson shall hold office for a term of five years and may be re-elected without limitation on the number of terms they may serve"* (Republic of Zambia, 2025). This provision resolved a long-standing statutory ambiguity that had previously exposed local executive leaders to shifting tenure boundaries, sometimes set at two terms, sometimes at three, depending on the specific local government act in force at the time (Transparency International Zambia, 2025).

By eliminating these limits, the amendment activated the condition of **Sub-National Executive Consolidation (SEC=1)**. Sub-National Executive Consolidation recognises that true urban renewal, metropolitan revenue modernisation, and long-term municipal debt-instrument financing require extended planning horizons. A mayor who knows they may be limited to two terms will prioritise ribbon-cutting projects that yield immediate visibility, rather than complex, multi-year infrastructure programmes such as integrated public transport systems, water reticulation networks, or affordable housing schemes (McPherson, 2023). Removing term limits aligns local executive incentives with long-term developmental returns.

Once again, however, the presidency is excluded from this logic. The same argument that justifies mayoral tenure continuity that infrastructure requires long horizons applies *a fortiori* to the national presidency, which oversees cross-border railways (e.g., the Lobito Corridor), national energy grids, and copper value-addition strategies requiring 15-to-20-year implementation timelines (World Bank, 2023). Yet Article 106(3) explicitly denies the president the very planning continuity granted to local mayors.

Configurational Outcome: The Dual-Track State

The three vectors of Act No. 7 of 2025, when combined with the unchanged Article 106(3), produce a sharply bifurcated constitutional configuration. Using the crisp-set QCA conditions defined earlier, the institutional matrix can be summarised as follows:

INSTITUTION	ILC	PTI	SEC	TER
Member of Parliament (constituency)	1	0	0	0
Member of Parliament (MMP tier)	1	1	0	0
Executive Mayor / Council Chairperson	0	0	1	0
President	**0**	**0**	**0**	**1**

Thus, for MPs (especially those entering through the MMP tier) and executive mayors, the institutional configuration is:

Power Continuity = ILC (1) · PTI (1) · SEC (1) · TER (0)

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This path combines open-ended legislative horizons, proportional inflow of technocratic expertise, and consolidated sub-national executive timelines, completely unburdened by temporal restraints at the apex. The systemic outcome is the accumulation of deep institutional memory, local network stability, and long-term infrastructure planning capacity at the legislative and municipal levels (Kanyinga, 2022).

For the presidency, by sharp contrast, the configuration is:

Autocratic Safeguard = ILC (0) · PTI (0) · SEC (0) · TER (1)

At the highest level of state authority where unified command over the armed forces, intelligence agencies, and the national treasury is concentrated, the system systematically denies career longevity, proportional insulation, and sub-national flexibility, prioritising absolute, non-negotiable temporal restraint.

The Developmental Critique of the Dual-Track Design

The dual-track outcome is deliberate. The framers of Act No. 7 chose to thicken the institutional capacity of the legislature and local government while keeping the presidency on a short leash. This reflects a *minimax* logic: minimise the maximum potential harm (a dictatorial president) even at the cost of suboptimal executive continuity (Nwabueze, 2010).

However, from a developmental perspective, this design is suboptimal for three reasons. First, it assumes that the legislature even with its expanded size and technocratic inflow can substitute for executive continuity in driving long-term industrial policy. Comparative evidence from the Asian Tigers suggests otherwise: the key decisions that transformed South Korea, Taiwan, and Singapore were made by **long-tenured executives**, not by parliaments (Haggard, 2018; Wade, 2004).

Second, the removal of mayoral term limits (SEC=1) creates an odd inversion: a mayor can serve 25 years, but a president who successfully manages the national economy cannot serve beyond ten. Third, the configuration ignores the real-world political economy of lame-duck presidencies, where the executive's authority depreciates long before the constitutional clock expires (Mulenga, 2020).

Legal Stability and the Referendum Requirement

It must be emphasised that any modification to Article 106(3) would require a national referendum under Article 79 of the Constitution, as presidential term limits are an entrenched provision (Mbao, 2015). Act No. 7 did not alter this requirement. Therefore, the dual-track architecture described above will remain in force unless and until a future amendment presumably following the logic advanced in this article introduces a performance-based exception. The legal stability of the current arrangement is high, but so is its developmental opportunity cost.

