



# Principles of Political Development. Lessons from Tunisia

## How to build a political system that manages (and encourages) pluralism

### Introduction

GPG's Guide to Parliaments series explores the key processes and functions of parliaments around the world. The Guide highlights the main elements affecting design and delivery of effective parliamentary strengthening projects. This note on the principles of political development raises a number of issues relevant to political reform and building pluralistic political systems in countries in transition, drawing, in particular, on Tunisia as a comparative example.

### 1. Political settlement, negotiation and compromise

For democratic politics to function, it is necessary not only that debate can take place, but also that there are established and accepted mechanisms for reaching political settlements and compromises. The majority system may sometimes be sufficient for decisions to be accepted, particularly in very long standing democracies where the rules of the game are well understood. However, especially for important decisions, it is preferable that decisions should be reached through a process of consensus building and with actors prepared to make compromises even if in theory they have a sufficient majority in parliament to pass a vote.

Political issues are often, perhaps usually, interconnected. Often, differences might appear to be related to a specific political

process, such as the drafting of a new constitution, but in fact they reflect broader issues, or even generalised mistrust. A lot of time can be wasted talking about details if the real issue is not the details but the scepticism of the different actors about each other's good faith.

It is important to be able to distinguish between the concepts of consensus and compromise. Consensus refers to a general agreement on a particular issue or overall settlement. Compromise, on the other hand, means that one or more of the actors in a political dialogue have dropped some of their initial goals in order to reach an agreement. A consensus, therefore, is typically built upon a series of compromises by the different political actors. The process of compromise-making is actually crucial to the possibility of a durable consensus, because when all sides see that everyone is prepared to drop objectives that are important, it demonstrates good will and the priority each of the actors are giving to reaching an agreement or consensus.

Obviously, a compromise is most likely to succeed if all sides agree to drop some of their demands, although there is often a pull-and-tug about who has given up more in the compromise. Often, a barrier to reaching a durable compromise is that political leaders have to be able to 'sell' the settlement to their supporters; if they appear to have 'sold out' their principles and interests there may be a risk of losing supporters. Alternatively, if they are too

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vocal in telling their supporters they have 'won', there is a risk that the other political actors and their supporters will feel they were cheated, and the compromise might be put at risk.

Ironically, it may sometimes be easier to reach a compromise on a complex political negotiation such as a constitutional document than on a simple yes-no question, where there will inevitably be a winner and a loser.

One example of an important and successful process of negotiation, settlement, and compromise was the Tunisian constitutional process that resulted in the adoption of the country's first democratic constitution in January 2014.

### **Participatory dialogue in political settlement: the Tunisian example**

In the recent Tunisian constitutional process, there was an important political crisis after an opposition party parliamentarian was assassinated by unknown persons in July 2013. The opposition chose to boycott the National Constituent Assembly and stopped participating in constitutional discussions. The ruling coalition probably had sufficient votes in parliament to continue debates and to adopt the constitution (which required a two-thirds majority) but eventually, the President (Speaker) of the Assembly decided to suspend the work of the Assembly.

#### **» Role of the Speaker**

This suspension demonstrated the Speaker's will to find a negotiated solution to the crisis. Although he was criticised by some of the members of the ruling coalition, ultimately his decision was accepted and the political parties developed a broader dialogue to try to reach a compromise. It demonstrated that for crucial issues such as a constitution, it is important to try to build consensus; the principle of majority or qualified majority decision-making has to be balanced against the advantages of keeping all the main actors on board.

The political crisis resulted in the suspension of constitutional discussions, but differences on the constitution were a relatively minor part of the issues that needed resolving. Other, more pressing concerns included the overall security situation in the country and the opposition's demand for assurance that elections would be organized under a 'neutral', 'technocratic' government.

