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Transition challenges in the Arab world:
Lessons from the past

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>> The Middle East and North Africa (MENA) region is currently facing some of the dilemmas that other societies had to deal with during their own processes of political transition. These include the conundrum of how to move from regime breakdown to democratic reform, the division between 'hard-' and 'soft-liners', civil-military relations and a weak and fragmented opposition.

Current reform challenges in the post-revolution Arab world are connected to a long trajectory of transitions from authoritarian regimes to democracies in Southern Europe, Latin America, Eastern Europe, Africa and Asia. Drawing lessons from past democratisation experiences could provide a better understanding of current events in the MENA region, and help Arab policymakers to better face the challenges of democratic institution-building.

Drawing on previous transition experiences may also help external actors like the European Union, the United States and international organisations avoid past mistakes. Faced with rapidly changing situations in the Middle East, what can policy makers learn from past efforts to support reform in other countries? Which policies have worked, which challenges were overlooked, and what best practices can be identified?

LESSONS LEARNED

Previous democratisation experiences across the world carry useful lessons for today's MENA transitions. Key areas include consti-

HIGHLIGHTS

• The 'constitution first' approach may offer the legitimacy of a political consensus, but a contentious and lengthy process may put needed political and economic reforms on hold.

• The military must be depoliticised by establishing a clear chain of command with elected civilian leaders as the commanders in chief.

• To avoid sectarian conflicts, countries should invest in confidence building among religious communities and take determined political steps to ensure peaceful coexistence.

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>>>>>> tutional and state reform, the place of religion in politics, civil-military relations, the role of political parties and parliaments, how best to integrate tribal and ethnic minorities and the role of external actors.

States in transition need to consider whether to embark on constitutional reform before or after holding elections. The choice of sequence involves a trade-off between the stability offered by early elections on the one hand, and the political and legal vacuum caused by establishing a new political order without a basic legal consensus on the other. Early elections legitimise the transitional regime, but disadvantage new political parties by depriving them of the necessary time to organise. In the Arab world, the political groups most likely to benefit from early elections are therefore Islamist movements and members of the ancien régime. The 'constitution first' approach may offer the legitimacy of a political consensus, but the contentious and often lengthy process may put much-needed political and economic reforms on hold. The legitimacy of a new constitution greatly depends on the way it is generated. This includes the composition of the drafting body, and the means by which a popular referendum establishes the constitution as a broad societal consensus able to provide the foundation for a sustainable democratic order. Successful constitutional reform must be inclusive, transparent, consensus-based and able to transcend partisan, ethnic, religious and regional lines. The Kenyan case received international praise for the participatory way in which the reform was approached. Far-reaching civil society stakeholder consultations were integrated as an important element of the national reconciliation process, and the consensus reached during this process fed into the new constitution, which was approved by referendum in 2010 by almost 70 per cent of the electorate. By contrast, Nepal's constitutional reform was marked by polarisation between the various actors on how issues such as federalism, ethnic proportional representation and religious diversity should be dealt with in the constitution, which led to a stalemate in the political reform process.

Closely linked to constitutional reform, state reform refers to the overall choice of a political system and to the subsequent building of its institutions. Examples from past transitions have shown how difficult it is to reach agreement among contending political actors on the type of state desired, plus the various elements that flow from this choice such as the decentralisation of powers or the role of the state in encouraging economic development. In Latin America, strong presidential systems of government helped entrench hegemonic movements or parties that ultimately monopolised power to varying degrees, such as Peronism in Argentina, the PRI (Partido Revolucionario Institutional) in Mexico, or Venezuela under Hugo Chavez. On the other hand, different experiences from Central and Eastern Europe demonstrated that parliamentary systems contributed to ensuring greater control over the executive branch: for example, to avoid abuse of power, Moldova switched from a semi-presidential to a parliamentary system in 2000.

While democratic countries are not always economically successful, the ability to stimulate economic development is a core function of a successful government. In Chile and Georgia, the neo-liberal approach succeeded with support from an efficient state administration, while the Brazilian model continues to be based on a broad consensus among the ruling elite on development via social programs and taxation. Outside of Latin America, the Asian Tigers – South Korea, Taiwan and Singapore – offer examples of viable, pro-development states with regulatory authority and capability, which also ensure social protection. In general, a sustainable political protection of such achievements in the economic sector has often been due to cohesion between society and the elite, and a national tradition of strong, interventionist administrations to encourage growth and protect domestic industries.

