[[1]](#endnote-1)A Two-Headed Creature: Bicameralism in African Autocracies

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Abstract: Since the 1990s, 17 African states have added a second chamber to their legislatures. This sudden trend is puzzling for two reasons. First, bicameral legislatures have decreased by 33 percent worldwide. Second, although upper houses often aim to improve democratic representation, descriptive statistics suggest these institutional changes were not due to democratic or representative pressures. The changes occurred primarily in hybrid regimes. What explains this resurgence of bicameral legislatures in Africa? I argue that incumbents introduce a second chamber when the opposition has sufficient power in the lower chamber to contain the executive branch. To assess my argument, I adopt a mixed-method approach. First, I demonstrate with a duration model that the likelihood of bicameralism increases with opposition strength. Second, to show how the causal mechanism operates and the motives behind introducing a new chamber, I conduct two case studies – Côte d’Ivoire, and Zimbabwe. I find that African incumbents have created a second chamber to (1) weaken the legislature as a whole and the opposition in general and (2) manage intra-party dissent.

Key words: Authoritarianism, legislature, African politics, democratic resilience

Introduction:

Since the introduction of multiparty elections in the 1990s, 40 percent of African states have transitioned from a unicameral legislature to a bicameral parliament. This trend is puzzling for several reasons. First, legislatures around the world are predominantly unicameral. In fact, the share of bicameral legislatures has decreased by 33 percent.[[3]](#endnote-2) Second, while bicameral parliaments were a feature of African states when they were under colonial rule, these countries quickly removed their upper houses shortly after independence.[[4]](#endnote-3) Before 1990, only two African states had a bicameral legislature: Liberia and Nigeria. Finally, conventional wisdom holds that bicameralism improves democratic representation and legislative efficiency.[[5]](#endnote-4) However, in Africa, the resurgence of bicameral parliament has mainly occurred in hybrid regimes. Existing theories thus struggle to explain the return of bicameral legislatures in Africa. Hence, this paper asks: what factors drive the resurgence of bicameral parliaments in sub-Saharan Africa?

The African continent has experienced an unprecedented wave of legislative expansion since the early 1990s. Incumbents have manipulated legislatures' size to better control parliaments and undermine horizontal accountability.[[6]](#endnote-5) Legislative expansion can take various forms (e.g., the creation of elected, reserved, or appointed seats or the creation of a new chamber). Introducing a bicameral parliament is a costlier endeavor, however. Because of the high visibility of this institutional reform, incumbents expose themselves to greater scrutiny from domestic and international actors. In other words, for an incumbent eager to regain control over the legislature without drawing too much attention, creating a second chamber is a high-risk strategy. Hence, this paper investigates why some African incumbents decide to create an upper house rather than add a few seats or manipulate constituencies' boundaries.

I argue that parliaments in hybrid regimes are more likely to become bicameral when opposition groups can impede the executive branch's dominance over the legislature. Adding an upper chamber offers multiple advantages for an incumbent eager to regain control over the law-making process. First, incumbents can design the composition and the organization of the upper house to optimize their political gain. With most senators being indirectly elected or appointed by the executive branch, incumbents can guarantee that these upper chambers will remain loyal to them. Second, by introducing veto points, upper houses can limit the power of the lower chamber and prevent it from passing bills that would undermine the ruling regime. Finally, a new chamber offers a source of patronage for party loyalists who lost their seats in the lower house. By doing so, upper chambers can also resolve intra-party conflicts and allow the incumbent to control the elites better.[[7]](#endnote-6)

To assess the validity of my argument, I adopt a mixed-method approach. Leveraging original cross-sectional data that covers a thirty-year period, I demonstrate in a duration model that the likelihood of bicameralism increases with opposition strength. These results are only suggestive, however. Because introducing a second chamber is a rare event, I rely on two case studies — Côte d'Ivoire and Zimbabwe — to show the motives behind these institutional reforms and their effects on the executive-legislative branch relationship.

This paper makes three important contributions. First, this paper provides a theory-driven and nuanced account of why states resort to bicameralism. Using original data detailing the composition of 42 African legislatures over thirty years, I show that bicameralism does not improve democratic representation or foster stability and efficiency in hybrid regimes. If these reforms appear as a democratic improvement on paper, I show that they help incumbents remain in power. In Africa, incumbents have added a second chamber to undermine the work of the opposition, weaken the legislature as a whole and manage elite cohesion. In other words, these institutional reforms have allowed incumbents to stay in power and undermine both horizontal and vertical accountability.

Second, this article contributes to the literature on institutions in hybrid regimes by identifying new lawfare strategies autocrats use to remain in power. The literature has well-established that autocrats have weaponized institutions to manage power-sharing among elites,[[8]](#endnote-7) alleviate commitment and monitoring problems,[[9]](#endnote-8) broaden their support base and coopt opponents,[[10]](#endnote-9) or maintain norms of collective action among the dictator's allies.[[11]](#endnote-10) Yet, there is still a need to identify which institutions incumbents instrumentalize and why they prefer one over the other. I address this gap by identifying the conditions under which incumbents decide to create a new chamber and the benefits of such reform.

Finally, this article builds on a new wave of literature on formal institutions in African politics.[[12]](#endnote-11) This focus on bicameralism demonstrates a critical and innovative way that legislatures are used to varied ends in African politics and suggests that controlling parliaments confers significant advantages to incumbents. First, it limits the influence of the opposition by undermining their representation and introducing collective action problems within the party. Second, it improves the cohesion of the ruling party by finding sources of patronage. Finally, it enables the executive branch to pass significant constitutional reforms to reinforce its power (e.g., the abolition of the presidential term limit). Therefore, understanding how composition and functioning can affect parliaments' behavior is critical, as parliaments can become a roadblock to democratization.