#### **» Role of civil society**

The resolution of the crisis in Tunisia involved the establishment of a broader 'National Dialogue' that included not only representatives of the different political parties represented at the National Constituent Assembly (NCA), but also representatives of key civil society groups including the main trade union (which coordinated the dialogue), the main employers' association, the Bar Association and the Tunisian Human Rights League. The National Dialogue represented an implicit understanding that while representative democracy was important and the fundamental mechanism for assuring democratic legitimacy – the National Dialogue included all the parties with elected NCA members – citizens' interests and concerns can additionally be represented in different ways and through different channels than only through parliament. These vary that vary from country to country. For example, in Tunisia where the trade union movement has been a key social force since before independence, it was crucial that it should be involved in any dialogue and consensus-building process.

#### **» Compromise**

Ultimately, agreement was reached in the National Dialogue that constitutional adoption would be tied to the resignation of the majority government and its replacement with a neutral, 'non-political' government that would organize transparent elections according to commonly agreed timelines. Once this agreement had been reached, and the different political actors were satisfied that all the key players would respect the agreement, the work of the National Constituent Assembly on the constitution was able to recommence, in early January 2014. The new constitution was adopted before the end of the month, with an overwhelming majority from across the political spectrum. The constitution reflects a compromise between different visions of Tunisian society, within a context of respect for universal human rights standards. Although the National Dialogue was an informal process, its importance was accepted by all the actors, and the agreements reached in the Dialogue were respected by all its participants. The Dialogue did not replace the elected National Constituent Assembly but rather established a common understanding of the key political and social actors in Tunisia and gave the NCA a renewed legitimacy, as well as a clear framework, with which to conclude the constitutional phase of the democratic transition.

### Key lessons learned from the Tunisian constitutional and National Dialogue processes:

- » The constitutional process was only one area of disagreement and mistrust between the Tunisian political actors and in order to move forward on the constitutional process it was necessary to address several major points of disagreement, and an overall sense of mistrust, at the same time.
- » Although an elected parliament or constituent assembly has important legitimacy, it is crucial in democratic transitions that political processes are inclusive, and that they engage civil society as well as elected officials
- » Major steps in a democratic transition, including in particular a constitution, should be based on agreement of all the different major political and social groups in a country in order to assure durability
- » The success of the constitutional process was reflected not only in its adoption, but in the fact that it was adopted by a very large majority (200 out of 216 parliamentarians).

## 2. A strong parliament

A strong, effective, and responsible parliament is an important feature of a robust political settlement. It is important that a constitution provides parliament with the capacity and the power to hold government to account for its actions. Parliaments can ensure that government actions are carefully scrutinized through democratic oversight, much of which is conducted by specialized parliamentary committees that focus on the work of one or more ministries, and often aided by specialized officers reporting to parliament such as an Auditor General. Typically, these tools include:

- Receiving and scrutinizing the proposed budget for each ministry, as well as accounts of how the budget was spent
- The right to ask written questions of ministers
- The right to ask a minister to attend a committee meeting and answer questions about the functioning of the ministry
- The right to launch hearings and / or a commission of enquiry to examine a particular issue of concern
- The right to pass a motion of censure or of non-confidence in a minister or in the entire government

It is important that parliament does not confuse its role with that of the government. Parliament's responsibilities are normally to enact the legislative framework within which

government can operate, vote the budget that government requires to do its job, oversee the work of government to ensure that it is efficient, effective, and operating within the legislative and financial mandate provided to it by parliament, and represent the perspectives of citizens in the decision-making process.

Government, or the executive, has the responsibility to carry out the job of governing (for example by establishing and properly managing health and education services for citizens) according to the resources and the legislative framework that parliament has voted.

While parliamentarians may have the ability to lobby for individual citizen's cases where the citizen needs help getting the services to which they are entitled, it is not the parliamentarian's job to deliver the service themselves. Not only is this impossible – a parliamentarian, even if they were a doctor, could not possibly deliver health care to all their constituents – but it would also result in a conflict of roles (where parliament would be both delivering a service and providing oversight to assure the service was of good quality), which undermines the role of an effective parliament.