Reforming civil-military relations in Arab countries' security sector-dominated governing apparatuses will be key to successful transitions. Paradoxically, military and police forces can serve both as midwives and spoilers of successful

transitions. With many ousted regimes backed by the armed forces in exchange for extensive patronage, 'losers' may be reluctant to give up their positions and privileges without guarantees from transitional regimes. To successfully negotiate transitions, the military must be depoliticised by establishing a clear chain of command with elected civilian leaders as the commanders in chief. A pacted exit of the military from politics can vary in speed. In a gradual negotiated approach like Chile's, a balance was struck between transitional justice on the one hand and stability and durable democratic progress on the other. Turkey's case demonstrated that strong external incentives, such as European Union membership, coupled with sufficient public legitimacy for the civilian regime, can lead to deep security sector reform, even against the vested interests of a profoundly entrenched military establishment.

Drawing lessons from past democratisation experiences could help Arab policymakers and external actors better face transitional challenges

At the same time, a strong army can play a crucial role in providing security and stability during the fragile transitional phase. In Libya, the weakness of the national army led to the rise of local militias and contributed to Colonel Gaddafi's downfall. However what helped to oust the previous regime now hampers Libya's effort to return to law and order. As long as the country lacks a capable national army and police force to maintain Libya's territorial integrity, autonomous militias will continue to challenge the elected government. This presents similar risks to those that arose in post-2003 Iraq, where armed local factions and self-proclaimed leaders overtly challenged the central government's attempts to consolidate political and military institutions.

Under many authoritarian regimes, ruling parties exercised control over the governing structure, while co-opted legalised opposition parties served to legitimise the system's democratic façade but were unfit to represent political alternatives. While old parties are tainted, young parties suffer from low organisational capacity and a lack of grassroots connections. Early elections make parties seek immediate electoral success at the expense of thorough political platforms and long-term grassroots development. While popular Arab movements that deposed autocratic rulers failed to translate revolutionary aspirations into political programmes, Islamist parties such as Ennahda (Tunisia) and the Freedom and Justice Party (Egypt) were able to benefit from their strong organisational capacity and local connections to achieve parliamentary majorities. The negative role of ruling parties under autocratic rule has created a widespread perception of political parties as corrupt and inefficient, which will take time to overcome. At the same time, political parties remain the only institutions able to channel popular preferences into policies. In this regard, capacity building is paramount to successfully facilitate political party development, including that of future party leaders.

Parliaments hold a crucial role as legislators, popular representatives and watchdogs over executive power. Like political parties, parliaments in the Arab world have largely been relegated to the role of rubber-stamp clubs with little or no political power. Although some countries – including Iraq, Lebanon, Kuwait and Yemen – have parliaments that regularly critique the government's performance, they tend to be largely reactive in nature, and/or remain in political deadlock with the dominant executive. Dysfunctional parliaments run the risk that political actors will increasingly strike deals outside of the parliamentary framework. As in Nepal, this tendency threatens the legislature's legitimacy when the public senses that non-elected informal networks outside public scrutiny are deciding the country's future.

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At the nexus of constitutional and parliamentary reform, fundamental political disagreements between the legislative and executive power – and most notably between the parliament and the president/head of the executive – must be resolved via detailed constitutional provisions for appropriate dispute settlement mechanisms. Particular attention must be paid to presidential veto powers over legislation and budgetary oversight. Experiences in Latin America demonstrate a number of pitfalls. In Ecuador, the legislature cannot override presidential vetoes while in Argentina and Mexico, a two-thirds parliamentary majority is required to overturn presidential vetoes. Conversely, in Chile, Colombia and Peru, the president's budget is automatically adopted if parliament does not approve it by the required deadline or fails to propose an alternative budget in its place. Weak legislatures such as these may find themselves unable to adequately conduct parliamentary oversight, especially during political transitions, with outcomes detrimental to democratic development. To operate efficiently and democratically, parliaments must be fully transparent both in proceedings and finances, and must also have adequate legal and financial resources to conduct their oversight duties over the government. In Latin America, parliamentary budget oversight has been greatly contested. The involvement of an independent state audit agency can play an important role in supporting the legislative oversight process and encourage governmental transparency.

In many societies, religion plays an important public role, and defining the role of religion in the new democratic order is a controversial societal challenge. In order to allow religious pluralism and avoid sectarian conflict, it is important that countries invest in confidence building among religious communities and take determined political steps to ensure peaceful coexistence. The risks of failing to negotiate sectarian divides include the possibility that political parties or communities may organise along sectarian lines to strengthen their positions, thereby exacerbating tensions and animosity. A case in point is post-conflict Bosnia-Herzogovina, where politics is still largely conducted by highlighting the differences between the three major ethno-religious groups. South Africa, by contrast, sought to overcome its history of internal division by systematically emphasising the establishment of shared political institutions and a common civic identity, rather than the reliance on sectarian or communal interests. In Turkey, although decades of modernisation produced a democratic society, the incumbent Justice and Development Party's (AKP) political success indicates that religion can remain a point of reference in a democratic nation's societal discourse. Indonesia is another example where a strong role for religion did not preclude the existence of a vibrant democracy. The post-Suharto period since 1998 has enabled greater tolerance of religious beliefs, including in politics. Pluralism, however imperfect in its current form, lets Indonesian political parties refer to their faith.