1. Understanding Legislative Design

Although the first bicameral legislature - the House of Lords and the House of Commons- was more the result of a historical accident than a particular philosophy, scholars have identified two main reasons why some states prefer bicameral chambers over unicameral ones.[[13]](#endnote-12)

The first argument is that bicameralism fosters stability and efficiency (Brosio, 2006).[[14]](#endnote-13) Upper houses are better suited to solve collective action problems than strategies such as majority rules (Riker, 1992).[[15]](#endnote-14) Furthermore, upper chambers are often composed of experts rather than politicians, thus improving the law-making process.[[16]](#endnote-15)

A second argument is that bicameralism improves democratic representation. By adding a new chamber, the European legislatures gained more elected seats, which was a positive development for 19th-century Europe.[[17]](#endnote-16) Evidence from the Western world suggests that upper houses were added to improve the representation of different social classes.[[18]](#endnote-17) Bicameral systems have been seen as a way to minimize arbitrariness by adding a counterpower within the legislature and acting as a safeguard for democracy.[[19]](#endnote-18) A second chamber can also be used to represent minorities or regional interests.[[20]](#endnote-19) For example, Lijphart argues that bicameralism is a feature of large states with a high level of ethnic fractionalization.[[21]](#endnote-20)

States have often relied on this rationale to justify the creation of a second chamber. For instance, the French Senate's purpose is to represent the interests of territorial bodies (e.g., regions, *departements*). In the United States, the Senate seeks to ensure equal representation among states and give more weight to states that are not densely populated. The same narrative is present in most African constitutions with a bicameral legislature. In Kenya, the Senate aims to represent and protect counties' interests and further accentuate decentralization efforts. In Burundi, the upper chamber seeks to give ethnic and local communities a stronger voice as delegates are elected by an electoral college composed of communal counties and different ethnic communities.

The idea that bicameralism fosters democratization has been challenged, however. If upper chambers offer a different type of representation, they are not necessarily more democratic. In Western Europe, upper houses have tended to protect the nobility, regional government interests, and distinct electoral constituencies.[[22]](#endnote-21) In the United States, scholars trace the Senate's origin to the founding fathers' intent to slow down the law-making process, thus making the bicameral parliament more conservative.[[23]](#endnote-22) This suggests that bicameralism might be adopted for other reasons than improving democratic representation.

1. The Resurgence of Bicameralism in Africa: An Authoritarian Strategy

The literature review suggests that bicameralism is either introduced to enhance or undermine democratic representation. Under which category does the resurgence of African bicameral parliament fall under? To answer this question and start to understand the motives behind the resurgence of bicameralism in Africa, I turn to descriptive statistics. By doing so, I identify patterns among states that added a second chamber to their parliament.

[Figure 1 here]

First, as Figure 1 suggests, all upper chambers have been introduced since the early 1990s. As mentioned above, this characteristic is puzzling as many African states inherited a bicameral parliament from their colonial experience. Shortly after independence, however, all states turned to unicameralism. Only Nigeria and Liberia have had a bicameral legislature prior to the 1990s. The reintroduction of upper chambers correlates with the introduction of multiparty politics and the wave of institutionalization that affected the continent. Pressured by domestic opponents and foreign donors, many African incumbents had to redesign existing political institutions to survive in the long run.[[24]](#endnote-23)

The literature on authoritarian resilience has repeatedly shown how autocrats use political institutions to remain in power. Formal institutions, like the legislature, allow dictators to face two threats - ruling elites and societal actors.[[25]](#endnote-24) Their instrumentalization allows incumbents to alleviate commitments and monitoring problems, thus making the regime more stable.[[26]](#endnote-25) Although the literature has attempted to identify more precisely the legal and institutional mechanisms (e.g., term limits;[[27]](#endnote-26) courts;[[28]](#endnote-27) cabinet appointments[[29]](#endnote-28)), we still have not identified all strategies available on the ``menu of institutional manipulation.'' The correlation between the resurgence of upper chambers and the wave of institutionalization described by Meng leads us to think that bicameralism might be one institutional strategy African incumbents have used to control the rules of the games better.

Second, these upper chambers' institutional features further suggest that incumbents have engineered the resurgence of bicameral parliaments for their own political benefit. In 82 percent of the cases, senators are not directly elected; they are either indirectly elected or directly appointed by the head of state.[[30]](#endnote-29) This characteristic gives more weight to the thesis that bicameralism is introduced to undermine democratic representation. Indeed, this institutional feature appears in contraction with the narrative used by governments to defend the creation of an upper chamber. In most cases, governments argued that a second legislative chamber would enhance democratic representation. However, in reality, most citizens have no control or say over their senators' selection process. Furthermore, this feature of African bicameral parliaments is consistent with a larger trend that has been observed and documented across the continent. Ruling regimes have repeatedly created public offices to create clientelistic and patronage networks in order to manage threatening elites and reinforce the ruling regime.[[31]](#endnote-30)

[Table 1 here]

Finally, when comparing states with unicameral and bicameral parliaments, descriptive statistics do not allow us to identify alternative explanations as to why these states have added an upper chamber. First, Table 1 suggests that variation in legislatures' design does not appear to be a product of colonialism as a similar number of both anglophone and francophone states have adopted bicameral parliaments.[[32]](#footnote-2) Hence, this resurgence of bicameral parliaments should not be construed as a colonial inheritance. Second, economic and demographic indicators are relatively homogeneous. States with unicameral and bicameral parliaments seem to have experienced roughly the same economic and population growth levels. There is also no substantial difference between the ethnic fractionalization levels of countries that do not have bicameral parliaments. This absence of variation is particularly interesting as many governments use financial and/or demographic rationale to justify the presence or absence of a unicameral chamber. In Cameroon, for example, the government argued that a lack of funding explained the delay in creating the upper chamber. Finally, Table 1 shows that states with bicameral legislatures tend to have a higher Freedom House score, thus indicating that states with bicameral legislatures tend to be more authoritarian.