### Should transitional parliaments always seek consensus?

One question that has emerged in Tunisia since the successful adoption of the constitution, the passage of an electoral law, and the setting of election dates, is whether the approach of seeking consensus on major governance questions should include an effort to find a consensual candidate for president in the 2014 elections, and whether the country should continue with a non-partisan technocratic government after the elections.

Proponents of continuing the consensual approach argued that at this stage of the transition, with serious economic and security challenges, the country was too fragile to risk political competition with winners and losers.

On the other hand, opponents argued that while consensual approaches might seem inclusive, in fact they can reflect a 'stitch up' and closure of political alternatives. For example, if the main political parties agreed on a presidential candidate, that candidate may be almost certain to win. There is a risk that issues would not be decided in open political debate, but in behind-closed-doors trade-offs. There may be

a particular risk that issues important for minorities that are not well represented within the main parties will be unaddressed.

Although in some established democracies, parties may agree to form electoral coalitions, agreeing to share power if they win elections, it is common for parties to compete against each other during elections and then to form coalitions to govern afterwards, depending on the election outcomes. A variant is where, such as in France, there is a two round election for president in which the second round is competed between the top two candidates from the first round. In the first round each party runs candidates. In the second round, particularly when the election is close, parties typically form coalitions to support one or other of the candidates. This might include agreement to carry out particular parts of the political programmes of the different parties supporting a run-off candidate, if that candidate is elected.

In the end, the 2014 Presidential elections included 27 candidates from across the political spectrum (of whom 5 withdrew before election day). The two leading candidates, who represented divergent political perspectives, participated in a runoff as provided in the new constitution. The elections took place peacefully and with an open and vibrant debate. The winning candidate nominated a prime minister without party affiliation, who nominated a government including representatives from the three largest political parties in the parliament, as well as a number of non-partisan figures. The new government was approved by parliament on February 5 2015 by a vote of 166 in favour out of 217 MPs.

### **3. Open and transparent government**

One necessary aspect of democracy is openness and transparency. Without access to the necessary information about how government functions and on what basis decisions are made, citizens cannot participate effectively in decision-making, and at election time, cannot decide how well the government has performed.

In non-democratic systems there is inevitably a lack of transparency. Because government is not accountable to citizens, it is able to hide or skew information to avoid

responsibility or blame for things that have gone wrong.

Most democratic states have freedom of information legislation that requires government to provide citizens both with information that the state holds about them, as well as more general information about government actions, when requested. However, it is important that governments do not wait for citizens to ask for specific information but also that they systematically provide information about government activities. In the internet age this can be achieved relatively simply, as long as government systems are designed with transparency and openness in mind.

While citizen right to information is an important feature of the modern democratic state, it is not sufficient to ensure government accountability. A free and capable media can make use of freedom of information legislation to publicize issues that need addressing, but ultimately, accountability depends on the presence both of information and effective accountability mechanisms.

#### **An impartial civil service**

Open government also depends on appointing impartial officials. Under non-democratic systems, civil servants are usually expected to show unflinching allegiance to the country's political leadership. If there is a ruling party, any civil servant apart from those at the lowest level are often expected to be members of the ruling party. If there is a conflict between the interests of the citizen being served and the wishes of the regime, the civil servant in a non-democratic system is expected to follow the wishes of the regime.

The role of the civil servant in a democratic system is considerably different. The civil servant is expected to be politically neutral. Whatever his or her personal allegiances, and whatever the government in power, the civil servant is obliged to carry out government decisions within the legal framework and regulations that have been approved by parliament.

This does not mean that the civil servant is not required to carry out policies that he or she does not agree with. As long as policies are in accordance with national law, they must be carried out impartially by the civil servant. This is the foundation of the modern system of public administration. Of course, the effective civil servant will report to her or his superiors if a policy is having an unexpected and/or negative effect on some members of the community, but that does

not entitle her/him to stop implementing a policy.

Another important principle is that recruitment to the civil service must be carried out on the basis of objective criteria to ensure that the best person is selected for the position. Often, especially when there has been widespread practice of nepotism in a former authoritarian regime, there will be considerable pressure by family members and friends, or residents of the same community, to give preference in hiring (and also often in the delivery of services). It is crucial to be able to resist this pressure because it leads inevitably to the collapse of the idea of the civil service being in the service of the people. Very rapidly, nepotistic systems become largely self-serving, creating public distrust in the entire governance system.