The Comparative Political Economy of Longevity: Fuzzy-Set QCA of the Asian Tigers

To evaluate the impact of tenure constraints on national development trajectories, this article employs **fuzzy-set Qualitative Comparative Analysis (fsQCA)** as formalised by Ragin (2008). Unlike crisp-set QCA (binary 0/1), fsQCA allows partial membership scores, avoiding arbitrary thresholds. Four causal conditions are defined:

Insulated Technocratic Autonomy (ITA): The executive's ability to design economic policy without short-term electoral interference. Calibrated using the number of years a technocratic planning agency (e.g., Korea's Economic Planning Board) operated without political purges, and the proportion of cabinet ministers with graduate degrees in economics or engineering (Haggard, 2018).

Meritocratic Bureaucracy (MB): The share of senior civil service positions filled by competitive examination rather than political appointment. Calibrated using the World Bank's Bureaucratic Quality Index (World Bank, 1993).

Obsessive Output Focus (OOF): The degree to which political legitimacy depends on real economic outcomes (GDP growth, export volumes, poverty reduction). Calibrated using the frequency of national development plans and the share of government communications referencing economic targets (Park, 1970).

Temporal Executive Caps (TEC): The presence of a constitutional or legal limit on the number of terms a chief executive may serve. Coded as a fuzzy set: 1 = strict two-term limit enforced; 0.5 = weak or irregularly enforced limit; 0 = no limit.

The outcome of interest is **Sustainable Macroeconomic Transformation (SMT)**, defined as sustained annual GDP per capita growth >6% for two consecutive decades, accompanied by industrial diversification (manufacturing share of GDP rising from <15% to >25%) and poverty reduction (headcount ratio falling by >10 percentage points) (World Bank, 1993).

Calibration thresholds (Ragin, 2008):

a. Full membership (1.0): growth >6.5% for 20 years; manufacturing >30%; poverty reduction >15 points.
b. Crossover point (0.5): growth = 3.5%; manufacturing = 20%; poverty reduction = 7.5 points.
c. Full non-membership (0.0): growth <0.5%; manufacturing <10%; poverty reduction <0 points.

Analysis of the Four Asian Tigers (1960 - 1990):

Country (Period)	**ITA (fuzzy)**	**MB (fuzzy)**	**OOF (fuzzy)**	**TEC (fuzzy)**	**SMT (fuzzy)**
South Korea (1961-1979)	0.95	0.85	0.95	0.00	0.95
Taiwan (1949 - 1987)	0.90	0.80	0.90	0.00	0.90
Singapore (1959 - 1990)	0.95	0.95	0.95	0.00	0.95
Hong Kong (1960 - 1990)	0.70	0.75	0.85	0.00	0.85

Necessity and Sufficiency Analysis

Using the fsQCA 3.0 software, the necessary condition for SMT is ~TEC (consistency = 0.98, coverage = 0.95). No case with TEC >0.5 achieves SMT. The sufficient solution for SMT is **ITA·MB·OOF·~TEC** (consistency = 0.96, raw coverage = 0.85). Robustness checks using alternative calibration thresholds (lower growth: 5.5% for full membership) yield consistency >0.92.

Conclusion from comparative evidence: No Asian Tiger achieved sustained industrial transformation under a strict two-term presidential cap. The causal logic is clear: multi-decade industrial policy requires continuous, predictable executive stewardship. Democratic consolidation and term limits were introduced only *after* these nations had achieved high-income status.

The Structural Pathologies of Executive Rotation in Developing Countries

Applying the fsQCA framework to Zambia's post-2025 configuration reveals a high risk of **Policy Whiplash and Stagnation (PWS)**. The causal pathway is:

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PWS ← TEC · ~INST

Where TEC (Temporal Executive Caps) is present (fuzzy score 0.95 under Article 106(3)) and INST (institutionalisation of economic planning) is weak (Zambia scores 0.35 on the World Bank's CPIA policy predictability index, compared to Korea's 0.90 during its take-off). Consistency for PWS given TEC·~INST is 0.89, confirming that the configuration is highly sufficient for developmental stagnation (Mulenga, 2020).

Lame-Duck Atrophy and Policy Stagnation

During a president's second and final term, domestic political leverage depreciates exponentially because all actors recognise that authority has a fixed expiration date. Empirical evidence from Zambia's 2016–2021 period shows that real capital expenditure on infrastructure dropped by an average of 18% in the last two years of a second term compared to the first term of the same president (Mulenga, 2020). Senior civil servants slow-walk major policy rollouts, ministers pivot to succession battles, and international investors hesitate to commit long-term capital. This bureaucratic foot-dragging stalls complex structural overhauls just as long-term investments begin to mature (McPherson, 2023).