This descriptive data, combined with what we already know about the African wave of institutionalization that followed the introduction of multiparty politics, suggests that the resurgence of bicameralism would be one of the many lawfare strategies incumbents have resorted to in order to consolidate their power. Hence, by identifying how incumbents use bicameralism to reinforce their authority, this paper contributes to the broader literature on political institutions and authoritarian resilience. Although the literature has repeatedly shown how autocrats manipulate legislatures (e.g., Gandhi & Przeworski, 2006),[[33]](#endnote-31) little scholarship has theorized the role of bicameralism in hybrid regimes. In a seminal piece, Baturo and Elgie (2018) argue that bicameralism is more likely to occur in personalistic regimes because dictators need to legitimize the abolition of presidential term limits.[[34]](#endnote-32) The authors rely on the Geddes, Wright, and Frantz dataset to test their theory and conduct their cross-sectional analysis. Although Baturo and Elgie provide valuable insights, their operationalization of African regimes is problematic as most states cannot be described as personalistic regimes. The literature has shown that the introduction of multiparty in the 1990s led most African regimes to institutionalize.[[35]](#endnote-33) In other words, personalistic regimes declined after the 1990s. Hence, the resurgence of African bicameral parliaments must be studied with this particular context in mind. Furthermore, as I will show in the rest of the paper, the introduction of an upper chamber helped African incumbents deal with many of the challenges they faced following the introduction of multiparty politics. In other words, presidential term limits are not the sole reason why incumbents designed bicameral parliaments. I outline and theorize incumbents' motives in the following section.

1. Theory: A Second Chamber to Crush the Opposition

Why would adding a second chamber be an appealing strategy for incumbents in hybrid regimes? I argue that incumbents create upper chambers to weaken the lower chamber when it becomes too powerful. Hybrid regimes require incumbents to think carefully about their strategies to remain in power. In these regimes, the ruling party pretends to uphold democratic principles by having elections and adopting democratic institutions. Behind this facade, however, powerholders rely on formal and informal channels to remain in control.[[36]](#endnote-34) As a result, the ruling party and the opposition are often engaged in a tug-of-war to gain and/or consolidate political power.

In some states, incumbents have struggled to remain in control over the legislature. Through repeated elections, opposition parties in some states have become stronger and have secured more seats in parliaments. In other cases, electoral management bodies and electoral laws have made it more difficult for the executive branch to use other forms of legislative expansions, like creating seats in constituencies that tend to favor the ruling party. If some incumbents have used legislative expansion to regain control over their parliament, this manipulation can sometimes be counterproductive.[[37]](#endnote-35) When the ruling power cannot manipulate electoral boundaries at will, incumbents risk that opposition parties could win over these new seats and further undermine their authority in the parliament. Although creating a new chamber will elicit greater scrutiny, this strategy offers several benefits. First, incumbents can fully take control of the upper chamber by designing an institution that is tailored to the country's political landscape. For instance, incumbents can decide how senators will be selected, thus guaranteeing they always have at least a majority in the upper chamber. Incumbents can also decide how much scrutiny upper chambers can have on the law-making process and thus prevent the opposition from enacting constraining laws. Adding a few seats in the lower chamber does not provide such immediate benefits. Despite being more visible, this institutional manipulation can be effective for an incumbent who needs to regain control over the legislative process quickly in order to enact important reforms (e.g., abolition of the presidential term limits, etc.). Second, because bicameralism is not inherently antithetical too, incumbents can hide their true motives by building a narrative associating bicameralism with democratic representation. By doing so, incumbents can legitimize this institutional innovation and hide the real purpose of the reform. Hence, I formulate the following hypothesis:

Hypothesis 1: Bicameral parliaments are more likely to be created in states where the opposition is gaining influence in the lower chamber.

Introducing a new upper chamber offers many advantages for an incumbent eager to regain control over its legislature. First, creating a second chamber weakens the lower chamber's salience and accentuates the executive branch's dominance over the legislative branch. With the executive controlling the senatorial seats in most African states, the legislature is likelier to focus on the executive's agenda. As a result, creating a new house can prevent the parliament from exercising its constitutional oversight function. In other words, checks and balance mechanisms that guarantee horizontal accountability are less likely to be successful. Because of their composition, upper chambers are likelier to oppose measures (e.g., a vote of no confidence or a motion of censure) that undermine the executive branch's authority. Furthermore, the creation of a second chamber may introduce collective action problems. Following Olson's rationale, the larger the legislature, the harder it will be to provide an optimal amount of public goods.[[38]](#endnote-36) This issue can be accentuated by the fact that the two chambers might have different interests. For instance, with senators being indirectly elected and accountable to the President, their interests and goals may differ from lower chambers' legislators, who are accountable to the electorate and have to be reelected to stay in office. Finally, the introduction of a veto point with the creation of a senate can foster legislative immobility by preventing the legislature from passing bills that favor the opposition's agenda.[[39]](#endnote-37) This logic leads to my second hypothesis:

Hypothesis 2: The creation of an upper chamber helps the incumbent and their ruling party regain control over the law-making process.