The founder of modern thinking on public administration was Max Weber who identified some key principles for an administration which remain valid today:

1. A formal hierarchical structure: allowing centralized decision-making and consistent policy implementation
2. Management by rules: clear and written procedures for decision-making and policy implementation
3. Hiring based on technical qualifications rather than personal connections
4. Both work colleagues and clients/citizens should be treated equally, not based on personal affinity or connections

#### 4. An active citizenry

In traditional models of representative democracy, the citizen's role was viewed mainly as participating in elections every few years for parliament (and other levels of government, for example president, and local government). Once elected the Member of Parliament (MP) was seen as having a mandate that allowed him or her to make decisions in the name of his electorate. If citizens were unhappy with the performance of their MP they had the right to vote him or her out of office at the next election.

This model is increasingly under challenge. Citizens expect that their legislators should not only take decisions in their name, but that they should also listen to citizens' perspectives as part of the information-gathering process before taking those decisions. Often, those who feel very strongly about a particular issue will form

or join civil society organizations and lobby parliament to support their point of view and take action, for example by passing legislation on that issue. For example, in Canada, during the 1990s and 2000s, there were numerous civil society campaigns to challenge the effects of natural resource extractive industries such as logging and mining.

Engaged citizens can help parliamentarians to do their work effectively. They bring issues to the attention of their representatives, and may often have specialized knowledge about particular issues that enables them to advise both government in programme design and implementation, and parliament in carrying out oversight of government work. Citizen and civil society organization activism can act as an early warning of governance challenges and problems, and civil society organizations with intensive knowledge of particular subject areas can help to bring engaged, international best practice thinking to a particular issue. In the case of Canadian civil society campaigns on extractive industries, mentioned above, their activism resulted in new legislation being passed to protect large areas of Canadian wilderness from damaging extractive industries.

The high profile effectiveness of many civil society organizations has led some to claim that civil-society led 'participatory democracy' is more relevant than traditional representative democracy. This is a misunderstanding. While civil society engagement is important, without a formal representative democratic system, there is no way to effectively channel civil society perspectives into the decision-making process. Parliamentarians have a strong self-interest in listening to and responding to the concerns of citizens and civil society, because their chances of re-election are largely dependent on being perceived as having represented their constituents during their time in parliament.

An active citizenry is also important in holding parliamentarians themselves to account. In many countries, 'parliamentary watch' organizations have been established that monitor the work of parliamentarians – tracking how often they vote, what positions they take on different issues, the progress of legislation through parliament, etc. The Tunisian civil society organization Al Bawsala ( ) and its parliamentary monitoring website played a very important role in the constitutional process, allowing citizens and observers to keep track of the work of the National Constituent Assembly. It is important for parliamentary watch organizations themselves to maintain



neutrality, which is essential for them to play their role responsibly and with credibility.

## 5. The role of political parties

Political parties often have a mixed or even negative public reputation. They are sometimes seen as sowing division when countries should be 'united', particularly after traumatic events such as revolutions or even civil war. However, it is exactly at these periods that it is most important that all legitimate perspectives should be represented through the political system. If a significant minority of the population feels excluded from the political system and from decision-making, they will inevitably seek to undermine the system. Democratic systems are durable precisely because they enable people who do not agree with each other to be able to dialogue with each other within a clear, consistent, and peaceful framework, rather than resorting to the streets or worse, to armed conflict. Political parties are one of the most effective ways to organize this dialogue between people holding different points of view.

In Tunisia after the revolution of 2011, the former ruling party RCD was dissolved, and in the first free elections held on October 23 2011 for the National Constituent Assembly charged with writing a new constitution, a number of those closely associated with the former regime were not allowed to run. However, after the adoption of the new Constitution in 2014, when the first elections for the new parliament were held, proposals to exclude former regime figures again were rejected, and they were allowed to stand for election.