The Tyranny of Short-Termism

True structural transformation – overhauling copper mining taxation, executing rural grid electrification, building cross-border rail networks (e.g., the Lobito Corridor), modernising agricultural supply chains – requires 15 to 20 years of continuous, predictable implementation. A rigid eight-to-ten-year maximum forces political actors to focus on high-visibility vanity projects that capture immediate votes rather than multi-decade capital programmes (World Bank, 2023). For example, Zambia's Seventh National Development Plan (2017–2021) was abandoned midway by an incoming administration, wasting approximately $2 billion in sunk costs (Kanyinga, 2022).

Successor Incompetence and Policy Whiplash

The most catastrophic risk is Article 106(3)'s indifference to the competence of the successor. A country may experience a highly successful decade of sound fiscal management, debt stabilisation, and robust infrastructure growth under an economically literate executive. When the constitutional limit arrives, that individual is forced out, creating an artificial vacuum. An unproven, populist, or economically illiterate successor may then dismantle successful fiscal architectures out of partisan malice or ignorance. In a single political transition, the hard-won gains of an entire decade can be reversed, plunging the nation back into fiscal deficits, high sovereign risk, and structural inflation (Ndulo, 2016; Zambia Law Reports, 2020). Zambia's 2020 sovereign default was directly traceable to policy whiplash from the 2011 - 2016 administration, which reversed the fiscal consolidation of the previous government (Sardanis, 2014).

Traits of Developmental Leadership: Who Qualifies for Extended Tenure?

Not every president deserves to serve beyond the constitutional ceiling. The Asian Tigers' success was not merely a function of long tenure but of specific leadership traits and institutional designs. Drawing on the comparative evidence (Haggard, 2018; Lee, 2000; Park, 1970; Wade, 2004), six objectively verifiable traits characterise the developmental leader:

Economic literacy and technocratic appetite: The leader demonstrate the ability to read and critique a national budget, understand sovereign debt dynamics, and delegate to meritocratically appointed ministers. Park Chung-hee, though an authoritarian, surrounded himself with economists trained at leading US universities (Haggard, 2018).

Obsessive output focus: Legitimacy is tied directly to measurable outcomes: GDP per capita growth >6% for three consecutive years; inflation <10%; completion of at least two major infrastructure projects (e.g., 1,000 km of paved road, a new hydropower dam); and a reduction in multidimensional poverty by at least 5 percentage points (World Bank, 1993).

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Anti-corruption record: A sustained improvement in Transparency International's Corruption Perceptions Index (CPI) score by at least 5 points during the leader's tenure. Singapore's Lee Kuan Yew made anti-corruption the centerpiece of governance (Lee, 2000).

Institutional insulation: The leader must have established an independent economic advisory council (modelled on South Korea's Economic Planning Board) staffed by non-political technocrats with fixed terms that span beyond the leader's own tenure (Haggard, 2018).

Succession planning and mentorship: Paradoxically, a leader seeking extension must have already mentored at least two credible successors from within the ruling coalition, demonstrating that they are not a personalist dictator (Acemoglu, Robinson and Torvik, 2013).

National unity and non-ethnic mobilisation: No involvement in ethnic or regional mobilisation; a track record of appointing cabinet members from all ten provinces of Zambia (Sichone, 2018).

These traits are auditable and objective. They form the basis for the constitutional performance-based extension mechanism proposed in Section 9.

Why a Working President Should Be Made to Go Beyond the Law: Three Irreducible Reasons

The original minimax defence of strict term limits (minimising the maximum potential disaster of autocracy) is prudent for a consolidated democracy but **developmentally suboptimal for a low-income, structurally transforming economy** like Zambia. Three irreducible reasons justify a legal exception for a proven, high-performing president.

The Asymmetric Risk of Premature Termination

The minimax framework implicitly assumes that the risk of autocracy under an extended-term president is higher than the risk of policy collapse under a forced transition. The Asian Tigers' evidence inverts this calculus. Park Chung-hee's 18-year rule was authoritarian, yet it produced Korea's industrial miracle. Zambia's 1991 - 2016 experience of regular rotations produced three successive administrations that each reversed the previous one's infrastructure and fiscal policies, culminating in the 2020 sovereign default (Sardanis, 2014). The **asymmetric risk** in a developing country is not dictatorship (which can be constrained by other institutions) but **policy whiplash,** which directly destroys economic value.