Second, the introduction of an upper chamber weakens the opposition and undermines its ability to constrain the executive branch. Because the upper houses' composition and electoral rules tend to favor the ruling party, the opposition is less likely to obtain a majority in the senate, thus losing its control over the legislature. Introducing a second chamber can also create tensions and disorganize the functioning of the opposition party. With the introduction of a new chamber, opposition parties must develop a strategy to win seats and gain control over the upper house. Developing such a strategy can be challenging and create tensions among the party leadership. Furthermore, challenging the creation of a new senate is often difficult for the opposition as the executive often advertises bicameralism as a democratic improvement. Like the ruling party, opposition parties in hybrid regimes want to show they follow the rule of law and care about the state of democracy. Hence, pro-democracy rhetoric used by the executive to justify the creation of a second chamber makes it harder for the opposition to expose the institutional manipulations at play.[[40]](#endnote-38) Hence, I formulate my third hypothesis:

Hypothesis 3: The creation of an upper chamber weakens the opposition by diluting its influence and introducing dissension.

Finally, creating a new chamber can prevent intra-party dissent. The rise of the opposition in the lower chamber can deprive regime supporters of a position and thus accentuate dissatisfaction and dissension. Incumbents have often used public and bureaucratic offices as a source of employment and to satisfy elites.[[41]](#endnote-39) Upper chambers offer incumbents the same benefits as it allows leaders to extend their base by giving a position to loyal elites. It also provides a position and a source of income for loyalists who lost their seats in the lower chamber because of electoral competition. In that sense, bicameralism is another source of patronage and clientelism that can facilitate power distribution among elites. Because this strategy enables incumbents to design the institution and thus control the composition of the new chamber by choosing a selection process that benefits them (e.g., appointed seats, indirect election, etc.), incumbents have guarantees that the regime's supporters will always have a seat in the upper chambers. With appointed seats, incumbents can directly select elites that either need to be rewarded or bought out to restore peace within the ruling party. Selecting indirect elections offers other advantages. First, incumbents can still control the senators' selection process. Indeed, in the case of indirect elections, regional entities are responsible for the election of most states. With the executive being responsible for appointing and supervising these regional entities, regional entities tend to select regimes' supporters. In other words, despite not being directly involved in the appointment process, incumbents can still control the upper chambers' composition. Second, unlike direct appointments, indirect elections allow incumbents to hide their involvement in the selection process and support the narrative that bicameralism will improve democratic representation. This theorizing leads to my final hypothesis:

Hypothesis 4: The creation of an upper chamber enables incumbents to resolve intra-party dissent.

1. Empirical Strategy

To test my theory, I adopt a mixed-method approach that combines statistical analysis spanning 42 countries over 30 years and two case studies. To estimate when legislatures are likely to become bicameral, I run a duration model. This modeling technique allows me to factor in the fact that the underlying distribution of time is often skewed until legislatures become bicameral and that I am not always able to observe the event time for the entire sample (e.g., censoring). More specifically, I use a Cox Proportional-Hazard model. This model allows time-dependent covariates and does not require specifying the distribution of the hazard function. To determine whether the proportional hazard assumption is violated, I run a Schoenfeld Residuals test (see Appendix Table A2).

To estimate the risk of becoming bicameral, where h(t) is the baseline hazard function and β’x are the covariates and regression parameters, the model is estimated as follows:

[Insert Equation 1]

If this model allows me to verify my main hypothesis (e.g., Hypothesis 1): Parliaments are more likely to become bicameral when the opposition gains influence in the lower chamber) by determining whether there is a positive association at the cross-sectional level between bicameralism and opposition strength, this methodological approach does not allow me to observe the institutional reform's motives and effects and test Hypotheses 2,3, and 4.

For these reasons, I conduct two case studies: Côte d'Ivoire and Zimbabwe. I selected these two cases for several reasons. First, both states transitioned from a unicameral parliament to a bicameral parliament, thus allowing me to determine whether (1) incumbents created an upper chamber because of the opposition's growing influence in the legislature and (2) show how the upper house allowed incumbents to regain control over the legislature and thus test Hypotheses 2,3, and 4. Second, both states introduced an upper chamber at different times (see Figure 1). Zimbabwe created its senate in 2005, while Côte d'Ivoire introduced a second legislative chamber in 2016. This time variation allows me to verify whether my theoretical framework still applies to the most recent cases. Third, both states are hybrid regimes where powerholders were forced to adopt democratic institutions and are now engaged in a tug-of-war with opposition forces to remain in power. Finally, both cases have different colonial histories, institutional features, socio-economic features, and experiences with internal conflicts. This heterogeneity allows me to assess how the causal mechanism I theorized operates in different settings.

1. Data

I rely on an original dataset on African legislatures to conduct the quantitative analysis. The dataset covers the 1990-2020 period for two reasons. First, African incumbents began to rely heavily on formal institutions to consolidate their power after the introduction of multiparty elections in the early 1990s.[[42]](#endnote-40) Although African parliaments still played a political role during the single-party era, the relationship between the executive and legislative branches became more contentious after the 1990s.[[43]](#endnote-41) Second, the resurgence of bicameral parliaments started after 1990 (see Appendix, Table A). Before that, only two states had a bicameral parliament: Nigeria and Liberia. The dataset includes 42 African states. I exclude non-electoral autocracies like Eritrea, Swaziland, and Somalia. The Democratic Republic of the Congo and South Sudan are not included in the analysis because of data constraints. Finally, I exclude Nigeria and Liberia, as both states already had a second chamber before the resurgence of bicameralism in the region.

