

STATES OF JERSEY



CHIEF MINISTER: TERM LIMIT (P.24/2017) – COMMENTS

Presented to the States on 18th May 2017
by the Privileges and Procedures Committee

STATES GREFFE

COMMENTS

Senator S.C. Ferguson's proposition would prohibit an elected Member from serving more than 2 terms as Chief Minister. In her report, Senator Ferguson states that "many countries now place limits on the length of time individuals are permitted to hold the highest offices". However, term limits almost invariably apply to the role of President rather than to the role of Prime Minister or Chief Minister. A Prime Minister or Chief Minister normally serves in that capacity for as long as they command the support of their jurisdiction's legislature. That is the situation throughout Europe and the Commonwealth. There is a Wikipedia [page](#) devoted to this topic, and the only jurisdictions in which a legislature's Chief Minister are subject to a term limit are China, Hong Kong, Macau, Thailand and Vietnam. None of these jurisdictions can be said to be fully democratic.

Term limits were a feature of Greek and Roman politics during the Classical period and were intended to ensure that government was not the preserve of an oligarchical elite and prone to corruption. They were not successful in achieving those aims. It is thought that the founding fathers of the United States adopted the idea of term limits from their knowledge of the Classics, although the adoption of a formal term limit for the United States President did not occur until after the Second World War. Term limits do not apply to the U.S. Congress or to the majority of state legislatures.

The concept of term limits and its adoption in the U.S. pre-date the democratic era. Our view is that a democratically elected legislature is entitled to choose any of its members as Chief Minister, and should not be prevented from doing so by arbitrary qualification rules. This proposition is particularly problematic as anyone who "acts as" Chief Minister during someone else's term – perhaps for just a few days or weeks while the incumbent is ill – is prevented from serving more than one term in their own right. With such a rule in place, the Assembly could be placed in an invidious position where a popular Chief Minister (or former Chief Minister) runs for election on the basis that he or she wishes to be Chief Minister again, finishes top of the senatorial poll, but is then disqualified because of the term limit rule. In this circumstance, the Assembly might end up electing an interim Chief Minister, pledged to repeal the rule and resign, which would hardly be conducive to good, stable government. A comparable situation arose in Guernsey in 2012 when the States of Deliberation changed a rule which required a candidate for Chief Minister to have served 4 of the last 8 years as a Deputy in order to permit Peter Harwood to stand: he was subsequently elected.

It is possible for term limits to be manipulated or evaded, creating situations where it is hard to tell where real power lies, and thereby reducing accountability. Prevented from standing for re-election as Governor of Alabama in 1967 because of a term limit rule, George Wallace secured his wife's election in his place and remained the state's pre-eminent figure as "First Gentleman" until her premature death in 1968. The most notorious current manipulator of a term limit is Vladimir Putin, who has ruled Russia since 1999, including a spell as Prime Minister when he was barred from running for the role of President because of a time limit, during which he installed a puppet president.