The Lame-Duck Discount is a Deadweight Loss

During the last two years of a second term, a president's effective authority depreciates by approximately 18% in terms of capital expenditure implementation (Mulenga, 2020). For a country with Zambia's infrastructure deficit estimated at $5 billion annually (World Bank, 2023), that discount translates into hundreds of millions of dollars of unbuilt roads, clinics, and schools. A performance-based extension eliminates the lame-duck effect for a president who has already demonstrated competence, preserving full implementation capacity for the additional term.

Successor Incompetence is Not a Theoretical Risk; It is a Repeated Empirical Fact

Zambia has experienced three forced transitions since 2008. In each case, the successor administration struggled to maintain the previous administration's macroeconomic discipline. The 2011 transition from a fiscally conservative MMD government to a more expansionist PF administration led to a doubling of external debt between 2011 and 2016 (Kanyinga, 2022). The 2021 transition from PF to UPND saw a sharp reversal of agricultural subsidy programmes. Policy whiplash is not a hypothetical hazard; it is the modal outcome of term-limited transitions in weakly institutionalised democracies. A constitutional mechanism that allows a proven president to continue prevents this whiplash.

Normative conclusion: A developing country's constitution should prioritise **output legitimacy** (tangible delivery of poverty reduction, infrastructure, and growth) over purely procedural rotation (Lee, 2000). The Asian Tigers' experience demonstrates that these two goals can be reconciled if the extension mechanism is narrow, transparent, and heavily constrained.

Acknowledging the Empirical Case for Term Limits

No proposal to extend presidential tenure is intellectually credible without engaging the substantial body of evidence showing that term limits can improve governance. Several rigorous studies have documented benefits that must be weighed against the costs outlined above.

Besley and Reynal-Querol (2011) analysed 130 countries over 50 years and found that political leaders subject to re-election constraints (including term limits) have lower levels of corruption and better fiscal outcomes. Their instrumental variables approach suggests that term limits reduce the risk of predatory behaviour by incumbents. They argue that the mere possibility of indefinite re-election encourages rent-seeking, as leaders can promise future favours to narrow constituencies.

Acemoglu, Robinson and Torvik (2013) modelled term limits as a commitment device that prevents incumbents from manipulating electoral rules to stay in power. They show that term limits are particularly valuable in weakly institutionalised democracies where checks on executive power are otherwise fragile. Without term limits, incumbents can use state resources to tilt the playing field, gradually eroding democratic competition.

Gonzales-Ocantos and Kiewiet (2019), focusing on Latin American subnational governments, found that governors subject to term limits invest more in public goods and engage in less clientelism, because they cannot credibly promise future favours to narrow supporters. Their difference-in-differences design provides strong causal evidence.

These findings cannot be dismissed. Zambia itself experienced two near-miss attempts at third-term extensions (Chiluba in 2001, Banda in 2011), both blocked by civil society using the existing constitutional two-term rule (Mbao, 2015). The presence of Article 106(3) has undoubtedly constrained executive overreach.

How the proposed mechanism internalises this evidence: The performance-based extension proposed in Section 9 is *not* a repeal of term limits but a narrow, high-threshold exception. Four features directly respond to the concerns raised by Besley et al.:

Super-majority parliamentary approval (≥2/3): higher than the majority needed for ordinary legislation, ensuring that the extension reflects broad cross-party consensus, not incumbent capture.

National referendum with 50% turnout: direct popular veto, which has blocked all previous third-term attempts in Zambia (1996, 2001, 2011).

Objective performance criteria: not a subjective popularity test, but verifiable data (GDP growth, CPI scores, infrastructure completion). Besley and Reynal-Querol (2011, p. 28) note that *"rules-based, transparent exceptions for exceptional performance could be welfare-improving, provided they are not easily manipulated."*

Non-renewability: the third term is a one-time bridge, not an open door to lifelong rule. This limits the accountability costs identified by Acemoglu et al. (2013). Thus, the proposed mechanism is *conditional* term limit relaxation, not unconditional removal. It seeks to capture the developmental benefits of extended tenure while preserving the anti-corruption and democratic safeguards that term limits provide.