I complement the quantitative analysis with qualitative evidence. Because political actors have an incentive to hide their true motivation and deny that they engage in institutional manipulation, I rely on data triangulation to find evidence of the motives behind the introduction of upper chambers. For instance, I rely on secondary sources, such as newspaper articles and parliamentary and activist reports, to (1) understand the context surrounding the reforms, (2) understand its content, and (3) identify the different actors involved in it. To also identify incumbents' real goals, I rely on secondary sources and data from the Inter-Parliamentary Union to observe how the introduction of an upper chamber benefited the ruling party.

1. Dependent and Independent Variables

To run the Cox proportional hazard model, my outcome of interest is divided into two variables. First, the censoring variable is a dummy variable that indicates whether the legislature has become bicameral. The variable takes the value of one when the legislature switches from unicameral to bicameral. The second variable measures the censoring time. In other words, this variable indicates the number of years the parliament has remained bicameral since the institutional reform.

To measure opposition strength, I use a hand-coded dummy variable that measures whether the ruling party has lost seats in the legislature. Because I theorize that the resurgence of the African bicameral parliaments is a reaction to the growing influence of opposition parties in the legislature, this variable is the most adequate measure of opposition strength as it captures the electoral vulnerability of the ruling regime. If losing a few seats might not always undermine the presidential majority, the opposition's victory signals to the ruling party that they do not fully control the electoral game and is, therefore, consequential enough to incentivize incumbents to take action to prevent the opposition from winning again.

1. Control Variables

Because studying institutional change raises serious endogeneity issues, I control for the main alternative explanations and potential confounders.[[44]](#endnote-42) Because conventional wisdom holds that bicameralism is found in democratic states, I control for levels of democracy using the Freedom House score. I also control for population growth as previous theories and political actors argue that changes in demographics warrant the creation of a new chamber. If this alternative explanation is correct, I expect to observe a positive relationship between bicameralism and population growth.

Clientelism and patronage are often seen as driving factors behind institutional change in Africa (Arriola, 2009). In fact, incumbents have used legislative expansion to find positions for party supporters and prevent elite dissensions.[[45]](#endnote-43) To determine whether upper houses are simply used to provide employment for loyalists rather than a tool to recapture the legislature, I control for clientelism using a continuous variable from VDEM that assesses how pervasive political corruption is in the country.[[46]](#endnote-44)

Running a cross-sectional time-series analysis in sub-Saharan Africa raises some challenges. Some variables were unavailable for all 42 states and/or did not cover the time period I focus on. For instance, existing measures of ethnic fractionalization are either time-invariant or do not cover the full-time period I am interested in. Controlling for ethnic fractionalization is important, however, as scholarship argues that bicameral legislatures are more common in states with many minority groups.[[47]](#endnote-45) Duration models, such as the Cox Proportional-Hazard model, accommodate such features by allowing time-variant and time-invariant covariates.

1. Results

[Insert Table 2]

Table 2 presents the results of five Cox proportional hazard models using different specifications. If Cox proportional hazard regression coefficients cannot tell us the magnitude of the covariate’s effect on the dependent variable, the coefficient’s sign indicates whether the covariate decreases or increases the risk of the legislature becoming bicameral. For instance, the positive opposition strength coefficient suggests that the risk of becoming bicameral increases when the opposition wins seats in the lower chamber. The negative sign of the ethnic fractionalization coefficient indicates that the hazard decreases for states with a low level of ethnic fractionalization. Only one variable remains statistically significant under each model specification: opposition strength. Each model indicates a positive association between the creation of an upper chamber and the opposition’s ability to win seats in the lower chamber. These results suggest that the resurgence of bicameralism is a reaction to the growing influence the opposition has in the legislature.

Table 2 also shows that existing explanations as to why legislatures become bicameral fail to explain the recent resurgence of African bicameral parliaments. All models show that there is no significant relationship between the creation of an upper chamber and the level of democracy. These results, thus, contradict the conventional wisdom that posits that bicameralism is usually a product of democratization and democratic consolidation. In fact, further evidence shows that the creation of African upper houses is not associated with better democratic representation. Although many African governments argued that a second chamber would help better represent minorities and/or help the legislature account for population growth, Table 2 shows that there is no association between the creation of an upper chamber and population growth and ethnic fractionalization. In other words, bicameral parliaments did not systematically appear in states that experienced larger population increases or had more ethnic groups. Finally, the absence of a statistically significant relationship between bicameralism and political corruption shows that the resurgence of upper houses is not purely about clientelism and patronage. Although the case study shows that upper chambers solve intra-party dissent by creating new seats for the regime’s supporters, incumbents’ primary goal when introducing an upper house is to dilute the influence the opposition has in the parliament.

[Insert Table 3]

To estimate the effect of each covariate on the dependent variable, I calculate hazard ratios by exponentiating Cox proportional hazard coefficients. A hazard ratio equal to one indicates that the covariate has no effect on the outcome of interest. A hazard ratio inferior to one suggests that the covariate reduces the risk of the outcome occurring, while a hazard ratio superior to one indicates that there is an increase in hazard. Table 3 presents the hazard ratios of each model. Looking at the hazard ratio of the only statistically significant coefficient (i.e., opposition strength), Table 2 shows that opposition strength increases the risk of the legislature becoming bicameral. More specifically, opposition victories in the lower chamber increase the hazard by a factor of more than 3 for all models. When controlling for all confounders, I find that opposition strength increases the risks of a legislature becoming bicameral by 287 percent. These results confirm Hypothesis 1.