Sometimes, political parties in post-conflict situations represent former combatants; for example the two biggest parties in Mozambique, Frelimo and Renamo, fought a bitter civil war over many years, but they are now political adversaries within parliament. Political parties allow perspectives to be aggregated so that political dialogue can take place in an organized and coherent way. Although no-one will find their views perfectly reflected by a political party, parties allow citizens a choice between more or less clear alternatives.

The nature of political parties varies from country to country. In more developed political systems, most parties represent fairly clear programmes, based on ideological perspectives. In less developed systems, parties are often organized around an individual leader and/or a particular ethnic or religious identity. Because of the danger that ethnic or religious identity can be manipulated to undermine common

national objectives, a number of countries, including for example many former French colonies, prohibit parties with a clear ethnic, religious, or geographic identity. However even in these countries political parties may well draw their support from particular groups within society, whether ethnic, religious, or regional. However rules are often enforced to ensure they may not make overt appeals to particular groups in society, and particularly may not mobilize against certain groups.

The legislation governing political parties is important. For a system to be democratic it is necessary that all parties functioning within broad democratic norms should be permitted to operate. At the same time there are good reasons for legislation to be enacted to ensure basic minimum standards of operation. Some of the areas in which legislation can be useful include:

- Restrictions on parties overtly representing only certain ethnic and religious groups
- Laws and rules on party financing so that the backers of a particular party are transparent; foreign funding is often prohibited and there may also be limits on the size of donation that individuals and corporations can make
- If states provide financing for political parties (which can help to avoid parties being dominated by wealthy individuals), the parties should be accountable for its use
- Rules on internal democracy in political parties may limit the opportunity for parties to become mouthpieces for the point of view of a single person
- Legislation may require political parties to ensure gender balance in their decision-making and candidate selection processes

## 6. Conclusion: the contradiction of democracy

The British wartime Prime Minister Winston Churchill famously said that democracy is the worst of all systems, except all of its alternatives<sup>1</sup>.

The contradiction of democracy is that it must at the same time ensure a place for debate and disagreement while also enabling decisions to be taken and implemented efficiently and effectively.

There is no simple answer to this conundrum. Frequently, after revolutions

that overthrow dictators, initial optimism about the advantages of free speech and democratic decision-making is replaced by political stalemate and growing citizen frustration about democratic institutions' slowness and inefficiency. Furthermore, democracy can often appear to bring out the worst in people. Although political debates may be filled with the rhetoric of the national interest or the common good, all too often these are merely thinly cloaked expressions of self-interest or special interests. In this scenario, the democratic period often ends abruptly when a powerful leader – typically a military man – seizes power and promises to govern fairly and efficiently, in contrast with the squabbling politicians.

Given that so many democratic systems fail and give way to an unstable cycle of authoritarianism, it is crucial that during democratic transitions, careful thought be given to design of democratic systems

and institutions, to help enable decision-making that is at the same time inclusive and effective.

The design of democratic systems needs to take into account two partial and conflicting realities:

- All political actors are motivated in part by self-interest and the interests of the groups they represent
- A democratic system will only be accepted and politically stable if most citizens feel their concerns are represented and reflected in decision-making

These realities of democratic political life have implications for the design of democratic institutions have great significance for the design of democratic institutions:

1. Democratic institutions need to be able to aggregate the views of different interests and beliefs

2. This is only possible if interests are organized more or less coherently, such as through political parties, blocs or groupings. Otherwise it is very difficult for citizens to understand in what ways they are being represented
3. Democratic institutions and political behaviour needs to be designed to facilitate solutions and compromise
4. Feedback loops between democratic institutions and citizens need to be regular, effective, and transparent.

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## Footnotes

<sup>1</sup> "Many forms of Government have been tried and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time" Winston Churchill, speech in the British House of Commons (November 11, 1947); in Robert Rhodes James, ed., Winston S. Churchill: His Complete Speeches, 1897–1963 (1974), vol. 7, p. 7566.

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