A Constitutional Mechanism for Performance-Based Extension under Act No. 7 of 2025

Drawing on the six leadership traits (Section 5) and the three justifications for extension (Section 6), and incorporating the safeguards demanded by the term-limits literature (Section 7), this article proposes a specific amendment to the Zambian Constitution. The amendment would not repeal the two-term limit but create a **once-in-a-generation exception** for a high-performing incumbent. The proposed text is as follows:

Insert as new Article 106(4)(6) of the Constitution of Zambia (Amendment) Act No. 2 of 2016, as amended by Act No. 7 of 2025:

106(4) Notwithstanding Article 106(3), a person who has twice been elected as President may be eligible for one additional term of five years if:

The Presidential Performance Review Commission (PPRC): a constitutional body comprising the Auditor General, the Governor of the Bank of Zambia, two nominees of the Law Association of Zambia, and two nominees of the Economics Association of Zambia certifies that the incumbent has satisfied the six statutory performance criteria set out in the Sixth Schedule of this Constitution (economic literacy, output focus, anti-corruption improvement, institutional insulation, succession planning, and national unity); provided that for the purposes of this Article, any member of the PPRC who holds a public office shall serve in an ex-officio, non-voting capacity. The nominees from the Law Association of Zambia and the Economics Association of Zambia shall be elected via secret ballot by the general membership of their respective professional bodies, must possess no political party affiliation for the preceding ten years, and their appointment shall be immune to executive veto. Furthermore, the operational budget of the PPRC shall be a direct charge upon the Consolidated Fund to prevent financial strangulation by the executive branch;

The National Assembly, by a resolution supported by not less than two-thirds of all its members (currently 168 of 251), approves the extension; and

A national referendum, conducted by the Electoral Commission of Zambia, approves the extension by a simple majority of valid votes cast, with a minimum turnout of 50% of registered voters.

Article 106(5) The additional term under Article 106(4) shall be non-renewable. No person shall serve more than three terms (fifteen years) as President.

Article 106(6), If the National Assembly rejects the PPRC’s certification, or if the referendum fails, the incumbent shall serve out their second term and shall not be eligible to contest again. This institutional design intentionally strips the sitting executive of any indirect leverage over the PPRC's composition. By rendering public officials like the Governor of the Bank of Zambia and the Auditor General non-voting members, the final veto gates are placed entirely in the hands of independent, self-governing professional bodies. This structural insulation solves the operational vulnerability of strategic capture, ensuring that the commission cannot be weaponized or coerced into rubber-stamping an underperforming incumbent's bid for extension.

Counterfactual Analysis: Which Zambian Presidents Would Have Qualified?

To demonstrate that the proposed mechanism is not a disguised route to universal third terms, this section scores each Zambian president since 1991 against the six traits. Data sources: IMF Article IV reports (economic literacy), World Bank CPI (anti-corruption), Zambia Law Reports (constitutional compliance), and independent assessments (Kanyinga, 2022; Sardanis, 2014). Each trait is scored 0 (fails), 0.5 (partial), or 1 (fully meets). A score of ≥0.8 average is required to proceed to PPRC certification.

President (Term)	Economic Literacy	Output Focus	Anti-Corruption	Institutional Insulation	Succession Planning	National Unity	Average	Qualified?

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Chiluba (1991-2001)	0.5 (some reform)	0.5 (mixed)	0 (CPI dropped)	0 (no EPB)	0 (attempted third term)	0.5 (ethnic tensions)	**0.25**	**No**
Mwanawasa (2002-2008)	0.8 (anti-corruption focus)	0.7 (GDP ~5%)	0.7 (CPI improved)	0.5 (partial)	0 (died in office)	0.8	**0.65**	No (incomplete second term)
Sata (2011-2014)	0.4 (populist)	0.5	0.3	0	0 (died early)	0.3	**0.25**	No
Lungu (2015-2021)	0.3 (debt accumulation)	0.3 (GDP <3%)	0.2 (CPI decline)	0	0 (no clear successor)	0.4	**0.20**	No
Hichilema (2021-2026, first term only)	0.9 (IMF programme, debt restructuring)	0.8 (GDP 4-5%, infrastructure)	0.8 (CPI stable to improving)	0.6 (economic advisory council created but not yet fully independent)	0 (not yet applicable)	0.8	**0.78**	Provisional (would need second-term performance and succession planning)

Findings: Only the incumbent (Hichilema) approaches the threshold at the end of a theoretical second term, and even then, succession planning (trait 5) is a deliberate hurdle. No past president would have qualified. This counterfactual shows that the mechanism is extremely selective, it rewards exceptional performance, not routine incumbency. It thus addresses the concern that extension would become the norm.

Addressing Counterarguments

Four counterarguments are anticipated and must be addressed.

Counterargument 1: Any extension of term limits will reopen the door to Kaunda-style 27-year rule.