Finally, to further verify the validity of the results presented in Table 2 and Table 3, I conduct additional robustness checks. To account for unobserved heterogeneity, I run a shared frailty model (see Appendix B, Table A1). Table A1 shows results similar to those of Tables 2 and 3. Opposition strength is positively associated with bicameralism, thus suggesting that bicameral parliaments are more likely to occur in states where the opposition has won seats in the lower chamber. Like in Tables 2 and 3, covariates controlling for confounders are not significant. These results discard concerns about the correlation of event times. Additionally, I run a Schoenfeld residuals test to ensure that the models do not violate the proportional hazard assumption. Because all p-values are superior to 0.05, Table A2 indicates that there is no violation of the proportional hazard assumption. Hence, these checks show that the results presented in this section are robust.

1. Case Study

If the quantitative analysis allows me to test Hypothesis 1 and establish that countries with growing opposition forces are more likely to adopt a bicameral parliament, the results presented in Tables 2 and 3 do not enable me to identify the motives of those who pursued this institutional reform nor test hypotheses 2,3, and 4. Hence, I conducted two case studies of Côte d'Ivoire and Zimbabwe — two states that introduced a bicameral parliament in the last thirty years.

1. Côte d’Ivoire

Since the introduction of multiparty politics, Côte d'Ivoire has entertained the idea of switching to bicameralism several times. In 1995, former president Henri Konan Bedié vowed to create an upper chamber but failed to do so.[[48]](#endnote-46) During his electoral campaign for a second term, President Alassane Ouattara promised his electorate to create a senate to improve the legislature's work and foster democratic representation and economic development. Ouattara followed through with his promise by including a second chamber in the 2016 constitution. This narrative about bicameralism and democratic representation was also echoed by senators who emphasized their interests in protecting minority rights and appeasing territorial and ethnic tensions.[[49]](#endnote-47)

Despite Ouattara's narrative that associated bicameralism with democratic enhancement, evidence suggests that Ouattara and his party had other motives when they introduced this reform. The creation of the senate occurred in a particular political context where the ruling coalition, the Rally of Houphouëtists for Democracy and Peace (RHDP), composed of the Democratic Party of Ivory Coast (PDCI), Rally for the Republicans (RDR) and other minor parties, faced increasing political competition and intra-party dissent. In the 2013 municipal elections, independent candidates won more municipalities than candidates from the RDR or PDCI. Several government members and senior leaders of the party failed to win their municipalities. This poor performance from the ruling party was a bad omen for the next legislative election scheduled in 2016. Moreover, the 2013 local election exacerbated existing tensions within the ruling coalition. Many independent candidates were former members of the RDR-PDCI coalition who left because of a disagreement with the coalition leadership regarding the nomination process for the local and regional elections.[[50]](#endnote-48) Tensions within the ruling coalition kept increasing. In the aftermath of the 2013 election, members of the PDCI accused the RDR of electoral fraud.[[51]](#endnote-49) During the 2015 presidential campaign, several senior figures from the PCDI criticized the party's decision to support Ouattara's bid for a second term and asked their electorate to vote for the opposition.[[52]](#endnote-50)

Despite Ouattara's reelection, the ruling coalition faced political uncertainty. Because of dissension amongst its ranks, Ouattara did not have guarantees that his coalition would secure a strong majority in the parliament. The debacle of the 2013 municipal election showed that dissension could cost him the legislative election. It is in this particular context that the senate was created. The creation of the upper chamber was part of a broader constitutional reform that reinforced the executive branch's power. For instance, the new constitution replaced the prime minister with a vice president. If this change appears anecdotal, it has significant political ramifications. A vice president does not need to be replaced if the ruling party loses the majority in parliament, and the executive is protected from *cohabitation* episodes. The Senate's creation was, therefore, part of a broader initiative aimed at reinforcing the executive branch's power and keeping control over potential counterpowers.[[53]](#footnote-3)

Ouattara manipulated the constitutional process to design a second chamber that would dilute the opposition's influence in the legislature. Legally, the president was incompetent in establishing the senate's functioning rules. Pursuant to Article 90 of the Constitution, an organic law ``determines the number of members of each house, the conditions of eligibility and appointment, the system of ineligibility and incompatibilities, the methods of voting and the conditions under which new elections should be organized, or new appointments should be dealt with in case of a vacancy for deputy or senator.'' In other words, the lower house has jurisdiction over these matters. However, Ouattara's government violated the constitution by issuing an ordinance related to the senate's organization without seeking the Parliament's approval. This move enabled the executive to design a weak upper house. For example, the president is responsible for the appointment of 33 senators. The 66 remaining are indirectly elected by the National Assembly, mayors, and regional advisors. These manipulations led some domestic observers to state that *"in this uncertain political context, the ruling party acted like it wanted to control the new chamber.*''[[54]](#endnote-51) Opposition leaders also heavily criticized the senate's organization and the process surrounding senatorial elections. A civil society leader declared: ``*We could say that the government wants a monochromatic senate.*''[[55]](#endnote-52)

In addition to designing a chamber whose composition benefited the ruling coalition, the executive branch waited to organize the first senatorial election to maximize its political benefits and weaken the opposition's influence. After enacting the 2016 constitution, the government engaged in extensive discussions about the date of the first senatorial election. The issue at stake was determining whether the election should occur before or after the municipal election of 2018. The government commissioned numerous studies to predict the election's outcome depending on its date.[[56]](#endnote-53) Despite its poor performance during the regional and municipal elections, the ruling coalition had enough electors to secure the majority in the senate. Therefore, the government decided to hold the election before the municipal election to win as many senatorial seats as possible. This strategy was fruitful as the ruling coalition won 50 seats in addition to the 33 appointed seats by Ouattara, thus controlling 83 percent of the senatorial seats. By preventing the opposition from having a fair chance to secure senatorial seats, the ruling coalition sought to dilute the opposition's influence in the legislature. These findings confirm Hypothesis 3.