Ethnicity and tribalism play an important but often neglected role in many Arab countries. Tribal governance structures can help advance democratisation when they fill a power vacuum and support the gradual building of democratic governance structures. By contrast, they can hinder democratisation when they permanently replace formal institutions and perpetuate incumbent power through entrenched patronage systems. In Libya, the preponderance of regional tribal structures and militias makes the risk of political factions organised along regional or ethnic lines ever-present. Although tribes contributed to Moammar Gaddafi's ouster, they have consolidated power in their own regions, on occasions used their militias to impose extra-legal rule, and continue to challenge the central government's authority. In post-Apartheid South Africa, the transitional government overcame ethnic barriers through a policy of inclusiveness, and by emphasising civic and national identities over racial or regional attachments. In Jordan, tribal connections remain an electoral candidate's shortcut to office via ethnic-based patronage. At the same time, the tribal system has in some cases provided candidates with the

electoral infrastructure that the weak party system was unable to give.

Autocratic governments have traditionally sought to control and shape public opinion thorough the monopolisation of traditional media. However, newer technologies such as internet, satellite television and mobile phones have eroded government control over information. Information and communication technology (ICT) has therefore played an important role in recent successful transitions by helping to foster an open public sphere. ICT facilitated the consolidation of the gains of democratic breakthroughs by providing linkages between new and traditional activism, and between punctual mobilisation and long-term political debates. The pro-democracy grassroots movements Maidan and Pora in Ukraine prominently demonstrate ICT's capacity and limitations on effecting positive change. During the Orange Revolution, activists were able to use ICT to connect with citizens. However, after the revolution, these groups all lost momentum and failed to remain engaged during the ensuing transition phase. Hence, ICT can support transitions if pro-democracy activists are able to effectively use these tools to mobilise popular support and engage citizen activism not only at peak times, but throughout the various transitional phases.

CONCLUSION: SUGGESTIONS FOR EXTERNAL ACTORS

As the MENA region struggles to shift from autocratic to democratic governance, a number of elements influence how well the democratisation process may progress. In all countries involved, an inclusive constitution that represents a broad societal consensus is essential to the sustainability of the transition process. While transitions must strike a balance between stability and decentralisation of power, a concentration of powers in the same hands paired with a lack of effective checks and balances – even if proclaimed temporary as

recently in Egypt – is almost certainly detrimental to democratic development. In this regard, examples of transitions across the globe have demonstrated that parliamentary and judicial oversight over the executive is a precondition for the accountability and public scrutiny needed to gradually re-establish the public's faith in government institutions. The return of powers into the hands of elected representatives, including the de-politicisation of civil-military relations and the establishment of civilian control over the national security forces, is essential. That said, this evolution might happen in a gradual but systematic manner in order to avoid a collapse of state institutions and ensure security during the fragile transition period. In order to reduce the spoiler potential of the 'losers' of transitions, inclusion of all ethnic, religious and political groups (including former regime stalwarts, within the margins allowed by transitional justice) is key for the emergence of a peaceful and sustainable democratic consensus of society.

Lessons learned from both successful and failed transition processes also provide a number of guiding principles for external actors seeking to support democratic development in the MENA region. First, they must resist the temptation to pick political favourites. Second, they must refrain from promoting ready-made solutions, and instead allow local actors to take ownership of reform efforts and priorities in an inclusive manner. Third, because transitions are long-term and non-linear processes, donors must take a long view and avoid short-termism. Due to pressure to show results, external actors often focus on rapid results and shift policy directions according to the current political climate. In Ukraine, donors switched support from civil society to government when reformists came to power, but the government proved unable to implement many of the reforms it committed to. With external support absent, civil society was weakened. In contrast, generous, long-term external financial and technical assistance to Central and Eastern Europe during the two decades post-1989 facilitated the implementa-

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›››››› tion of politically unpopular but much-needed structural reforms. Fourth, top-down or insensitive external involvement can negatively affect the legitimacy of domestic actors and make them vulnerable to accusations of supporting undue foreign interference.

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This policy brief outlines the main findings of a series of FRIDE publications produced over the last year, focusing on the experience of past democratic transitions and their implications for current transitions in the Arab world.

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