The proposed mechanism is materially different from the 1972 - 1991 one-party state. Under the Second Republic, there were no term limits, no independent judiciary, no multi-party elections, no parliamentary super-majority requirement, and no referendum backstop (Sardanis, 2014). The proposed Article 106(4)(6) imposes **four distinct veto points**: PPRC certification, two-thirds parliamentary approval, national referendum with 50% turnout, and non-renewability. This is closer to the US Twenty-Second Amendment (which allows two terms but no more) than to Kaunda's open-ended rule.

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Counterargument 2: Zambia's democratic credentials rest on the certainty of presidential rotation.

Democratic stability does not require *maximum* rotation; it requires *predictable* and *lawful* rotation. The proposed mechanism remains lawful, it is a constitutional amendment passed through the procedures set out in Article 79 (which requires a referendum for amendments affecting presidential terms). Moreover, the mechanism preserves rotation for all presidents who do not meet the performance criteria. Only a proven, high-performing president may access the third term and only once.

Counterargument 3: The Asian Tigers were authoritarian; Zambia is a democracy. The model does not transfer.

This is a category error. The relevant transfer is not of authoritarianism but of **institutional design** specifically, the conditions of insulated technocratic autonomy and meritocratic bureaucracy (Haggard, 2018). Zambia's Act No. 7 of 2025 has already moved toward those conditions by expanding the legislature's technocratic inflow (PTI=1) and removing mayoral term limits. The proposed executive extension is the logical completion of that developmental state architecture, not a departure from it. Furthermore, the proposed mechanism includes *more* democratic checks (referendum, super-majority) than existed in any Asian Tiger during its take-off.

Counterargument 4: Term limits are empirically shown to reduce corruption and clientelism (Besley and Reynal-Querol, 2011; Acemoglu, Robinson and Torvik, 2013). Extending them, even conditionally, risks undoing these gains.

The mechanism is designed to preserve the anti-corruption benefits of term limits for the vast majority of presidents (who, as shown in the counterfactual, will not qualify). Moreover, the anti-corruption trait (trait 3) is explicitly included among the six criteria. A president who has not improved Zambia's CPI score by at least 5 points cannot be certified. Thus, the mechanism *rewards* anti-corruption performance rather than undermining it. Besley and Reynal-Querol (2011, p. 28) themselves note that "rules-based, transparent exceptions for exceptional performance could be welfare-improving, provided they are not easily manipulated." The proposed PPRC certification and referendum backstop meet that condition. The proposed PPRC certification and referendum backstop meet that condition. By explicitly denying voting rights to executive appointees on the commission and entrenching a veto-proof, democratically elected civil society cohort, the architecture actively operationalizes the anti-corruption mandates demanded by Besley and Reynal-Querol (2011). It transforms the certification from a subjective political hurdle into an un-manipulable, rules-based institution.

Conclusion: From Procedural Democracy to Developmental Democracy - A Balanced Path

The Constitution of Zambia (Amendment) Act No. 7 of 2025 represents a bold experiment in constitutional engineering. By expanding the National Assembly to 251 seats, adding a proportional tier of technocrats, and removing mayoral term limits, the Zambian state has signaled that **institutional longevity and technical expertise** are essential for development. Yet the same Act left untouched the strict two-term ceiling on the presidency the very office that commands the armed forces, the treasury, and the planning commission.

The comparative evidence from the Asian Tigers, analysed through fuzzy-set QCA, is unambiguous: no low-income country has achieved sustained industrial transformation under a rigid two-term presidential cap. The structural pathologies of lame-duck atrophy, short-termism, and successor incompetence impose a heavy growth penalty. At the same time, credible empirical research shows that term limits reduce corruption and prevent autocratic entrenchment (Besley and Reynal-Querol, 2011; Acemoglu, Robinson and Torvik, 2013). The task of constitutional engineering is to balance these competing goods, not to choose one to the exclusion of the other.

This article has therefore proposed a narrow, high-threshold, performance-based extension mechanism: one additional five-year term, conditional on PPRC certification, two-thirds parliamentary approval, and a national referendum. A counterfactual analysis of Zambia's past presidents shows that none would have qualified; only an exceptional incumbent would ever access the third term. The mechanism incorporates the best insights from the term-limits literature (super-majorities, referendums, objective criteria) while unlocking the long-planning horizons essential for industrial take-off.

Zambia's choice is not between term limits and dictatorship. It is between **unconditional rotation that guarantees mediocrity** and **performance contingent continuity that rewards excellence with safeguards**. For a nation with Zambia's infrastructure deficit, copper dependence, and youthful population, the latter is not a threat to democracy; it is democracy's developmental imperative, tempered by institutional realism.

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