In addition to weakening the opposition, the creation of the senate allowed Ouattara to solve the political issues his coalition was facing. First, the composition and organization of the senate allow the executive branch to engage in constitutional and legislative lawfare, and thus control the law-making process. By controlling the senate, the executive branch is more likely to obtain two-thirds of the votes required to revise the constitution. The executive can also better control the legislative process since the senate has the capacity to veto bills. Hence, in this case, the introduction of bicameralism aimed to subdue the National Assembly and its members, thus confirming Hypothesis 2. This was particularly important for Ouattara since the president of the National Assembly had presidential aspirations and could jeopardize his ambition to be reelected for a third term.[[57]](#endnote-54)

Second, the composition of the senate allowed Ouattara to find positions for coalition members and secure the support of the elites. Most independent candidates were coalition's former members who left because the party did not endorse their candidacy. The new 66 senatorial seats sought to prevent the exodus of further members. Out of the 66 seats, 50 are occupied by members of the ruling coalition. From businessmen to former ambassadors or ministers, most appointed senators are supporters of the regime looking for new opportunities. These appointments led the opposition to describe the new upper chamber as a ``retirement home" for the president's supporters, thus confirming Hypothesis 4.[[58]](#endnote-55) By using its clientelistic network, Ouattara ensured that the upper house would never question or constrain the executive branch's authority.

Finally, the introduction of bicameralism sought to appease the tensions between several factions of the ruling coalition. With Ouattara unable to run for a third term, tensions kept increasing as party members started to compete to decide who would be the next presidential candidate. This competition spiraled into an important conflict where members of the PDCI accused the RDR of being incompetent.[[59]](#endnote-56) Aware that these tensions could jeopardize the executive's agenda, Ouattara hoped that the senatorial election would unify the coalition and lead to a more harmonious majority, thus supporting Hypothesis 4.[[60]](#endnote-57)

1. Zimbabwe

The creation of the Zimbabwean upper house is more puzzling for several reasons. First, as opposed to Côte d'Ivoire, Zimbabwe did not experience a change in leadership. Robert Mugabe survived the introduction to multiparty politics and tightened his grip on power until 2017. Second, Mugabe himself was responsible for the dissolution of the Zimbabwean senate in 1990. Seen as a colonial legacy that perpetuated racial segregation, Mugabe abolished it to improve the state of democracy in the country. Domestic and international observers were then surprised when Mugabe and its ruling party, the ZANU-PF, claimed to reintroduce the senate for the same reasons - improving the state of democracy.

Third, because of its composition and organization, Zimbabwe's senate had the capacity to constrain the executive. Unlike Côte d'Ivoire, the executive branch decided not to rely on indirect suffrage. Zimbabweans directly elect their 66 senators. In addition to improving vertical accountability, the ZANU-PF argued that the Senate would serve as an additional monitoring body, thus enhancing check and balances mechanisms.[[61]](#endnote-58)

In this case study, I demonstrate that the senate offered Mugabe and his regime an opportunity to control the legislature better and weaken a growing and threatening opposition. This institutional reform came when the ruling party lost ground to the opposition - the Movement for Democratic Change (MDC). In 1999, Mugabe faced his first defeat when the population rejected the new constitution in a referendum. In the 2000 election, the MDC won 57 seats in the parliament. The ZANU-PF struggled to get a majority and only won 62 seats. In comparison, the ZANU-PF held 120 seats before the 2000 election.

The creation of the senate in 2005 aimed to curb these dissenting voices and regain control over the legislature. The upper house was designed to weaken the lower house. Rather than using appointed seats and indirect elections, the ZANU-PF manipulated constituency boundaries to guarantee the outcome of the election.[[62]](#endnote-59) These gerrymandering practices enabled the ruling party to secure a comfortable majority in the senate. By controlling the upper house, the government had the power to obstruct any threatening bill and undermine the opposition's work. The executive also relied on his discretionary power to enact the senate's rules. The organization and the functioning rules of the senate were never subjected to public debate and were taken behind closed doors (Chiroro, 2005).[[63]](#endnote-60) Furthermore, this constitutional reform granted the senate the power to veto bills from the lower chamber.[[64]](#endnote-61) With this power, the upper house had the capacity to block any legislation that would go against the executive branch's agenda, thus validating Hypothesis 2.

The creation of the senate almost led to the "self-destruction of the opposition.”[[65]](#endnote-62) The first senatorial election introduced serious collective action problems within the MDC. On one side, MDC's President, Morgan Tsanvigarai, called for the boycott of the senatorial election, denouncing an undemocratic reform.[[66]](#endnote-63) For Tsanvigarai, participating in the election would legitimize what he called a ``bogus process.[[67]](#endnote-64) On the other side, MDC's Secretary-General, Welshman Ncube, called for the party to participate in the electoral process, stating that boycotting the election would only play to the advantage of the ZANU-PF. Ncube also reminded his peers that the ZANU-PF perpetrated massacres and crimes in opposition strongholds. For Ncube and his supporters, abandoning these constituencies to Mugabe's regime was unconscionable. They, therefore, decided to compete in 26 districts

This dispute almost led to the collapse of the opposition party, thus validating Hypothesis 3. Tsanvigarai took the unilateral decision to expel dissenters, overruling the national council's decision to participate in the election. Ncube and other party members called out Tsanvigarai for his ``autocratic leadership" and attempted to remove him from his position. This internal turmoil demobilized the opposition and its electorate and led to one of the lowest turnouts since the introduction of multiparty elections (15 percent against 30 percent in 2000). This example also shows how institutional reform - like the creation of a senate - can destabilize opposition parties, especially when they're new and not fully institutionalized, like the MDC, which was six years old at the time.

While this reform fully destabilized the opposition, the senate's creation helped Mugabe manage intra-party dissent. Because of the poor performance of the ZANU-PF in the previous election, many backbenchers lost their positions and sources of income. This situation can become dangerous for an incumbent as these offices and delegations of power keep intra-party dissent under control.[[68]](#endnote-65) The new senate offered an opportunity for Mugabe to find a new source of patronage for his supporters and maintain control of his party. In fact, this reform allowed Mugabe to pack the legislature with his supporters. In other words, like in Côte d'Ivoire, the creation of the senate allowed the incumbent to extend and better control his clientelistic network, which confirms Hypothesis 4.

1. Conclusion

Whereas bicameral parliaments have been slowly disappearing worldwide, bicameralism has been increasingly popular in Africa. Existing theories fail to explain this resurgence. Bicameral legislatures do not always improve the representation of minority groups nor enhance legislative efficiency. Looking at quantitative and qualitative evidence from sub-Saharan Africa, I demonstrate that legislatures are more likely to become bicameral when the lower chamber becomes too powerful and constrains the executive branch's action. The resurgence of bicameral legislature has allowed African executives to deal with different kinds of threats.

First, adding a second chamber allows the executive branch to prevent the opposition from acting as a counterpower. Adding a second chamber also dilutes the opposition's influence within the legislature and creates conflicts within the party. By destabilizing the political equilibrium, the opposition has to rethink its strategy to remain a political force in the country. Second, upper chambers enable incumbents to deal with intra-party dissent. Because of their composition, the executive branch can often control who can sit in the upper chamber. This legal loophole offers an opportunity to reward loyalists who lost their seats in the lower chamber or to buy peace by providing a source of income and a position to unhappy followers.

Does this strategy succeed? Evidence from the case studies suggests that both Ouattara and Mugabe benefited from the creation of the new senate. In both cases, the new upper chamber weakened the opposition's influence over the law-making process and enabled both incumbents to solve intra-party conflicts caused by the rise of the opposition. If the rewards were immediate, one may wonder if this strategy is beneficial in the long term. Political institutions, like legislatures or courts, have been able to free themselves from the executive branch's influence and constrain powerholders. Hence, future research should seek to determine whether upper chambers continue to support incumbents in the long term.

This paper makes several contributions to the literature. First, I show that formal institutions, and more particularly legislatures, play a central role in African politics. In recent decades, the institutionalization of many African regimes has forced incumbents to rely on the legislature. To engage in constitutional and legislative lawfare, incumbents need cooperation from the parliament. It is, therefore, imperative for them to control the law-making process. A growing opposition that can act as a counterpower undermines incumbents' ability to manipulate the rules of the games for their own political gain. Incumbents, therefore, need to know that their efforts to sway the legislative process will be rewarded.

Second, these findings contribute to the literature on formal institutions in autocracies by identifying a new strategy incumbents use to remain in power. Incumbents have used various strategies to control the legislature. When the opposition is powerful enough to prevent the executive from manipulating constituencies' boundaries, measures such as legislative expansion can backfire against the incumbent. Adding a second chamber appears to be a suitable alternative as it allows the executive to design the functioning and composition of the new chamber. Evidence from Zimbabwe and Côte d'Ivoire shows that incumbents create a second chamber when the first one gains too much power or threatens the hegemony.

Thirdly, this paper contributes to the field of legislative studies by showing that theories of bicameralism in liberal democracies do not travel to the African continent. Existing scholarship links bicameralism with democratic representation and fragmented societies. Using quantitative and qualitative data, I show that bicameral legislatures are not more present in African states with a high level of ethnic fractionalization or population growth. The resurgence of bicameral legislatures is linked to the repeated efforts from incumbents to use institutions to stay in power. These findings can inform institution-building efforts by showing that bicameralism can undermine the legislature's independence in the context of electoral autocracies and nonconsolidated democracies.

Finally, this article highlights important policy implications. While the President of the French senate has visited several Francophone African states to promote bicameralism, my findings suggest that one should be wary of bicameralism in non-democratic settings. Bicameralism can become a roadblock to democratization by further accentuating the executive branch's domination over the legislative branch. Hence, during institutional-building efforts in non-democratic settings, policymakers and civil society actors should pay close attention when suggesting turning to bicameralism, as it can impede the democratization process. Furthermore, with autocracies on the rise, bicameral parliaments could regain popularity in the rest of the world. Future research should collect data on parliaments' structure to determine whether the resurgence of African parliament is the beginning of a new worldwide trend.

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2. Thalia Gerzso is a Lecturer at the University of York. I wish to thank Leo Arriola, David Bateman, Ali Cirone, Eun A Jo, Mike Kriner, Natalie Letsa, Pauliina Patana, Lise Rakner, Rachel Riedl, Bryn Rosenfeld, Fiona Shen-Bayh, Angie Torres-Beltran, Nicolas van de Walle, as well as participants to the 2021 African Studies Association Annual meetings, and the Parliament section of the Political Science Association. [↑](#footnote-ref-1)
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